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## rural

<b>RUd</b>	<b>Description</b>
RUd.1	The rural area administered by Nelson City Council represents an important resource. It contains much of the District's productive land resources, and hence is important to the local economy. It contains water supply dams, treatment facilities, pipe lines, sewers and oxidation ponds servicing the urban area. It is also of cultural significance to both tangata whenua and to the community as a whole, containing cultural sites, significant areas of indigenous flora and fauna, recreation areas, and rivers and streams which are important fisheries, habitats, and water sources. Most importantly, this zone forms the immediate and intermediate backdrop to the city in terms of the landscape. The landscape setting, together with the character of the zone defines Nelson and gives it a sense of place within the Council's administrative area.
RUd.2	The location of the zone is generally that area between the north-eastern edge of the urban area and the boundary with Marlborough District, plus the area behind and to the south of the urban area of the city to the boundary with Tasman District Council. It comprises largely the hilly area of the Council's administrative area, but includes those flats in the lower Wakapuaka, the Glen, and in the Whangamoa River area.
RUd.3	Residential development occurs at the Glen, at Cable Bay, and to a limited extent at Hira. Cable Bay and The Glen have a number of natural and physical constraints to further growth such as servicing, the requirements of the Act, and the New Zealand Coastal Policy Statement. The Glen is zoned Residential as it does have some opportunities for growth within existing boundaries and the constraints of servicing.
RUd.4	The Rural Zone is primarily serviced by the State Highway, which runs from the boundary with Marlborough District to the urban area. Other minor roads service the rural area directly from the urban area, or branch off the State Highway.
RUd.5	Little of the Rural Zone is serviced for water and sewage. The entire area is relatively well served with power and telecommunication links.
RUd.6	The Rural Zone can be defined as the area largely used for productive purposes, mainly for forestry and farming, excluding major conservation areas (mainly owned by the Council and the Department of Conservation). The zone includes a Small Holdings Area. The Small Holdings Area comprises mainly valley floors, along with the lower and mid slopes of a number of valleys including the Wakapuaka, and the Teal, Lud, and Marsden Valleys. Higher Density Small Holdings areas have been provided to the rear of the Residential Zone at Ngawhatu, Marsden and Enner Glynn Valleys, adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of these areas due to their topography and small size, and in the case of the Higher Density Small Holdings area in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and/or enables a transition from Residential to Rural Zoning. The Small Holdings Area in Enner Glynn Valley will enable a level of development that is compatible with the rural amenity values of the valley, and does not impact on the important regional resources (the landfill site and quarry) in York Valley.
RUd.7	See also the objectives and policies relating to zones in Chapter 5. The Plan should always be considered as a whole.

## **RUd.8**

### **Future changes anticipated:**

As a consequence of the rapid uptake of the remaining residential land at the southern margin of the city, an increasing demand is anticipated for residential development is anticipated to the north of the city between the end of the existing residential area and Todds Valley. The demand for residential development to extend to higher contours through the northern residential area is also anticipated. Prior to extension of the residential zoning, issues such as water supply and sewer, property access, conflict with the State highway and natural hazards including slope stability will need to be addressed. Council anticipates that future proposals to extend the Residential Zone will be dealt with by way of privately promoted plan changes.

Hira is an area which has been identified as being a potential village, due to the location of community facilities there such as service activities, schooling, and a church. The issue of potential conflict with the State Highway would need to be addressed. While no village exists at the time this Plan was drafted, a village is anticipated. The expectation is that such a village will relate to its environment in form and style, and be unique, not simply being an extension of a suburb of Nelson. Again, the Council anticipates that future options will be dealt with by way of privately promoted plan changes.

## **objective**

### **RU1 protect resources and capacities**

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*Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations.*

#### **Reasons**

**RU1.i** The soil and the land base of the rural area represent much of the natural resources of Nelson. It is of high importance that the ability of these resources to support life is not undermined, as such an outcome would limit both the health of natural systems and of economic land use systems. While Nelson does not have a large resource of high quality land, it nevertheless depends on the primary products derived from the use of that land, particularly animal and forest products. It is not therefore in the long term interests of the community, nor is it a sustainable use of the resource, to allow the land to be degraded or used in a manner which will limit the choices of future generations.

