

# **rules open space and recreation zone**

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## **OSr Rules**

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### **OSr.1 Rule table - rules**

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This section, the Schedules, and the Rule Tables that follow contain rules applicable in this zone. Different types of land in the Zone (eg. horticultural parks, sports fields) are listed in schedules and each group is subject to special rules, as well as common rules in the Rule Table.

Note also that there may be relevant District-wide rules that appear in the Appendices. These rules will be linked to the Zone rules either by direct reference from within the Zone rules, through definitions, or through overlays or other notations on the maps. These rules must also be complied with.

### **OSr.2 Prohibited activities**

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The following activities are prohibited activities for which no resource consent shall be granted:

- a) Use, storage, or disposal of radioactive material with activity exceeding 1000 terabecquerels.

### **OSr.3 Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it is mentioned in the Schedules, and complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, land uses that are not specifically mentioned in the appropriate Schedule are non-complying activities.

Certain permitted activities are subject to a condition for the payment of financial contributions of the amounts, and for the purposes, set out in Chapter 6. This condition is additional to any conditions mentioned in the rules, and may be the only condition in the case of activities not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

- a) Building work
- b) Connection to Council’s water supply system
- c) Connection to Council’s sewerage system for the purpose of disposing of trade waste
- d) As provided in rules

### **OSr.4 Controlled activities**

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A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule OSr.7 below regarding further matters of control.)

### **OSr.5 Discretionary activities/restricted discretionary activities**

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A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule OSr.7 below regarding further matters of restricted discretion.)

Note that some non-complying activities may also be listed within the “Discretionary” column. Where this occurs the column has been headed “Discretionary/Non-complying”.

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## **OSr.6 Non-complying activities**

A resource consent is required for a non-complying activity. (See Chapter 3 for a full description of non-complying activities.) Non-complying activities mostly arise where activities do not comply with the standards and terms set out in the “discretionary” column of the Rule Table. A direct statement of non-complying activities may also appear in the rules. The Council has discretion to grant or refuse consent and is required to refuse in certain circumstances (see Chapter 3). Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

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## **OSr.7 Controlled activities and restricted discretionary activities**

In the Rule Tables every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity. They are stated here, rather than repeated in Rule Tables, in order to save space.

Matters over which control is reserved or discretion restricted:

- OSr.7.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- OSr.7.b** bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- OSr.7.c** administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- OSr.7.d** the duration of a resource consent, under section 123 of the Act, and
- OSr.7.e** lapsing of a resource consent, under section 125 of the Act, and
- OSr.7.f** change and cancellation of a consent, under sections 126 and 127 of the Act, and
- OSr.7.g** notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- OSr.7.h** whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act.

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## **OSr.8 Regional rules, and regional and district rules**

In the Rule Tables a number of rules are indicated as being Regional rules, or Regional and District rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional rules) and existing use rights, which are much more limited in respect of regional matters. See sections 176 (Effect of a designation), 10 (Certain existing uses in relation to land protected), 10A, 10B, and 20 (Certain existing lawful activities allowed) of the Resource Management Act 1991.

**OSr.9**

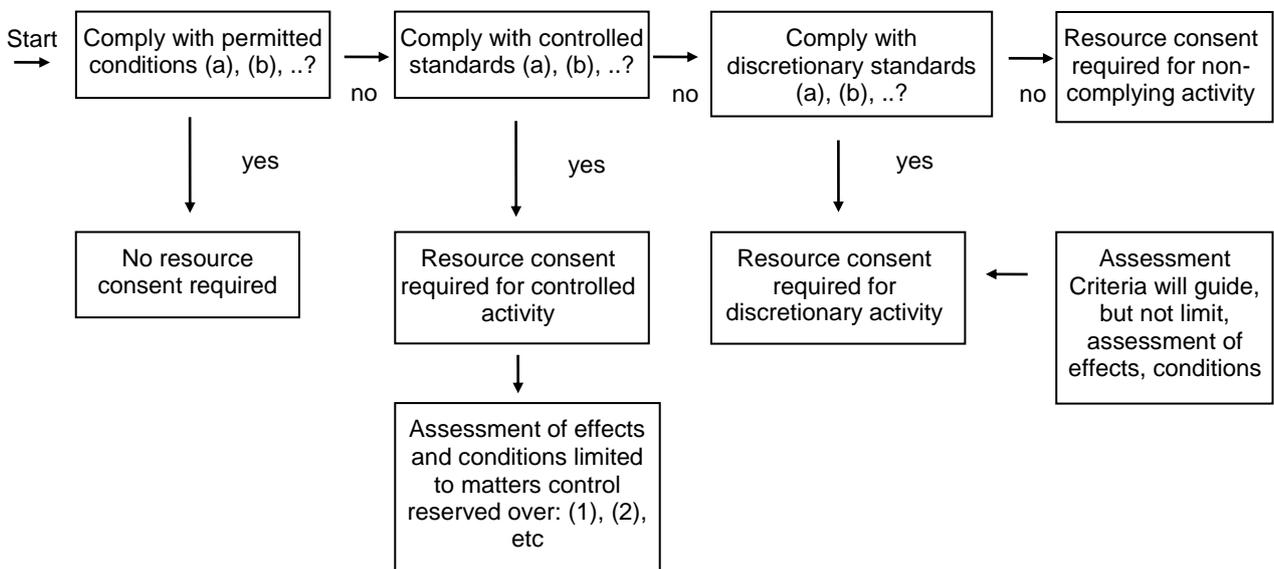
**Reading the rule table**

Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade.” (See flow chart below.)

If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards and terms stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary. Otherwise it is a non-complying activity.

Further explanation of the rule table and cascade is contained in Chapter 3.

The following flow chart illustrates the cascade across the Rule Table



**OSr.9.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a discretionary resource consent. Where relevant, this is indicated in the explanation to those rules.

## Contents of open space and recreation zone rule table

OSr.20	Permitted Activities
OSr.21	Construction of clubrooms, halls, places of assembly
OSr.22	Change of use of clubrooms, halls, places of assembly
OSr.23	Caretaker accommodation
OSr.24	Closing time - services to the public
OSr.25	Building on low lying sites
OSr.26	Height of buildings
OSr.27	Service buildings
OSr.28	Building over or alongside drains and water mains
OSr.29	Fences
OSr.30	Playgrounds
OSr.31	Sports equipment
OSr.32	Daylight admission
OSr.33	Activities near the coast
OSr.34	Parking and loading
OSr.35	Access
OSr.36	Signs
OSr.37	Noise
OSr.38	Light spill
OSr.39	Hazardous substances - use and storage
OSr.40	Aerials
OSr.41	Radiofrequency exposure levels
OSr.42	Network utility - buildings
OSr.43	Network utility - above ground and underground utilities
OSr.44	Minor upgrade of transmission lines and support structures
OSr.45	Structures on the road reserve
OSr.46	Network utility - roads
OSr.47	Vegetation clearance
OSr.48	Soil disturbance
OSr.49	Earthworks
OSr.49A	Landfill
<b>Rules Relating to Overlays on the Planning Maps</b>	
OSr.50	Landscape Overlay - Earthworks
OSr.51	Service Overlay - Building
OSr.52	View Shaft Overlay
OSr.53	Airport Effects Control Overlay and Port Effects Control Overlay
OSr.54	Airport Effects Advisory Overlay
OSr.55	Coastal Environment Overlay
OSr.56	Riparian Overlay - Activities on land identified with riparian values
OSr.57	Flood Path Overlays
OSr.58	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
OSr.59	Land Management Overlay
OSr.60	Leisure Area - Buildings on seaward side of Wakefield Quay
OSr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B items
OSr.62	Heritage Buildings, Places and Objects - New Buildings on the site of a heritage item
OSr.63	Heritage Buildings, Places and Objects - Demolition or Removal of Group A and B items
OSr.64	Heritage Buildings, Places and Objects - Demolition or removal of Group C items
OSr.65	Heritage Precincts - Alterations to any building (including listed Heritage Buildings and Objects)
OSr.66	Heritage Precincts - Erection of new buildings
OSr.67	Heritage Precincts - Removal or demolition of Listed Heritage Items
OSr.68	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
OSr.69	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
OSr.70	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
OSr.71	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
OSr.72	Local Trees - Removing a Local Tree identified in Appendix 2
OSr.73	Archaeological Sites
OSr.74	Subdivision
	<b>Freshwater rules</b>
	(Refer Appendix AP28.9 for freshwater rules)

## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.20</b> <b>Permitted Activities</b></p>	<p>OSr.20.1 Any activity that is permitted by the Open Space and Recreation schedules, and complies with all other permitted conditions of this rule table is a permitted activity.</p>	<p>OSr.20.2 not applicable</p>	<p>OSr.20.3 <b>Discretionary</b> Activities that are permitted by a schedule but contravene any permitted condition in this rule table are discretionary.</p> <p><b>Non-complying</b> Activities that are not permitted in an Open Space and Recreation schedule are non-complying.</p>
<p><b>OSr.21</b> <b>Construction of clubrooms, halls, places of assembly</b></p>	<p>OSr.21.1 Construction of clubrooms, halls and places of assembly, other than in accordance with an approved Management Plan, is not a permitted activity.</p>	<p>OSr.21.2 not applicable</p>	<p>OSr.21.3 <b>Discretionary</b> Activities that contravene a permitted condition are discretionary if:</p> <p>a) they are within the daylight angle as set out in Appendix 15.</p> <p><b>Non-complying</b> Activities that contravene the discretionary standard are non-complying.</p>
<p><b>OSr.22</b> <b>Change of use of clubrooms, halls, places of assembly</b></p>	<p>OSr.22.1 Change of use of clubrooms, halls and places of assembly, other than in accordance with an approved Management Plan, is not a permitted activity.</p>	<p>OSr.22.2 not applicable</p>	<p>OSr.22.3 <b>Discretionary</b> Buildings used for recreational, educational, social or cultural purposes or public or private meetings if:</p> <p>a) buildings or associated parking are at least 30 m from any adjoining site zoned for residential purposes.</p> <p><b>Non-complying</b> Activities that contravene the discretionary standard are non-complying.</p>

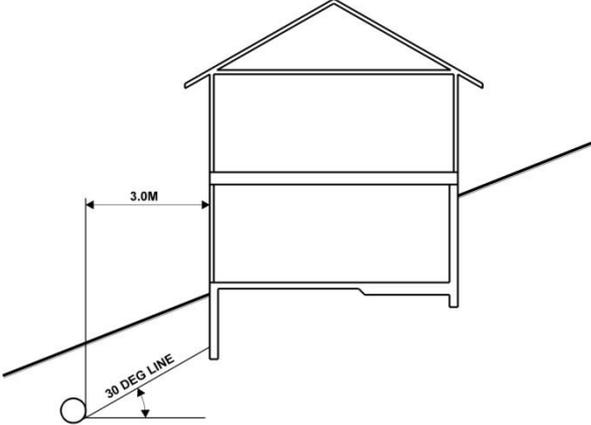
## open space and recreation zone

Assessment Criteria	Explanation
<p>OSr.20.4</p> <p>a) the extent of compliance with rules and assessment criteria in the Open Space and Recreation Zone schedules and this rule table.</p>	<p>OSr.20.5</p> <p>The Open Space and Recreation Zone is structured in a different way to other zones in the Plan. This rule makes it clear that there are two tests to pass for activities in the Open Space and Recreation Zone. First, the activity must be provided for in the schedules. If it is not provided for, it is a non-complying activity. Where the activity is provided for but does not meet the permitted activity conditions, it becomes discretionary.</p>
<p>OSr.21.4</p> <p>a) design and appearance of facilities.</p> <p>b) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties and the reserve itself.</p> <p>c) the reasons why siting in the Open Space and Recreation Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones.</p> <p>d) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</p> <p>e) the extent to which the activity might enhance the amenity of the area and the reserve itself.</p> <p>f) the extent to which the activity reduces the Open Space and Recreation land available to the public.</p>	<p>OSr.21.5</p> <p>Clubrooms and places of assembly can have significant impacts on the character of the Zone.</p> <p>Clubrooms and places of assembly built within the Zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because:</p> <ul style="list-style-type: none"> <li>i) of the importance of maintaining a high standard of amenity</li> <li>ii) of the difficulty in removing activities once established if they prove unacceptable in the reserve and neighbourhood</li> <li>iii) in some instances, the risks to life, or at least quality of life, of getting it wrong</li> </ul>
<p>OSr.22.4</p> <p>a) the extent to which existing amenities would be lessened, or whether effects such as noise, dust, glare, vibration, fumes, smoke, odours or other discharges or pollutants have an adverse effect on the neighbourhood. Particular consideration is given to maintaining a quiet night-time environment, and to minimising risk to health and safety.</p> <p>b) the extent to which vehicular traffic generated by a clubroom or place of assembly can be accommodated without a loss of safety or amenity, or without causing congestion.</p> <p>c) the proposed hours of operation of the activity and the extent to which that will cause a nuisance to residential occupiers, particularly during normal sleeping hours of 10pm to 7am.</p> <p>d) the reasons why siting in the Open Space and Recreation Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones.</p> <p>e) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.</p> <p>f) the extent to which the activity might enhance the amenity of the area and the reserve itself.</p>	<p>OSr.22.5</p> <p>Clubrooms and places of assembly can have significant impacts on the character of the Zone.</p> <p>Clubrooms and places of assembly built within the zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because:</p> <ul style="list-style-type: none"> <li>i) of the importance of maintaining a high standard of amenity</li> <li>ii) of the difficulty in removing activities once established if they prove unacceptable in the reserve and neighbourhood</li> <li>iii) in some instances, the risks to life, or at least quality of life, of getting it wrong</li> </ul> <p>Criteria for deciding whether or not consent applications should be publicly notified are set out in Section AD8.5.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.23 Caretaker accommodation</b>	OSr.23.1 Any residential unit for the purposes of the security or management of the site is permitted if: a) The unit meets the permitted activities in performance standards for the Residential Zone.	OSr.23.2 not applicable	OSr.23.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.24 Closing times - services to the public</b>	OSr.24.1 a) Any activity located within 50 m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) any activity located anywhere in the Zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	OSr.24.2 not applicable	OSr.24.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.25 Building on low lying sites</b>	OSr.25.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and ii) such that stormwater runoff from the site is not directed onto other sites, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	OSr.25.2 not applicable	OSr.25.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.23.4</p> <ul style="list-style-type: none"> <li>a) the extent to which the residential building will affect the character and expected use of the reserve.</li> <li>b) the extent to which options for other possible uses of the reserve are restricted by a residential unit being present.</li> <li>c) the extent to which design and appearance of the new building reflects the character of the reserve including existing buildings on and adjoining the reserve.</li> <li>d) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties.</li> </ul>	<p>OSr.23.5</p> <p>Accommodation for a caretaker or manager may in some cases provide a level of security that may not be possible by other means. It should, however, be avoided where such accommodation would adversely affect the character or functions of the reserve.</p> <p>(Refer to adjoining zone rules including: daylight, parking, access, outdoor living space.)</p>
<p>OSr.24.4</p> <ul style="list-style-type: none"> <li>a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites.</li> <li>b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li>c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures.</li> <li>d) the topography of the site and the neighbouring areas.</li> <li>e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li>f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li>g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p>OSr.24.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to sale of liquor aspects of activities.</p>
<p>OSr.25.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010.</li> </ul>	<p>OSr.25.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequences on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence an additional safety margin is required there.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule OSr.49 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the inundation overlay - see OSr.58 (inundation overlay)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.26</b> <b>Height of buildings</b>	OSr.26.1 Buildings are permitted if: a) in Trafalgar Park, Rutherford Park and Saxton Field buildings do not exceed 18m in height, or b) in the rest of the Zone, they do not exceed 7.5m in height (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement') <sub>2</sub>	OSr.26.2 not applicable	OSr.26.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.27</b> <b>Service buildings</b>	OSr.27.1 Service buildings to be used for changing rooms, ablutions, toilets or storage for sports or reserve maintenance equipment are permitted if: a) they do not exceed 50m <sup>2</sup> in area.	OSr.27.2 not applicable	OSr.27.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.28</b> <b>Building over or alongside drains and water mains</b>	OSr.28.1 a) Structures: i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300 mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measuring horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30 degrees from the horizontal from the invert (bottom) of the pipe or drain (see diagram), and b) as an alternative to (a), structures may be located over common private or public wastewater or stormwater drains, if they comply with "Acceptable Techniques for Building over Drains and Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.	OSr.28.2 not applicable	OSr.28.3 Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity.  Discretion restricted to: i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain.  Resource consent applications for restricted discretionary activities will be considered without notification or service of notice.

