This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Key:
Amendments to the NRMP proposed in the notified version of PC29 are shown with black underline and ~~strikethrough~~.
Amendments to the notified PC29 recommended in the S42A reports are shown with red underline and ~~strikethrough~~.
Amendments proposed in the S42A Addenda and Joint Witness Statements are shown in red underline and ~~strikethrough~~ with yellow highlight.
Amendments proposed by the S42A Author from the Hearing are shown in red underline and ~~strikethrough~~ with green highlights.
Comment boxes have been used to indicate the submission that provides scope for the recommended amendment. The S42A author initials indicate which S42A report addresses the change.

Note:
Minor editorial changes have been made to the text under RMA Schedule 1, Clause 16 shown in red underline and ~~strikethrough~~.

7

residential zone

REr Rules

REr.1 Rule table – rules

This section and the Rule Tables that follow contain rules applicable in this Zone.

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 planning maps. These rules must also be complied with.

REr.2 Prohibited activities

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

a. Use, storage, or disposal of radioactive material with an activity exceeding 1,000 terabecquerels.
b. Erection of new residential units in the ~~Tahunanui Core Slope Risk~~Instability Area ~~1~~Tāhunanui Slump and Slump Fringe Overlay, which results in more than one residential unit on a site.
c. Subdivision in the ~~Tahunanui Core and the Tahunanui Fringe Slope Risk Overlays~~Instability ~~Susceptibility Area 1 Tāhunanui~~Tāhunanui Slump and Slump Fringe Overlay, except ~~for boundary adjustments and~~where it does not create a new vacant allotment or is for the

Commented [JC1]: S517.013

purposes of a network ~~utilitiesutility~~ or public open space.

d. New or relocated residential, school, hospital, papakāinga, and other noise sensitive activities are prohibited inside the Air Noise Boundary.

REr.3 Permitted activities

A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the "permitted" column of the Rule Table. In this Zone, permitted activities also include all land uses that are not specifically mentioned in the rules.

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 the Council's water supply system.
c. Connection to the Council's sewerage system for the purpose of disposing of trade waste.
d. As provided in rules.

REr.4 Controlled activities

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 REr.8 regarding further matters of control.)

REr.5 Discretionary activities/restricted discretionary activities

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 Resource Management 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 REr.8 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".

REr.6 Non-complying activities

A resource consent is required for a non-complying activity. (See Chapter 3 for a fuller

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 Resource Management Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

REr.7 Scheduled sites

Any activity listed in a Schedule shall comply with the rules set out in that Schedule.

REr.8 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:

REr.8.a	Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6)~~,~~; and
REr.8.b	Bonds or covenants or both, to ensure performance or compliance with any conditions imposed~~,~~; and
REr.8.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 Resource Management Act~~,~~; and
REr.8.d	The duration of a resource consent, under section 123 of the Resource Management Act~~,~~; and
REr.8.e	Lapsing of a resource consent, under section 125 of the Resource Management Act~~,~~; and
REr.8.f	Change and cancellation of a consent, under sections 126 and 127 of the Resource Management Act~~,~~; and
REr.8.g	Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Resource Management Act~~,~~; and
REr.8.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 Resource Management Act.
REr.8.i	Construction management (including construction traffic management).
REr.8.j	Effects on land that is the subject of a statutory acknowledgement, and person(s) to whom the statutory acknowledgment is made.

REr.9 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.