#### **policy**

### **RU1.1 rehabilitation of land**

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*Where temporary activities disturb land, that land should be rehabilitated to a level of capability as close as practicable to what it was before the activity commenced.*

#### **Explanation and Reasons**

**RU1.1.i** Some activities will inevitably cause disruption of the land surface, such as mineral or aggregate extraction, or land filling. This policy seeks to ensure that where those activities occur, those carrying out the activity are required to rehabilitate the land, once the activity or parts of the activity has ceased, or in the case of a long term operation, that progressive rehabilitation is made. See also policies on landscape and amenity.

#### **Methods**

- RU1.1.ii** Rules requiring reinstatement of land, including revegetation.
- RU1.1.iii** Conditions on resource consents as required.

**policy**  
**RU1.2 range of activities**

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*A wide range of activities which are compatible with the objectives and policies and in particular policy RU1.1 should be allowed to occur.*

**Explanation and Reasons**

**RU1.2.i** Providing that activities do not conflict with the overall objectives and policies for the Zone, they will generally be permitted. This philosophy means that while there will be no lists of activities which will generally be provided for in the Zone, any activity which can be demonstrated not to have the adverse effects this Plan is seeking to avoid, can proceed.

**Method**

**RU1.2.ii** Structure this Plan to focus on effects and avoid the listing of activities.

**policy**  
**RU1.3 management of effects of connections on structure plans**

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*The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with other land use activities.*

**Explanation and Reasons**

**RU1.3.i** Indicative roads and walkways/cycleways have been identified on Structure Plans where these have been determined to be important in achieving enhanced transportation and recreational outcomes, both within rural areas and/or between urban neighbourhoods. It is not the intention that these unreasonably impact on farming, rural industry or other legitimate rural land use practices. The Council will work closely with land owners and developers to ensure the timely setting aside of land and/or construction of such linkages. Conversely, it is anticipated that land owners will not undertake works, activities or place structures within these potential corridors of a nature, or in a manner, that will compromise the attainment of those future connections.

**Methods**

**RU1.3.ii** Exercise discretion when considering the timing of land to be set aside and/or constructed for road, walkway or cycleway purposes within those indicative alignments shown on a Structure Plan.

**RU1.3.iii** Rules to avoid subdivision layout, structures or activities that may compromise the achievement of those indicative road, walkway or cycleway connections shown on a Structure Plan.

**RU1.3.iv** For additional methods, refer Policy DO10.1.7.

**objective**

**RU2 rural character**

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*Maintenance or enhancement of an environment dominated by open space and natural features.*

**Reasons**

**RU2.i** The natural character on which the rural character is based relies on the maintenance of natural ecosystems such as riparian, riverine and estuarine systems, and on the remnants of original vegetation together with significantly regenerated areas. Should these be removed from the Nelson area, the rural area would lose much of its unique qualities which differentiate it from many other parts of the country. In addition to natural features, pastoral agriculture and forestry contribute to the rural character.

**RU2.ii** The rural environment can be separated into three distinct areas. These are as follows:

- a) The **main area of the Rural Zone**, being the steeper hill areas, away from the coast and generally separated from the urban environment. This area tends to form the secondary backdrop to the city, and has a low level of apparent modification to the landscape. It does however contain significant areas of exotic forest development, which will remain a dynamic environment as varying age classes of forest are harvested and replanted. It also contains smaller areas of pastoral farming, and areas of land in various states of reversion to exotic, and in the longer term, indigenous vegetation. The area contains a very low level of development in terms of structures, as properties tend to be large, with a high degree of separation between clusters of buildings.
- b) The **Small Holdings Area** is generally contained within valley floors or between urban development and the Rural Zone. The pattern of development is much greater in this area, with structures at more regular intervals, but still at a low level of density with significant areas of land in between. Small holdings are not rural residential areas, but are large enough to provide the opportunity for a range of rural activities. The character is predominantly rural rather than residential. Use of the land within this area is far more varied, with horticultural activities interspersed in between areas of grazing, and occasionally areas of indigenous vegetation particularly in the Lud and Teal Valleys. Part of the Nelson South area (land accessed off Champion Road and Hill St North) has been identified as a Rural - Higher Density Small Holding Area, because of its location adjacent to the Residential Zone, its small size and its role as a buffer to adjoining Rural Zone Land.