Assessment Criteria	Explanation
<p>OSr.26.4</p> <p>a) the relationship between the scale of any buildings, structures or car parking areas on the site and existing adjoining development. More substantial building development may be acceptable in situations where the topography of the site or existing vegetation will diminish the impact of new development.</p> <p>b) the extent to which design and appearance of the new building reflects the character of the reserve including existing buildings on and adjoining the reserve.</p>	<p>OSr.26.5</p> <p>As reserves are usually surrounded by a zone with reasonably homogenous characteristics it is important that buildings within reserves are in keeping with the scale of these buildings.</p> <p>Buildings over the height limits in OCr.26.1, or buildings averaging over those height limits on sloping ground, are discretionary.</p>
<p>OSr.27.4</p> <p>a) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties.</p>	<p>OSr.27.5</p> <p>Service buildings are an important facility on many of the city's reserves, especially sports grounds. However, restrictions on size and landscaping are important in helping to ensure minimum physical and visual intrusion into what is primarily open space.</p>
<p>OSr.28.4</p> <p>a) the nature of the structure and whether access to the pipe or drain can be maintained.</p> <p>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p>	<p>OSr.28.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off site facilities are likely to be affected.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p><b>Diagram referred to in OSr.28.1a):</b></p> 

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.29 Fences</b>	OSr.29.1 Fences for the purpose of stopping balls (ie. around tennis courts, cricket pitches etc) must: a) not exceed 3m in height, and b) be constructed of wire mesh on a steel or wooden frame. All other fences must meet the daylight and height restrictions of the adjoining zone.	OSr.29.2 not applicable	OSr.29.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.30 Playgrounds</b>	OSr.30.1 Playground structures are permitted if: a) up to a height of 3m, and b) within the daylight restrictions set out in Appendix 15 (daylight admission – residential)	OSr.30.2 not applicable	OSr.30.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.31 Sports equipment</b>	OSr.31.1 Goal posts and fitness equipment as required for formal and informal sporting activities are permitted if: a) fitness equipment is below the maximum height permitted in the adjoining zone (goal posts may be of any height).	OSr.31.2 not applicable	OSr.31.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.32 Daylight admission</b>	OSr.32.1 Buildings (including fences) adjoining a residentially zoned site are permitted if: a) contained within a building envelope constructed by the daylight angles on the site boundaries as shown in Appendix 15 (daylight admission – residential)	OSr.32.2 not applicable	OSr.32.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.29.4</p> <ul style="list-style-type: none"> <li>a) any effects on the outlook of the adjoining property.</li> <li>b) in the case of a front fence, any impacts on the streetscape.</li> <li>c) the design and appearance of the fence.</li> <li>d) any positive effects on or off the site, including improved privacy, security, and appearance, or the ability to screen unsightly activities or objects.</li> </ul>	<p>OSr.29.5</p> <p>The maximum height provides a reasonable degree of privacy or security, without giving a fortress appearance, or reducing the outlook of neighbours to a significant degree.</p> <p>Fences over this height will require assessment by the resource consent process, and will be judged on the purpose they serve, whether they improve the appearance of the property or the streetscape, and any effects (both positive and adverse) they might have on neighbours.</p>
<p>OSr.30.4</p> <ul style="list-style-type: none"> <li>a) the compatibility of the structure with its surroundings and its appropriateness in the particular park, land, or reserve for which it is proposed.</li> <li>b) privacy for adjacent land use activities.</li> </ul>	<p>OSr.30.5</p> <p>Playgrounds may or may not be a permanent fixture in a park and may become obsolete as the age structure of the surrounding neighbourhood population changes.</p> <p>Daylight controls are imposed more as a means of ensuring a degree of privacy is retained by adjacent sites as well as ensuring that solid structures do not detract from sunlight amenity.</p> <p>Note: all proposed playgrounds must obtain a building consent. Playgrounds should also be designed to New Zealand standards for playground equipment NZS5828 Part 1, 2 and 3.</p>
<p>OSr.31.4</p> <ul style="list-style-type: none"> <li>a) the extent of additional shading, having regard to the size of the shadow cast and the period of time the area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and reserves.</li> <li>d) any positive effects including possible new activities able to be undertaken within the reserve.</li> <li>e) privacy effects on adjoining properties.</li> </ul>	<p>OSr.31.5</p> <p>Sports equipment is essential to many codes and accepted, even expected, in sports grounds. The slight nature of goal posts makes them unlikely to cause shading or obstruction of views, and they are often removed in the off-season.</p> <p>While they may exceed adjoining zone height restrictions, they are thus unlikely to cause adverse effects.</p> <p>Sports equipment such as fitness trails can be of a more substantial nature and is therefore subject to height and daylight restrictions.</p>
<p>OSr.32.4</p> <ul style="list-style-type: none"> <li>a) the extent of any additional shading, having regard to the size of the shadow cast and the period of time an area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and public places.</li> </ul>	<p>OSr.32.5</p> <p>The daylight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.33</b> <b>Activities near rivers, wetlands, or coast</b>	OSr.33.1 Activities within 20m of mean high water springs are permitted if: a) they do not involve erection or extension of structures (excluding fences), and b) they do not impede the legal right of foot access along a waterbody where this exists.	OSr.33.2 Extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of river banks, and iii) maintenance of access, and iv) remedial measures.	OSr.33.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.34</b> <b>Parking and loading</b>	OSr.34.1 Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10.	OSr.34.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks, and iii) location of vehicle parking, and iv) manoeuvring to and from vehicle parking.	OSr.34.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or b) for other activities: i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion OSr.34.4.  Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.  Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>OSr.35</b> <b>Access</b>	OSr.35.1 Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010	OSr.35.2 not applicable	OSr.35.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.33.4</p> <p>a) the appropriateness of undertaking the activity within this area.</p> <p>b) effects on water quality.</p> <p>c) effects on public access and recreation.</p> <p>d) effects on indigenous vegetation and the habitat of indigenous fauna.</p> <p>e) effects on sites of cultural significance.</p> <p>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</p> <p>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</p>	<p>OSr.33.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p> <p>Activities in a Flood Path Overlay or Inundation Overlay are regulated by separate rules: OSr.56 (flood path overlays) and OSr.57 (inundation overlays). Activities in or adjoining a Riparian Overlay are regulated by Rule OSr.55 (riparian overlay).</p>
<p>OSr.34.4</p> <p>a) refer to Appendix 10.</p> <p>b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought:</p> <p>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</p> <p>ii) Proposed means of reducing parking demands, such as;</p> <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> <p>iii) Proposed means of monitoring outcomes.</p>	<p>OSr.34.5</p> <p>Refer to Appendix 10.</p>
<p>OSr.35.4</p> <p>Refer to Appendix 11.</p>	<p>OSr.35.5</p> <p>Refer to Appendix 11.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.36 Signs</b>	OSr.36.1 Signs are permitted if: a) erected in accordance with the standards set out in Appendix 20 (signs and outdoor advertising).	OSr.36.2 not applicable	OSr.36.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.37 Noise</b>	OSr.37.1 a) Noise levels measured at, or within the boundary of any site in the Residential Zone must not exceed: <b>Day Time</b> L 10: (55 dBA) <b>Other Times</b> L10: 45 dBA Lmax: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.) b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Sound from events and spectators at Trafalgar Park, Rutherford Park, or Saxton Field shall be exempt from the application of the limits in (a) above, provided that i) the events do not occur outside the hours of 7am to 10pm, and ii) the sound does not involve electrically amplified music.	OSr.37.2 Noise from any event involving electric amplification of sound, other than any event that complies with OSr.37.1 (c), is a controlled activity. Control reserved over: i) noise levels, and ii) mitigation of noise, and iii) hours of the activity, and iv) monitoring of noise levels, and v) the frequency of events on a site.	OSr.37.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>OSr.38 Light spill</b>	OSr.38.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the zone does not exceed 10 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or d) the light is a street light, navigation light or traffic signal.	OSr.38.2 not applicable	OSr.38.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.36.4</p> <ul style="list-style-type: none"> <li>a) the effect on the streetscape and character of the area.</li> <li>b) the extent to which the sign fits with, rather than dominates, the building.</li> <li>c) whether the sign is sympathetic to any heritage building, including the extent to which the sign is compatible with any residential design guide (where relevant).</li> <li>d) the extent to which the sign is likely to distract motorists.</li> </ul>	<p>OSr.36.5</p> <p>The rule recognises that signs serve a legitimate and useful purpose. However, oversize or excessive numbers of signs can detract from an area. For similar reasons flashing or externally lit signs are not provided for.</p> <p><b>Note:</b> There are special rules in Appendix 20 which relate to signs on heritage buildings and protected trees.</p>