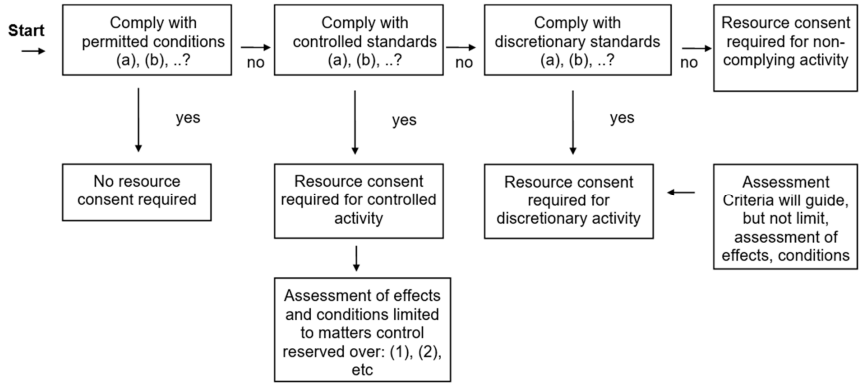
REr.10 Reading the rule table

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 AD7, Chapter 3.

The following flow chart illustrates the cascade across the Rule Table.



REr.10.1 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.

REr.11 Natural Hazard Rules and Regulated Activities under the National Environmental Standard for Telecommunication Facilities (NESTF)

Commented [JC2]: [S487] et al

The natural hazard rules in this plan do not apply to 'regulated activities' controlled under the NESTF.

Contents of residential zone rule table

Rules - General Residential Zone only	
REr.17A	Residential activity
REr.17B	Residential units
REr.17C	Site coverage
REr.17D	Front yards
REr.17E	Other yards
REr.17F	Outdoor living court
REr.17G	Corner sites
REr.17H	Permeable landscaped area
REr.17I	Fences
REr.17J	Maximum building height
REr.17K	Daylight Admission
REr.17L	Outlook and privacy
REr.17M	Glazing to the street
REr.17N	Home occupations
REr.17O	Non-Residential activities (excluding home occupations)
Rules - Medium Density Residential Zone only	
REr.18A	Residential activity
REr.18B	Residential units
REr.18C	Site coverage
REr.18D	Front yards
REr.18E	Other yards
REr.18F	Outdoor living court
REr.18G	Corner sites
REr.18H	Permeable landscaped area
REr.18I	Fences
REr.18J	Maximum building height
REr.18K	Daylight admission
REr.18L	Outlook and privacy
REr.18M	Glazing to the street
REr.18N	Home occupations
REr.18O	Non-residential activities (excluding home occupations)
REr.18P	Restaurants
REr.18Q	Dairies

REr.18R	Educational ~~and health~~ facilities
REr.18S	Maximum building length
~~REr.18T~~	~~Buildings on adjoining sites which share a common legal boundary with a historic heritage precinct, item or place or containing a heritage, scheduled building or object~~
REr.18~~JT~~	Residential unit - minimum size
REr.18~~JU~~	~~High Accessibility Overlay Density Development~~
~~Rules - High Density Residential Zone only~~	
~~REr.19A~~	~~Residential activity~~
~~REr.19B~~	~~Residential units~~
~~REr.19C~~	~~Site coverage~~
~~REr.19D~~	~~Front yards~~
~~REr.19E~~	~~Other yards~~
~~REr.19F~~	~~Outdoor living court~~
~~REr.19G~~	~~Corner sites~~
~~REr.19H~~	~~Permeable landscaped area~~
~~REr.19I~~	~~Fences~~
~~REr.19J~~	~~Maximum building height~~
~~REr.19K~~	~~Daylight admission~~
~~REr.19L~~	~~Outlook and privacy~~
~~REr.19M~~	~~Glazing to the street~~
~~REr.19N~~	~~Home occupations~~
~~REr.19O~~	~~Non-residential activities (excluding home occupations)~~
~~REr.19P~~	~~Restaurants~~
~~REr.19Q~~	~~Dairies~~
~~REr.19R~~	~~Educational facilities~~
~~REr.19S~~	~~Maximum building length~~
~~REr.19T~~	~~Buildings adjoining a historic heritage precinct or scheduled building~~
~~REr.19U~~	~~Residential unit - minimum size~~
Rules - General Residential Zone, Medium Density Residential Zone~~, High Density Residential Zone~~ only	
REr.19~~V~~	Papakāinga development (Schedule Sch.AA)
Rules - Residential Zone, Standard Area, Comprehensive Area and Lower Density Area only	
REr.20	Non-residential activities - Excluding home occupations
REr.21	Home occupations
REr.22	Comprehensive Housing Development
REr.23	Minimum site area - Lower Density Area~~, Lower Density Area (Stoke) Higher Density~~Comprehensive Area and Standard ~~Density (Main Zone)~~Area
REr.24	Site coverage - Lower Density Area~~, Lower Density Area (Stoke) Higher Density~~Comprehensive Area and