Parts of the Marsden and Enner Glynn Valley area have also been identified as a Rural Zone - Higher Density Small Holding Area, because of the limited productive potential of these areas due to their topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. The Higher Density Small Holdings Area, as it relates to land within Schedule I (Marsden Valley, eastern area Rural Zone - Higher Density Small Holdings Area), Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the Southern boundary, and Schedule W (Enner Glynn and Upper Brook Valley) provides for allotments of an average of 1 ha, but with a minimum subdivision area of 2,000m<sup>2</sup> subject to the provision of reticulated services. This zoning will provide a transition between Residential and Rural areas and, as it relates to the more visually prominent area just below the Barnicoat Range, with development sensitive landscape values. This significant variation in the average density, and the minimum lot size, is to encourage small enclaves/clusters of serviced development with significant open space separating these. Geotechnical constraints within this area will also restrict development to a limited number of enclaves of settlement. In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone - Higher Density Small Holdings Area has a site size requirement of 6000m<sup>2</sup> average and 2000m<sup>2</sup> minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment. As per other specified areas of Rural Zone - Higher Density Small Holdings Areas the provisions allow for clustering of development.

Within the Maitai Valley, adjoining the existing urban area, a high density Small Holdings Area has been defined. This is an extension of similar existing development.

Since the plan was notified in 1996, there has been a trend of undersize subdivisions in the North Nelson Rural Zone and Rural Small Holdings area. A plan change was notified in 2005 to make undersize subdivisions between The Glen Road and Whangamoia Saddle non-complying activities. This is an interim measure to halt this trend and avoid further adverse effects on rural character, until such time as a more structured and coordinated framework for subdivision is in

- c) The **coastal environment** is that area between the coast and generally the first ridgeline to the landward side of the coast. The pattern of development in this area has generally been very low key, with a low level of development of structures and patterns of development. Two areas of close subdivision occur within this overlay, being the settlement at the Glen, and a cluster of dwellings at Cable Bay. It is seen as a matter of priority through the Act, the New Zealand Coastal Policy Statement and of this Plan that these areas remain limited in extent.

**RU2.iii** Management of the character of the various parts of the rural environment is important to maintain Nelson's image as a pleasant green environment where there is ready access to passive and recreational activities. The rural area also contains significant natural and cultural features, and significant areas of indigenous flora and fauna which form part of Nelson's heritage, and in some cases represent only remnants of what Nelson once possessed. Protection, and preferably preservation, is seen as important to maintain Nelson's heritage for present and future generations, and for scientific as well as cultural reasons.

## **policy**

### **RU2.1 density - subdivision**

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*Subdivision patterns should ensure that sufficiently large separations are maintained between clusters of buildings, or be designed such that any adverse effects on the rural character are avoided or mitigated, provided that a site meets a subdivision size permitted in this Plan.*

#### **Explanation and Reasons**

**RU2.1.i** Maintaining large site sizes in the extensive rural area will ensure that the rural character is not compromised by numerous clusters of buildings dotted across the landscape as each individual property establishes a dwelling and associated outbuildings. Within the Small Holdings Area, it is also important to retain the open space character, although obviously more densely settled, to provide a rural feel which distinguishes the area from the densely settled urban environment. There may, however, be a range of ways in which the open space character may be maintained, other than the use of minimum site size, depending on the circumstances. There is opportunity to consider clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, providing that the general landscape character is not compromised.

**RU2.1.iA** For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

**RU2.1.iB** Clustering of development with open space separating clusters in the Rural Zone - Higher Density Small Holdings Area is encouraged in order to avoid dispersed development dominating the landform.

#### **Method**

**RU2.1.ii** Rules for minimum site size.

## **policy**

### **RU2.2 density - small holdings**

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*Small land holdings should be of sufficient size to provide for:*

- a) *maintenance of general rural character and amenities, and*
- b) *being visually unobtrusive, utilising topography to avoid visual impacts, and*
- c) *servicing from existing infrastructure, especially roads, and*
- d) *privacy and separation of dwellings, and*

- e) *containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
  - f) *avoidance or mitigation of natural hazards,*
- and should be in close proximity to the urban area of Nelson, to promote transport efficiency.*

#### **Explanation and Reasons**

**RU2.2.i** Small rural land holdings can disrupt and destroy the rural values where open space and natural features predominate. The presence of small holdings may conflict with adjoining land used for productive purposes. Structures and new road construction particularly have adverse effects. Areas where the effects are not so marked, such as small valleys which can not be readily viewed by the public, if roads are already in place, are more likely to comply with this policy than elsewhere.