<p>OSr.37.4</p> <ul style="list-style-type: none"> <li>a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause.</li> <li>b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residentially zoned land.</li> <li>c) whether the noise is likely to detract from the general environmental quality being proposed for the adjoining zone.</li> <li>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> <li>e) the degree of compliance with the 'Code of Practice – Noise Control for Events in Parks and Reserves', Planning and Consents Division, Nelson City Council.</li> </ul>	<p>OSr.37.5</p> <p>The rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable needs to take account of the nature of the neighbourhood, the time of day or night, and whether it is a week day or weekend.</p> <p>What is reasonable may also relate to the duration or frequency of the event. Habitual noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance eg. noise associated with construction.</p> <p>Noise from public events in parks and reserves requires a more flexible method of control. The main source of complaint is amplified PA and sound systems, especially on parks where such activities are not expected, or when noise levels will be particularly high (eg a rock concert). On the three main regional reserves (Saxton Field, Trafalgar Park and Rutherford Park) where regular events are held, an exemption from the usual residential standards is provided during the day up to 10pm, provided amplified music is not involved. For events on other parks, where amplified sound is used (whether a PA system or amplified music), the activity is controlled and will be assessed against the Nelson City Council's Code of Practice for Noise Control for Events in Parks and Reserves. Thus a concert at Trafalgar Park (or the Botanics) would require a controlled activity consent, as would a rugby match which had amplified music associated with it.</p>
<p>OSr.38.4</p> <ul style="list-style-type: none"> <li>a) effects on adjacent and adjoining uses.</li> <li>b) the extent to which additional light may adversely affect occupation of residential properties.</li> <li>c) the effect on traffic safety.</li> <li>d) the positive effects of improved pedestrian safety and security.</li> <li>e) the type of light, including its strength, and hours of operation.</li> </ul>	<p>OSr.38.5</p> <p>The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.39</b> <b>Hazardous substances - use and storage</b>	OSr.39.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).	OSr.39.2 The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.	OSr.39.3 The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.
<b>OSr.40</b> <b>Aerials</b>	OSr.40.1 Aerials are permitted if: <ul style="list-style-type: none"> <li>a) dish antennas do not exceed a diameter of 1 m, and</li> <li>b) any dish antenna is not visible from any public place when located on the site of any Group A or B Heritage Building (listed in Appendix 1), and</li> <li>c) aerials attached to a building do not exceed the height of the building by more than 7m, and</li> <li>d) aerials that are not attached to a building do not exceed 12m in height, and the aerial complies with the daylight over provisions in Appendix 15 (daylight admission – residential) with respect to any boundary with land zoned Residential, and</li> <li>e) the supporting mast does not exceed 450mm diameter.</li> </ul>	OSr.40.2 not applicable	OSr.40.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
OSr.39.4 Assessment Criteria in Appendix 21.	OSr.39.5 See Appendix 21.
OSr.40.4 a) the nature of the park or reserve and its sensitivity to the aerial. b) how prominent the site is, taking account of any significant public or private views or any significant landscapes. c) the visual impacts of the structure on the streetscape and the general public. d) any shading posed by the structure. e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. f) the height and bulk of the structure. g) the extent to which design, colour scheme or screening might mitigate the adverse effects of the structure. h) the cumulative effects of additional aerals and structures, taking account of the impacts of existing aerals on the site and on adjacent sites.	OSr.40.5 Parks and reserves vary in character and use, and aerals are more appropriate on some than on others. The permitted standards reflect this and take a middle ground.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.41 Radiofrequency exposure levels</b>	<p>OSr.41.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> <li>i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</li> <li>ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and</li> <li>iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council.</li> </ul> <p><b>Exclusion</b> Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>OSr.41.2 not applicable</p>	<p>OSr.41.3 Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
<b>OSr.42 Network utility - buildings</b>	<p>OSr.42.1 Any network utility building is permitted if:</p> <ul style="list-style-type: none"> <li>a) the building is directly part of a network utility, and</li> <li>b) the building is not, or does not contain, a substation, and</li> <li>c) the building does not exceed: <ul style="list-style-type: none"> <li>i) 36m<sup>2</sup> ground floor area, and</li> <li>ii) 5m in height, and</li> </ul> </li> <li>d) the building complies with the relevant standards in this table.</li> </ul>	<p>OSr.42.2 not applicable</p>	<p>OSr.42.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>OSr.41.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p>OSr.41.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the “National Guidelines for Managing the Effects of Radiofrequency Transmitters” produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25 percent of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>OSr.42.4</p> <ul style="list-style-type: none"> <li>a) the potential to avoid, remedy or mitigate any effects through landscaping, alternative locations and structures, earth mounding, colour schemes and design, or other measures.</li> <li>b) the extent to which the utility may compromise the amenity of residences in terms of lighting, noise, shading, air emissions, or vibration.</li> <li>c) any risk to health, safety or property posed by the structure or activity.</li> <li>d) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the facility.</li> <li>f) whether there would be environmental benefits in co-location of the facility with other utilities.</li> <li>g) any cumulative effects, particularly with regard to visual impacts with respect to existing facilities in the area.</li> </ul>	<p>OSr.42.5</p> <p>Small scale utility buildings such as pump stations, transformer boxes and phone booths are an inconspicuous and inoffensive component of the utilities network and are provided for as of right. (Note: Rule OSr.43 applies where these are in the road reserve.) Structures larger than this (eg. reservoirs) and electricity substations which have the potential to compromise the residential environment are subject to the resource consent process. Consent could be declined or conditions placed on the facility to ensure residential amenity, and health and safety, are maintained.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.43 Network utility - above ground and underground utilities</b>	OSr.43.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) network utility buildings and substations, or iii) small above ground parts of an underground utility (e.g. junction boxes), or iv) as explicitly provided for elsewhere in this rule table.	OSr.43.2 not applicable	OSr.43.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.44 Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	OSr.44.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	OSr.44.2 not applicable	OSr.44.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.45 Structures on the road reserve</b>	OSr.45.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high.	OSr.45.2 not applicable	OSr.45.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.46 Network utility - roads</b>	OSr.46.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	OSr.46.2 not applicable	OSr.46.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.43.4</p> <ul style="list-style-type: none"> <li>a) any hazard presented by the utility.</li> <li>b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li>c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads.</li> <li>d) the scale, bulk and height of the facility.</li> <li>e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment.</li> <li>f) any constraints on placing the utility underground.</li> <li>g)</li> </ul>	<p>OSr.43.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2.</p>
<p>OSr.44.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>OSr.44.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p>OSr.45.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>OSr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths. The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under those Acts, by the matters contemplated in these rules.</p>
<p>OSr.46.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>OSr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.47</b> <b>Vegetation clearance</b> [Note this rule is a regional and district rule]</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 must comply with those regulations. Where there is conflict or duplication between a rule in this plan and those regulations, the regulations prevail.</p>	<p>OSr.47.1 Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of:</p> <ul style="list-style-type: none"> <li>i) forming or constructing a fire break, fence line, survey line, or</li> <li>ii) installing a utility service line across a river, or</li> <li>iii) maintenance of a State Highways, or</li> <li>iv) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and</li> </ul> <p>b) it does not take place within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> <li>i) maintenance of a State Highway, or</li> <li>ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity; and</li> </ul> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over, and</li> </ul> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest, and</p> <p>g) there is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <ul style="list-style-type: none"> <li>i) the maintenance of State Highways, or</li> <li>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</li> <li>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</li> <li>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of Sch I.2 c, Ch 7) or crossing (more or less at right angles) a Biodiversity Corridor and provided the clearance is no more than required to permit the activity.</li> </ul>	<p>OSr.47.2 Vegetation clearance within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, is controlled if:</p> <ul style="list-style-type: none"> <li>a) the vegetation to be cleared is not indigenous forest, and</li> <li>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>c) all bare soil areas are , as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</li> </ul> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metallated or built over.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil, or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers, and</li> <li>iv) damage to instream habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) catchment water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be cleared at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation.</li> </ul>	<p>OSr.47.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects of catchment stream flow, and</li> <li>vii) stream bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</li> <li>xvii) the matters in Appendix 9 (landscape components and views), and</li> <li>xviii) the matters in Appendix 4 (marine ASCV overlay), and</li> <li>xix) effects on the values and function of any Biodiversity Corridor.</li> </ul>