Commented [RD3]: Minor Correction

Commented [JH4]: s42 - JH - drafting error correction - wording to align with rule title below

Commented [CB5]: S03.001 (and others)

	Standard ~~Density (Main Zone)~~Area
REr.25	Front yards
REr.26	Other yards
REr.27	Outdoor living court sites less than 350m^2
REr.28	Pedestrian access to rear of sites
REr.29	Corner sites
REr.30	*(Deleted by Plan Change 14)*
REr.31	Fences
REr.32	Maximum building height
REr.33	Relocated buildings
~~REr.34~~	~~Building over or alongside drains and water mains~~
REr.35	Daylight admission
REr.36	Decks, terraces, verandahs and balconies
Rules - all residential zones (Residential Zone, Standard Area, Comprehensive Area, Lower Density Area, General Residential Zone, Medium Density Residential Zone~~, High Density Residential Zone~~)	
REr.36A	Building over or alongside drains and water mains
REr.37	Activities near the coast
REr.38	Parking
REr.38A	Cycle parking
REr.39	Parking or storage of heavy vehicles
REr.40	Access
REr.41	Signs
REr.42	Outdoor storage
REr.43	Noise
REr.43A	State Highway Noise - Acoustic insultation
REr.44	Helicopter landing pads
REr.45	Vibration
REr.46	Light spill
REr.47	Hazardous substances use and storage
REr.48	Radioactive material
REr.49	Aerials
REr.50	Radiofrequency exposure levels
REr.51	~~Buildings~~Activities near transmission lines
REr.51A	~~Activities near National Grid Transmission lines~~ Activities, buildings and structures within the National Grid Yard
REr.52	Network utility - Buildings
REr.53	Network utility - Above ground and underground utilities
REr.54	Minor upgrading of electricity transmission lines support structures

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REr.55	Structures on the road reserve
REr.56	Network utility - Roads
REr.57	Neighbourhood parks
REr.58	Building on low lying sites
REr.59	Vegetation clearance
REr.60	Soil disturbance
REr.61	Earthworks
REr.61A	Landfill
REr.61B	Earthworks and vertical holes in the National Grid Yard
Rules - Standard Area, Comprehensive Area, Lower Density Area	
REr.62	Papakāinga development - ~~Schedule~~Standard Area, Comprehensive Area, Lower Density Area (Schedule Sch.A)
Rules relating to overlays on Planning Maps – Residential Zone, Standard Area, Comprehensive Area, Lower Density Area	
REr.63	Service Overlay - Building
Rules relating to overlays on Planning Maps – all residential zones (Residential Zone, Standard Area, Comprehensive Area, Lower Density Area, General Residential Zone, Medium Density Residential Zone)	
REr.64	Airport Effects Control Overlay and Port Effects Control Overlay - Minimum site area
REr.65	Airport Effects Control Overlay - Acoustic insulation of buildings
REr.65A	Port Effects Control Overlay — Acoustic insulation of residential units
REr.66	Airport Effects Advisory Overlay
REr.67	Coastal Environment Overlay — Activities near the coast
REr.68	Landscape Overlay - Above-ground network utility structures
REr.69	Landscape Overlay — Minor upgrading of electricity transmission lines and support structures
REr.70	Conservation Overlay
REr.71	Riparian Overlay - Activities on land identified with riparian values
REr.72	Land Management Overlay
REr.73	Fault ~~Hazard~~Deformation Overlay - Building or network utility
REr.73A	Fault Deformation Overlay - Addition to an existing building or network utility
REr.73B	Fault Deformation Overlay - Accessory building
~~REr.73C~~	~~Fault Awareness Overlay - New residential units~~
~~REr.74~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Storm and waste water~~
REr.74A	Liquefaction Hazard Overlay - Building or network utility
~~REr.75~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Earthworks~~
REr.75A	~~Slope Instability Susceptibility Area 1 (Tāhunanui Slump)~~Tāhunanui Slump and Slump Fringe Overlay - Stormwater and wastewater
REr.75B	~~Slope Instability Susceptibility Area 1 (Tāhunanui Slump)~~Tāhunanui Slump and Slump Fringe Overlay - Earthworks
REr.75C	~~Slope Instability Susceptibility Area 1 (Tāhunanui Slump)~~Tāhunanui Slump and Slump Fringe Overlay - Structures