**RU2.2.iA** For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7.

#### **Methods**

- RU2.2.ii** Map Small Holdings Area where smaller holdings will be accepted as complying with the policy.
- RU2.2.iii** Rules regulating allotment sizes in Small Holdings Area to allow smaller size.
- RU2.2.iv** Exercise discretion on applications for subdivisions and building additional residential units.

### **policy** **RU2.3 scale, height and density of structures**

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*The scale, height, and density of structures should be such that they do not compromise the character of the area, or where the character of an area is already compromised by development, do not detract further from the amenity of the area.*

#### **Explanation and Reasons**

**RU2.3.i** Buildings and structures which are not in harmony with the rural landscape have the potential to almost permanently affect the appearance and rural character of the Zone. An example might be a large silo located in a dominant part of the landscape (which might not be a problem tucked under a spur).

#### **Method**

- RU2.3.ii** Rules for maximum building heights, bulk and location.

### **policy** **RU2.4 alteration of the contour of the land**

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*Any adverse visual effects of activities which alter the contour of the land, such as filling, land contouring, and excavation should be avoided, remedied, or mitigated.*

#### **Explanation and Reasons**

**RU2.4.i** Land recontouring activities have the potential to permanently alter the appearance of the landscape. Such effects may not be limited to the areas actually disturbed, but may relate to the loss of integrity of an adjacent or nearby feature. While there will be circumstances where such effects are unavoidable, they can be mitigated against by ensuring they do not affect any areas which can be readily viewed by the public as a whole, such as from traffic corridors and public open space, or remedied by ensuring that affected areas are restored or at least rehabilitated to an acceptable level from a landscape perspective.

#### **Methods**

- RU2.4.ii** Rules relating to land disturbance.
- RU2.4.iii** Exercise discretion where any land recontouring occurs.

**policy**  
**RU2.5 structure planning**<sup>05/01</sup>

Subdivision of the Rural Zone and Rural Small Holdings area between The Glen Road and Whangamoā Saddle which do not meet the minimum site sizes should be restricted as non-complying activities until such time as the Council has developed a strategic plan for further development in this area.

**Explanation and reasons**

**RU2.5.i** Since the Plan was notified in 1996, there has been a clear trend towards undersized rural residential subdivisions in the Nelson North area. For example, 45% of all subdivisions granted in the Rural Small Holdings are in Nelson North between 1996 and 2002 were non-complying. A further 90% in the Rural Zone were less than half the permitted minimum lot size. The 2002 Hira Village and the Nelson Urban Growth Strategy 2004 both identified subdivisions and re-subdivision in Nelson North as cause for concern as they are changing the character of the area to one not anticipated in the Plan.

- These concerns centre around:
- Loss of rural character
- Adverse effects precedent
- Cumulative effects
- Form, function and efficiency of dispersed rural-residential development

Left unabated, there is the potential for continued undersize subdivision to create a rural community and character more consistent with dispersed large residential holdings rather than rural small holdings.

Given this, and the continuing trend and demand for undersize rural lots, Council has identified the need for a more structured and coordinated approach to rural residential development in Nelson North. This will allow future development and subdivision to be undertaken within a framework which takes into account the future long term form and function of this type of development. However, until such a framework is in place, further land fragmentation by rural residential development will be more tightly controlled.

**Method**

Making undersize rural and small holdings subdivision in Nelson North a non-complying activity.

## **objective**

### **RU3 protection of amenity**

*Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment.*

**Reasons**

**RU3.i** Local amenity within and surrounding any particular site is highly important for those who live and work in this environment. The environment is however that of a working Rural Zone, and while people live in the Zone, they cannot expect the same residential level of amenity that would be expected in residentially zoned land.