Assessment Criteria	Explanation
<p>OSr.47.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.47.2, and restrict its discretion to the matters listed in OSr.47.3.</p>	<p>OSr.47.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated under the National Environmental Standard for Plantation Forestry 1<sup>st</sup> May 2018, which came into effect after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p>Native vegetation is specifically protected in Biodiversity Corridors to ensure their function as a corridor is not compromised through clearance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.48 Soil disturbance</b></p> <p>[Note this rule is a regional and a district rule]</p> <p>Advisory Note: Rule OSr.48. does not apply to soil disturbance in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018.</p>	<p>OSr.48.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either: the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <ul style="list-style-type: none"> <li>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</li> <li>ii) maintaining a state highway, road, track or landing, or</li> <li>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</li> </ul> <p>b) soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> <li>i) the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or</li> <li>ii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, or</li> <li>iii) the purpose of maintaining a state highway, or</li> <li>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, or mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</li> </ul> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>OSr.48.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <ul style="list-style-type: none"> <li>a) the predominant slope does not exceed 35° from horizontal, and</li> <li>b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation.</li> </ul>	<p>OSr.48.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and</li> <li>xvii) the matters in Appendix 9 (landscape components and views), and</li> <li>xviii) the matters in Appendix 4 (marine ASCV overlay).</li> </ul>

Assessment Criteria	Explanation
<p>OSr.48.4            In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.48.2 and restrict its discretion to the matters listed in OSr.48.3.</p>	<p>OSr.48.5            This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. Soil disturbance activities on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. Land with a predominant slope not exceeding 6° represents the land in Land Management Zone A in the Regional Plan.</p> <p>On steeper land, minor activities such as maintenance of roads and establishment of utilities are permitted, but other activities are more closely regulated to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Steeper land was mapped as Land Management Zones B and C in the Regional Plan, but are referred to by reference to degrees of slope in this Rule.</p> <p>Soil disturbance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects, and to adversely affect the values of marine aquatic habitats described in Appendix 4 (marine ASCV overlay). Most rivers are included in the Riparian Overlays in Appendix 6.</p> <p>Soil disturbance is regulated in other rules, particularly in overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.49 Earth-works</b></p> <p>[note – this rule is a regional and a district rule]</p> <p>Advisory Note: Rule OSr.49 does not apply to soil disturbance in relation to plantation forestry activities as these are regulated under regulations 22-35 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018.</p>	<p>OSr.49.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</p> <p>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6, or within 20m of the Coastal Marine Area, except for the purpose of:</p> <p>i) maintaining a State highway and other roads, or</p> <p>ii) forming or constructing a fire break, fence line, survey line, or</p> <p>iii) installing a utility service line across a river, or</p> <p>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>OSr.49.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management Overlay, and</p> <p>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 5 Maps or within 20m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues.</p>	<p>OSr.49.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 6 (Guide for Subdivision in Landscape Overlays), and</p> <p>xix) Appendix 4 and Table 5.1 in Appendix 5, and</p> <p>xx) the matters in Appendix 8 (Landscape Components and Views), and</p> <p>xxi) control of noise, and</p> <p>xxii) control of dust, and</p> <p>xxiii) traffic and access issues.</p>

Assessment Criteria	Explanation
<p data-bbox="148 174 244 201">OSr.49.4</p> <p data-bbox="148 203 738 304">In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.49.2, and restrict its discretion to the matters listed in OSr.49.3.</p>	<p data-bbox="778 174 874 201">OSr.49.5</p> <p data-bbox="778 203 1426 360">This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p data-bbox="778 362 1426 497">Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p data-bbox="778 499 1426 600">Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p data-bbox="778 602 1426 739">Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in the Riparian Overlays in Appendix 6 (riparian and coastal margin overlays).</p> <p data-bbox="778 770 1426 822">Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p data-bbox="778 824 1426 902">Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes.</p> <p data-bbox="778 904 1426 1115">Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy, and access to daylight and sunlight.</p> <p data-bbox="778 1117 1426 1274">Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p data-bbox="778 1276 1426 1408">Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p data-bbox="778 1411 1426 1489">Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.49A</b> <b>Landfill</b> [Note: This rule is a regional and district rule]</p>	<p>OSr.49A.1 Landfills are not a permitted activity</p>	<p>OSr.49A.2 Not applicable</p>	<p>OSr.49A.3 Landfill activities are restricted discretionary activities if:</p> <ul style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ul> <p>Discretion is restricted to those matters listed in OSr.49.3 (earthworks), plus:</p> <ul style="list-style-type: none"> <li>i) visual and landscaping effects, and</li> <li>ii) leachate and runoff, and</li> <li>iii) fill brought on site, and</li> <li>iv) depth, height, volume of fill and finished ground level, and</li> <li>v) fill quality/compaction methods, and</li> <li>vi) effect on soil fertility/versatility, and</li> <li>vii) consequential stormwater characteristics such as ponding, and</li> <li>viii) cumulative effects of landfill activities.</li> </ul> <p>Activities that contravene a restricted discretionary condition are discretionary activities.</p>
<b>Rules Relating to Overlays on the Planning Maps</b>			
<p><b>OSr.50</b> <b>Landscape Overlay - Earthworks</b> Advisory note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>OSr.50.1 Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth or width of excavation or filling does not exceed 1.2m, and</li> <li>b) the activity does not involve construction of any State Highway, road, track or landing, and</li> <li>c) in the case of underground network utilities, immediately after filling, the surface is shaped to conform with existing ground contours and is revegetated with grass or plant species appropriate to the site.</li> </ul>	<p>OSr.50.2 not applicable</p>	<p>OSr.50.3 Activities that contravene a permitted condition in the Landscape Overlay are discretionary.</p>
<p><b>OSr.51</b> <b>Services Overlay - Building</b></p>	<p>OSr.51.1 Erection or extension of a building in the Services Overlay is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is not located in the path of any future road : <ul style="list-style-type: none"> <li>(i) shown as an Indicative Road on any Structure Plan in the Plan, or</li> <li>(ii) shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</li> <li>(iii) shown as Proposed Road on any Planning Maps in Volume 4 of the</li> </ul> </li> <li>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</li> <li>c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</li> </ul>	<p>OSr.51.2 not applicable</p>	<p>OSr.51.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary. Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) ensuring adequate capacity and availability exists in the Council water supply, stormwater and wastewater drain to cope with the demands of development of the site(s), and</li> <li>ii) ensuring all connections to Council services (excluding roading) are to gravity systems, and</li> <li>iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and</li> <li>iv) the location of building or development to ensure it does not impede the route or construction of any future road or utility services.</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification. Discretionary Activity Activities that propose to connect to on site services are discretionary.</p>