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(includes the 3 overlay headings)

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REr.75D	~~Slope Instability Susceptibility Area~~ 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay - New residential units
REr.75E	~~Slope Instability Susceptibility Area~~ 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay - Addition to an existing residential unit
REr.75F	~~Slope Instability Susceptibility Area~~ 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay - Accessory buildings
REr.75G	Slope ~~Instability Susceptibility Area 2Management(Nelson Hills)~~ Overlay - Stormwater and wastewater
REr.75H	Slope ~~Instability Susceptibility Area 2Management(Nelson Hills)~~ Overlay - Earthworks
~~REr.75I~~	~~Slope Instability Susceptibility Area 2 (Elevated)Overlay - Structures~~
~~REr.75J~~	~~Slope Instability Susceptibility Area 2(Elevated) Overlay - New residential units~~
~~REr.75K~~	~~Slope Instability Susceptibility Area 2 (Elevated) Overlay - Addition to an existing residential unit~~
~~REr.75L~~	~~Slope Instability Susceptibility Area 2 (Elevated) Overlay - Accessory buildings~~
~~REr.75M~~	~~Slope Instability Susceptibility Area 3 (General Hills) Overlay - Stormwater and wastewater~~
~~REr.75N~~	~~Slope Instability Susceptibility Area 3 (General Hills) Overlay - Earthworks~~
~~REr.75O~~	~~Slope Instability Area 3 Overlay - Structures~~
~~REr.75P~~	~~Slope Instability Area 3 Overlay - New residential units~~
~~REr.75Q~~	~~Slope Instability Area 3 Overlay - Additions to existing residential units~~
~~REr.75R~~	~~Slope Instability Area 3 Overlay - Accessory buildings~~
~~REr.75S~~	~~Debris Run-out Susceptibility Area Overlay - New residential units~~
~~REr.75T~~	~~Debris Run-out Susceptibility Area Overlay - Additions to existing residential units~~
~~REr.75U~~	~~Debris Run-out Susceptibility Area Overlay - Accessory buildings~~
~~REr.76~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Heavy structures~~
~~REr.77~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - New residential units~~
~~REr.78~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Extension or rebuilding of existing residential units~~
~~REr.79~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Accessory buildings~~
~~REr.80~~	~~Grampians Slope Risk Overlay - Storm and waste water~~
~~REr.81~~	~~Grampians Slope Risk Overlay - Earthworks~~
REr.82	Flood Path ~~and Flood overlays~~Floodway
~~REr.83~~	~~Inundation overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation~~
REr.83A	Flood Areas except Flood Paths or Floodways - Storage of a hazardous substance
REr.83B	Flood Areas except Flood Paths or Floodways - Building and below ground swimming pools
REr.83C	Flood Areas except Flood Paths or Floodways - Fence, wall, retaining wall, outside storage
REr.83D	Flood Areas except Flood Paths or Floodways - Network utility
REr.83E	Flood Areas except Flood Paths or Floodways - Earthworks
REr.83F	Flood Areas except Flood Paths or Floodways - Flood mitigation and protection works
~~REr.84~~	~~Wakefield Quay Precinct~~
REr.85	Heritage Buildings, Places and Objects - Alterations to Group A and B items
REr.86	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item