**RU3.ii** Activities which characterise the rural environment, such as farming and forestry, may have effects arising from normal everyday operations which can adversely affect other activities such as residential living, recreation and tourism. These effects include matters such as traffic, long hours of operation, noise, dust, and landscape effects (such as forest harvesting). There may also be situations where emergency services temporarily exceed noise limits.

**RU3.iii** Experience has shown, in particular, that mixing small-site residential activities with rural activities creates pressure on those rural activities to cease parts of their operation which may have these impacts. For this reason this Plan seeks to exclude the continuing ingress of residential-only activities into the rural environment, and control the location of small holdings in order to minimise these conflicts. Promoters of other activities which require a rural location should locate in this area with full awareness that these effects exist.

**RU3.iv** This objective is not, however, intended to allow unreasonable uncontrolled effects such as chemical trespass, or activities carried out in a manner which disregards the rights and reasonable expectations of any other rural activity or property owner.

## **policy**

### **RU3.1 location of structures**

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*Structures should be located on a property in such a way as effects on adjacent sites are minimised.*

## **policy**

### **RU3.2 location of trees and shelter**

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*Plantation forests and dense evergreen shelterbelts should not be planted so as to unduly shade or adversely affect adjacent properties.*

**Explanation and Reasons** (policies RU3.1 and RU3.2)

**RU3.2.i** Care should be exercised when locating structures, particularly residential buildings, or dense planting of trees to ensure that adverse effects of one activity on another are minimised to an acceptable degree.

**Method** (policies RU3.1 and RU3.2)

**RU3.2.ii** Rules for separation distances - trees and buildings from boundaries.

Advisory Note:

Notwithstanding any other rules in this plan, all plantation forestry activities must comply with the National Environmental Standards for Plantation Forestry Regulations 2018.

## **policy**

### **RU3.3 avoidance of effects**

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*Activities should not give rise to unreasonable adverse effects which compromise the amenity of adjacent properties, services and zones such as undue levels of noise, smell, traffic and dust.*

**Explanation and Reasons**

**RU3.3.i** Activities in and adjacent to the Rural Zone should be able to function without being unreasonably compromised by another activity. The Rural Zone is generally seen as a quiet, peaceful environment, although from time to time there are bursts of high activity such as forest harvesting, aerial spraying and topdressing, stock movements, and cultivation among others, which should be seen as normal. Rural properties are, for many, their homes as well as a place of work, and as such are entitled to a reasonable level of protection against adverse effects of adjoining or nearby activities. Issues such as preservation of privacy, both aural and visual, and protection from effects such as dust from operations, and odour from stock, need to be addressed in order to maintain acceptable levels of amenity on each property. It is acknowledged that emergency services such as fire stations may occasionally need to exceed noise limits in the interests of public health and safety and this is recognised in the definition of noise.

**Methods**

**RU3.3.ii** Rules for maximum noise levels.

**RU3.3.iii** Controls on groups of activities which have potential to create these effects such as factory farming, and rural servicing activities.

## **RU4 Marsden Valley (Schedule I)**

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For objectives and policies relevant to the Rural Zone – Higher Density Small Holdings Area which is contained within the Schedule I area refer to RE4 Marsden Valley (Schedule I), Chapter 7.

## RUE environmental results anticipated and performance indicators

RUE.i The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated Environmental Result	Indicators	Data Source
<b>RUE.1</b> Maintenance of present levels of diversity and health of soils and ecosystems	<b>RUE.1.1</b> a) Change in land cover, use, and areas of bare ground b) Numbers of resource consents and types of conditions of consents	5 yearly aerial photography run across the Council's administrative area Compliance monitoring on a case by case basis
<b>RUE.2</b> Maintenance of the green surroundings of urban Nelson	<b>RUE2.1</b> a) Change in density of subdivision patterns and built structures b) Complaints received about developments in the Rural Zone	5 yearly aerial photography run across the Council's administrative area Monitoring of building and subdivision consent numbers Council's complaints register
<b>RUE.3</b> Adverse effects of use and development in the Rural Zone which are controlled to acceptable levels of environmental quality	<b>RUE3.1</b> a) Changes in ambient noise levels and other environmental effects at selected locations b) Complaints received about adverse effects	Data collected at selected sites Council's complaints register