Assessment Criteria	Explanation
<p>OSr.49A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in OSr.49A.3 provided that the application does not contravene a restricted discretionary condition</p>	<p>OSr.49A.5</p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharge to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>OSr.50.4</p> <ul style="list-style-type: none"> <li>a) effects on visual amenity.</li> <li>b) the matters contained in Appendix 7 (guide for subdivision and structures in the landscape overlays).</li> <li>c) the matters contained in Appendix 9 (landscape components and views).</li> <li>d) methods to avoid, remedy or mitigate adverse effects.</li> <li>e) land stability, soil erosion and sedimentation effects.</li> <li>f) vegetation clearance and planting - extent, method and timing.</li> </ul>	<p>OSr.50.5</p> <p>The rule preserves the visual amenity of the overlays. Cut or fill of 1.2m is permitted as the adverse effects are considered to be acceptable, unless associated with construction of roads and tracks, which leave extensive linear scars on the landscape. Activities that do not comply with permitted conditions are discretionary. The Overlay is managed to preserve open character.</p> <p>Note that Earthworks, Soil Disturbance and Vegetation Clearance are regulated in other rules, which may impose additional regulation on particular activities.</p>
<p>OSr.51.4</p> <ul style="list-style-type: none"> <li>a) the development standards and design guidelines contained in the NCC Land Development Manual 2010.</li> <li>b) that the location of the building or development does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development.</li> <li>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</li> <li>d) whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</li> <li>e) the strategic planning programme for servicing sites within the district.</li> </ul>	<p>OSr.51.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater in the Services Overlay. Until that upgrading takes place, building will be discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for residential development is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development.</p> <p>Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>OSr.52 View Shaft Overlay</b>	OSr.52.1 Buildings or other structures are permitted if: a) no part (other than a chimney, mast, pole or aerial including any dish antenna up to 1m in diameter) penetrates the View Shaft Overlay as shown on the Planning Maps and defined in Appendix 8 (Church hill view shaft).	OSr.52.2 not applicable	OSr.52.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.53 Airport Effects Control Overlay and Port Effects Control Overlay</b>	OSr.53.1 Note: no special rules apply to these overlays in the Open Space and Recreation Zone. The overlays are to advise that the area will be subject to the effects of airport or port noise. For an example of their application in other zones see Rules REr.65 (Airport Effects Control Overlay – acoustic insulation of buildings) and REr.65A (Port Effects Control Overlay – acoustic insulation of buildings).	OSr.53.2 not applicable	OSr.53.3 not applicable
<b>OSr.54 Airport Effects Advisory Overlay</b>	OSr.54.1 Note: no special rules apply to this overlay which defines the area between Ldn 55 and 60 (10.9 to 34.6 Pasques) noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	OSr.54.2 not applicable	OSr.54.3 not applicable
<b>OSr.55 Coastal Environment Overlay</b>	OSr.55.1 Note: no special rules apply to this overlay. The overlay is to advise that the natural character of the coastal environment is of significance.	OSr.55.2 not applicable	OSr.55.3 not applicable
<b>OSr.56 Riparian Overlay</b> Activities on land identified with riparian values	OSr.56.1 On land adjoining a Riparian Overlay identified in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values) the following are not permitted within the distance set out in the Esplanade Requirements column: a) erection or extension of any structure (excluding a fence), or b) adverse effect on indigenous vegetation, or c) disturbance to river banks.	OSr.56.2 On land located within a Riparian Overlay identified in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance of river banks, and iii) maintenance of access, and iv) remedial measures.	OSr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.52.4</p> <p>a) whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.</p> <p>b) the extent of intrusion into the view shaft, and the elements of the view affected.</p> <p>c) the extent to which the core of the view is impinged upon.</p> <p>d) whether the building removes existing intrusions or increases the quality of the view.</p>	<p>OSr.52.5</p> <p>The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea. Any proposed building or structure that would impinge on the defined viewshaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft.</p>
<p>OSr.53.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>OSr.53.5</p> <p>The land within the airport and port effects control overlays within the airport and port effects control overlays is likely to be exposed to airport or port noise. Some recreational activities may be affected by noise. This may help people decide the type of activities they establish in the area. If a resource consent is needed they may be required to incorporate acoustic insulation when they are building.</p>
<p>OSr.54.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>OSr.54.5</p> <p>The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.</p>
<p>OSr.55.4</p> <p>in the case of discretionary applications, consideration will be given to the nature of the activity and its effect on the natural character of the coastal environment.</p>	<p>OSr.55.5</p> <p>This rule ensures that the natural character of the coastal environment is not compromised by activities in this area.</p>
<p>OSr.56.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect.</p> <p>c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p>	<p>OSr.56.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.57 Flood Path Overlays</b>	OSr.57.1 In any Flood Path Overlay or any flood path specified in the Flood Path Table at the back of the Planning Maps, the following are not permitted activities: a) erection or extension of any building, or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	OSr.57.2 not applicable	OSr.57.3 Activities that contravene a permitted condition are discretionary.
<b>OSr.58 Inundation Overlays</b>  Low lying ground susceptible to localised stormwater ponding or tidal inundation	OSr.58.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection or extension of any building (except where the ground level of a building site has been filled in accordance with a resource consent granted since the date of notification of this plan, and all floor levels are not less than 150mm above the approved ground level, or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	OSr.58.2 In any Inundation Overlay, construction, reconstruction or alteration of any building or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building, and iv) stormwater management.	OSr.58.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>OSr.59 Land Management Overlay</b>	OSr.59.1 See rule OSr.49 (earthworks)	OSr.59.2	OSr.59.3
<b>OSr.60 Leisure area</b>  Buildings on seaward side of Wakefield Quay	OSr.60.1 On the seaward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is on the interior of a building, or b) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and c) it is carried out with materials similar to, or having the same appearance to those originally used, and d) the work is not erection of a new building.	OSr.60.2 not applicable	OSr.60.3 On the seaward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is discretionary.

Assessment Criteria	Explanation
<p>OSr.57.4</p> <ul style="list-style-type: none"> <li>a) any effects of the development on floodpaths.</li> <li>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p>OSr.57.5</p> <p>All buildings and any above ground structures and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>
<p>OSr.58.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>OSr.58.5</p> <p>The Inundation Overlays do not show flood paths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p>
<p>OSr.59.4</p>	<p>OSr.59.5</p>
<p>OSr.60.4</p> <ul style="list-style-type: none"> <li>a) the effects on the views of the Haven, Boulder Bank and beyond, from Wakefield Quay and vantage points within the Leisure Area.</li> <li>b) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay.</li> <li>c) the extent to which views from private property or other sites are affected.</li> <li>d) the extent to which the activity enhances or otherwise affects public access and use of the sea and waterfront.</li> <li>e) the extent to which the activity integrates with other activities in the area.</li> <li>f) effects on the safe and efficient operation of Wakefield Quay.</li> <li>g) the ability to provide adequate parking, and safe access and egress from the site.</li> <li>h) provision for safe pedestrian areas and movement.</li> <li>i) the extent to which the activity affects or enhances the historic and natural elements of the area, including the old sea wall and the Stony Beach.</li> </ul>	<p>OSr.60.5</p> <p>Buildings on the seaward side of Wakefield Quay need to be carefully assessed in terms of their appearance, impacts on views, and effects on public access, and use of the neighbouring Coastal Marine Area.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.61</b>  <b>Heritage Buildings, Places and Objects</b>  Alterations to Group A and B items</p>	<p>OSr.61.1  Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <p>a)</p> <ul style="list-style-type: none"> <li>i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and</li> <li>ii) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used, or</li> </ul> <p>b) the work is on the interior of a building or its site surrounds (unless otherwise specified in Appendix 1 in which case (a) also applies).</p>	<p>OSr.61.2  not applicable</p>	<p>OSr.61.3</p> <ul style="list-style-type: none"> <li>a) Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is discretionary.</li> <li>b) Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is a restricted discretionary activity.</li> </ul> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) design and appearance.</li> </ul> <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>
<p><b>OSr.62</b>  <b>Heritage Buildings, Places and Objects</b>  New Buildings on the site of a Heritage Item</p>	<p>OSr.62.1  Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>OSr.62.2  Erection of a new building on the site of a Group A or Group B heritage item is controlled.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) design and appearance in relation to existing heritage item, and</li> <li>ii) distance of new building from, and location and relationship to existing heritage item.</li> </ul>	<p>OSr.62.3  not applicable</p>

Assessment Criteria	Explanation
<p>OSr.61.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the item has particular value because of the scarcity of heritage buildings, places or objects in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) the effect of the proposed alterations or additions on the integrity of the original heritage building or object, taking account of the scale of additions to the heritage building and the extent of loss (if any) of material of heritage significance, and how visible the change will be. For the City Centre area, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, if not in sympathy with the heritage building or object, is clearly distinguishable from the original as new work.</li> <li>e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li>f) whether the heritage value of the building, place or object has altered since the item was listed in this Plan.</li> <li>g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>OSr.61.5</p> <p>The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p>Minor maintenance is allowed for Group A and B items. More major work requires a resource consent to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the design and appearance of the alteration. See separate rules for Heritage Precincts.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>OSr.62.4</p> <ul style="list-style-type: none"> <li>a) the effect of the proposed new building on the integrity of the original heritage building or object, taking account of how visible the change will be.</li> <li>b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</li> <li>c) the location of the new building in relation to the heritage building or object and whether it dominates or detracts from the heritage building or object..</li> </ul>	<p>OSr.62.5</p> <p>This rule ensures that new buildings on the site of an existing heritage building, place or object are compatible with the existing heritage item. Distance from the heritage item is an important consideration, particularly where the proposed new building is in very close proximity to the heritage item. See separate rules for Heritage Precincts.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.63</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or Removal of Group A and B items</p>	<p>OSr.63.1  Demolition or removal of Group A and B heritage buildings, places, and objects is not a permitted activity.</p>	<p>OSr.63.2  not applicable</p>	<p>OSr.63.3  <b>Group B</b>  Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p><b>Group A</b>  Whole or partial demolition or removal of any Group A heritage building, place or object listed in Appendix 1 is a non-complying activity.</p>
<p><b>OSr.64</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group C items</p>	<p>OSr.64.1  Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:  a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>OSr.64.2  not applicable</p>	<p>OSr.64.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>OSr.65</b>  <b>Heritage Precincts</b>  Alterations to any building (including listed Heritage Buildings and Objects)</p>	<p>OSr.65.1  Alteration to any part of a building, place or object, listed in Appendix 1 is permitted, if:  i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and  ii) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used, or  b) the work is on the interior of a building or its site surrounds (unless otherwise specified in Appendix 1 in which case (a) also applies).</p>	<p>OSr.65.2  not applicable</p>	<p>OSr.65.3  Alteration to any part of a building is a restricted discretionary activity, if:  a) it is visible from a road or public space within or adjoining a heritage precinct, and  b) the alteration contravenes a permitted condition in this rule.  Discretion restricted to:  i) the design and external appearance of the building.  Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>OSr.63.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the building has particular value because of the scarcity of heritage buildings in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) for removal, the degree of heritage loss due to the association of the building or object with the present site and the physical extent of relocation.</li> <li>d) the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (eg. the new site is more accessible or visible), and whether the item is to be protected or covenanted on its new site.</li> <li>e) whether part of the building, place or object can be kept, while still maintaining to a reasonable degree the features for which the item was listed.</li> <li>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</li> <li>g) the nature of any activity that is proposed to occur on the site, including the design and appearance of any replacement building or object (for the City Centre area, the degree of compliance with the Nelson City Centre Design Guide).</li> <li>h) whether the heritage value of the building, place or object has altered since the item was listed in this Plan.</li> <li>i) any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>OSr.63.5</p> <p>Group A buildings, places and objects are the premier heritage items in the District. Their removal or demolition therefore is a non-complying activity under this Plan. A lower threshold can be applied to Group B items, while recognising that their retention is still important.</p> <p>Buildings and objects may have different strengths of association with their site and situation. Relocation on the same site or to an adjoining site may have limited adverse effects, while relocation to a site further away may have a greater adverse effect.</p>
<p>OSr.64.4</p> <p>Whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</p>	<p>OSr.64.5</p> <p>The requirement for 2 months notice for Group C items allows time for photographic or other records to be made of the heritage building or item prior to it being demolished (the Council will maintain such records and archival material). It also provides the opportunity for interested parties to negotiate <b>voluntary</b> protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner. See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>OSr.65.4</p> <ul style="list-style-type: none"> <li>a) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>b) any cumulative or precedent effects on the heritage values of the precinct.</li> <li>c) any adverse effects on the amenity of Albion Square, particularly in terms of visual amenity and the amount of public space available.</li> </ul>	<p>OSr.65.5</p> <p>The Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage items in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of items scattered throughout the City.</p> <p>Unsympathetic alteration to even a single heritage item can have major impacts on the entire precinct. The controls therefore focus on ensuring that any significant alterations to buildings are in keeping with the heritage values of the precinct.</p> <p>The design controls include existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable.</p> <p>These consents are restricted discretionary activities, in order to provide flexibility to control matters where the normal rules may not be appropriate.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>OSr.66</b> <b>Heritage Precincts</b> Erection of new buildings	OSr.66.1 Erection of new buildings is not a permitted activity within a heritage precinct.	OSr.66.2 not applicable	OSr.66.3 Erection of any new building is a restricted discretionary activity. Discretion restricted to: i) the design and external appearance of the parts of the building visible from a road or public space within or adjoining a heritage precinct. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.
<b>OSr.67</b> <b>Heritage Precincts</b> Removal or demolition of Listed Heritage Items	OSr.67.1 Whole or partial demolition or removal of any item is permitted, if: a) the building or object is not a Group A or B heritage item listed in Appendix 1, and b) for any Group C heritage item listed in Appendix 1, 2 months written notice is given to the Council prior to the work being done.	OSr.67.2 not applicable	OSr.67.3 Activities that contravene a permitted condition: a) Group A or B items - Rule OSr.63 (demolition or removal of Group A and B items) applies. b) Group C - Rule OSr.64 (demolition or removal of Group C items) applies.
<b>OSr.68</b> <b>Heritage Trees</b> Trimming of a Heritage Tree identified in Appendix 2	OSr.68.1 Trimming of a Heritage Tree is permitted if: a) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or b) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and c) the work is done in accordance with accepted arboricultural practice.	OSr.68.2 not applicable	OSr.68.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>OSr.66.4</p> <p>a) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</p> <p>b) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedent within the precinct.</p> <p>c) any adverse effects on the amenity of Albion Square, particularly in terms of visual amenity and the amount of public space available.</p>	<p>OSr.66.5</p> <p>The rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building - or a new site is developed - the design and appearance of the building is compatible with the values of the precinct. New buildings should have design features which fit with the character of the precinct. As with the previous rule, the aim is to get a gradual enhancement of the precinct.</p> <p>Note: Subdivision in a Heritage Precinct is a discretionary activity - See Rule OSr.74 (subdivision).</p>
<p>OSr.67.4</p> <p>The assessment criteria for Rules OSr.63 (demolition or removal of Group A or B items) and Rule OSr.64 (demolition or removal of Group C items) apply as appropriate.</p> <p>In addition, particular regard will be had to:</p> <p>a) any effects (positive and negative) on the heritage values of the entire heritage precinct.</p> <p>b) any cumulative or precedent effects on the heritage values of the precinct.</p>	<p>OSr.67.5</p> <p>Items in a Heritage Precinct have a particular collective value. The loss of even a single item can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage items.</p> <p>No consent is required to demolish or remove any other building in a Heritage Precinct. Keeping Group C buildings is encouraged however. Removal of other non-listed buildings may enhance the precinct, particularly if any replacement building is more sympathetic to the streetscape. (See Rule OSr.66 (heritage precincts: erection of new buildings))</p>
<p>OSr.68.4 - OSr.72.4</p> <p>a) the condition of the tree, including any significant potential hazard to people or property.</p> <p>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</p> <p>c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.</p> <p>d) whether the tree is currently causing, or is likely to cause, significant damage to buildings, services or property.</p> <p>e) the extent to which the tree would seriously restrict the development potential of the site.</p> <p>f) any hardship or significant nuisance the tree causes to any person.</p> <p>g) any substitute or compensating tree planting or landscaping proposed.</p> <p>h) In the case of a tree in the road reserve, in addition to the above:</p> <p>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</p> <p>ii) whether alternatives to removing or damaging the tree have been adequately explored.</p> <p>i) When the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg erection of a physical barrier).</p> <p>j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above:</p> <p>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river.</p> <p>ii) whether alternatives to removing or damaging the tree have been adequately explored.</p>	<p>OSr.68.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.69</b> <b>Landscape Trees</b> Trimming of a Landscape Tree identified in Appendix 2</p>	<p>OSr.69.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ul>	<p>OSr.69.2 Activities that contravene the permitted conditions are controlled. Control reserved over:</p> <ul style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>OSr.69.3 not applicable</p>
<p><b>OSr.70</b> <b>Heritage and Landscape Trees</b> Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>OSr.70.1 Activities within the the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.</li> </ul> <p>except where the tree is on Road Reserve, where activities are permitted if:</p> <ul style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ul>	<p>OSr.70.2 Activities within the root protection zone of a Heritage or Landscape Tree that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the tree and the activity are located within the road reserve.</li> </ul> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ul> <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>OSr.70.3 Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>
<p><b>OSr.71</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p>	<p>OSr.71.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p>	<p>OSr.71.2 not applicable</p>	<p>OSr.71.3 <b>Landscape Trees</b> removing or destroying a Landscape Tree is a discretionary activity.</p> <p><b>Heritage Trees</b> removing or destroying a Heritage Tree is a non-complying activity.</p>

Assessment Criteria	Explanation
	<p>OSr.69.5  Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important. Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs. Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration. Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>OSr.70.5  Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
	<p>OSr.71.5  Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees. (Note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstances and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>OSr.72</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2</p>	<p>OSr.72.1 Removing a Local Tree is permitted if:</p> <ul style="list-style-type: none"> <li>a) written notice is given to Council at least 1 week prior to work being done.</li> </ul>	<p>OSr.72.2 not applicable</p>	<p>OSr.72.3 Activities that contravene a permitted condition are discretionary.</p>
<p><b>OSr.73</b> <b>Archaeological sites</b></p> <p>Advisory note: This rule continues to apply to plantation forestry activities permitted by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 (NESPF) because this rule deals with effects of plantation forestry activities that are different from those dealt with by the permitted activity conditions of the NESPF.</p>	<p>OSr.73.1 The following are not permitted within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps:</p> <ul style="list-style-type: none"> <li>a) erection or extension of any building or other structure, or</li> <li>b) soil disturbance, or</li> <li>c) earthworks.</li> </ul>	<p>OSr.73.2 not applicable</p>	<p>OSr.73.3 Activities that contravene a permitted condition are discretionary. (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably competent in archaeological survey).</p>
<p><b>OSr.74</b> <b>Subdivision</b></p>	<p>OSr.74.1 Subdivision is not a permitted activity.</p>	<p>OSr.74.2 not applicable</p>	<p>OSr.74.3 Subdivision in this zone is discretionary.</p>

Assessment Criteria	Explanation
	<p>OSr.72.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
<p>OSr.73.4</p> <p>a) the nature, form and extent of the proposed activity and its effects on the site.</p> <p>b) the impacts on the integrity or heritage value of the site.</p> <p>c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey.</p> <p>d) where the application relates to a Maori archaeological site, the response of the tangata whenua.</p> <p>e) if the site is to be modified, whether there is sufficient time and expertise to record the site.</p> <p>f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.</p>	<p>OSr.73.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required for the listed activities within 50m of the identified site. This allows examination of whether there are unidentified sites in close proximity. It also allows scrutiny of activities near a site which, while not damaging the site itself, might indirectly affect the value of the site eg. a toilet block near a waahi tapu.</p> <p><b>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified.</b> This applies to any archaeological site, whether or not it is identified on the maps in this plan or in any other way. In other words, it applies to archaeological sites uncovered accidentally. <b>Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority.</b> In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.</p>
<p>OSr.74.4</p> <p>a) the purpose of the subdivision, and any relevant conditions that should relate to the allotments created.</p> <p>b) whether subdivision will have positive or adverse effects on the open space values of the Zone.</p> <p>c) any expectations a new allotment might create in terms of erection of buildings or reduction in open space.</p> <p>d) where the purpose or ownership of the land is proposed to change, whether esplanade reserves or strips in accordance with Appendix 6 (riparian and coastal margin overlays) should be set aside, or the values otherwise protected.</p> <p>e) any impacts on the values of any heritage item.</p> <p>f) the extent to which subdivision of the land is likely to adversely affect the heritage values for which a heritage item was listed.</p> <p>g) the effects on the management of any natural hazard.</p> <p>h) any servicing constraints.</p> <p>i) the extent to which subdivision is likely to adversely affect the values in the marine conservation areas identified in Appendix 4.</p>	<p>OSr.74.5</p> <p>Subdivision should not need to occur often in this Zone. If it is required, it is discretionary, so that all relevant aspects can be considered, and conditions imposed as required.</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

## **Schedule Open Space and Recreation Zone**

### **Sch.I Marsden Valley**

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For provisions relating to Schedule I see Chapter 7, Residential Zone.