Commented [JC11]: S517.013

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Commented [RD16]: S767

REr.87	Heritage Buildings, Places and Objects - Demolition or removal of Group A and B item
~~REr.88~~	~~Heritage Buildings, Places and Objects - Demolition or removal of Group C items~~
REr.89	Heritage precincts - Alterations or additions to any building ~~(including~~(excluding listed Heritage Buildings)
REr.90	Heritage precincts - Erection of new buildings
REr.91	Heritage precincts - Removal or demolition ~~of Listed Heritage Buildings~~in a heritage precinct
REr.92	Heritage precincts - Front fences
REr.93	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
REr.94	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
REr.95	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
REr.96	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
REr.97	Local trees - Removing a local tree identified in Appendix 2
REr.98	Archaeological sites
REr.99	Bishopdale Pottery - Scheduled Site - Sch.B
REr.100	Nelson Marlborough Health Services - Scheduled Site - Sch.C
REr.101	BP Annesbrook - Scheduled Site - Sch.D
REr.102	Ngawhatu Residential Area - Scheduled Site - Sch.E
REr.103	Polytechnic - Scheduled Site - Sch.F
REr.104	Trafalgar Street/Hathaway Court - Scheduled Site - Sch.G
~~REr.105~~	~~Bishopdale Subdivision Area - Scheduled Site — Sch.H~~
REr.106	Marsden Valley - Scheduled Site — Sch I
REr.106A	Marsden Plateau Landscape Area - Scheduled Site — Sch U
REr.106B	Marsden Hills - Scheduled Site — Sch V
REr.106C	Enner Glynn and Upper Brook Valley Structure Plan - Schedule Site - Sch W — (refer to Rural Zone Chapter 12)
~~REr.106E~~	~~Manuka Street Hospital - Scheduled Site — Sch Y~~
Subdivision rules	
REr.107	Subdivision - General
Subdivision rules relating to overlays on the Planning Maps	
REr.108	Services Overlay (this rule does not apply to the General Residential Zone, or Medium Density Residential Zone ~~or High Density Residential Zone~~) - Subdivision
REr.109	Landscape Overlay (this rule does not apply to the General Residential Zone, or Medium Density Residential Zone ~~or High Density Residential Zone~~) - Subdivision
REr.110	Fault ~~Hazard~~Deformation Overlay - Subdivision
REr.110A	Fault Awareness Overlay - Subdivision
REr.110B	Liquefaction Hazard Overlay - Subdivision
REr.111	Flood ~~Path Overlay, Flood Overlay and Inundation Overlay~~Areas - Subdivision
~~REr.112~~	~~Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Subdivision~~
REr.112A	~~Slope Instability Susceptibility Area~~ ~~(Tāhunanui Slump)~~Tāhunanui Slump and Slump Fringe Overlay -

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	Subdivision
REr.112B	Slope ~~Instability Susceptibility Area 2(Management(Nelson Hills)~~ Overlay - Subdivision
~~REr.112C~~	~~Slope Instability Susceptibility Area 3 (General Hills) Overlay - Subdivision~~
REr.112D	Debris Run-out ~~Susceptibility Area~~ Overlay - Subdivision
REr.113	Heritage precincts - Subdivision
REr.114	Heritage overlays (excluding heritage precincts ~~and Wakefield Quay Precinct~~) - Subdivision
~~REr.115~~	~~Bishopdale Subdivision Area - Scheduled Site — Sch.H~~
~~REr.116~~	~~Grampians Slope Risk Overlay - Subdivision~~
REr.117	National Grid Corridor - Subdivision
Freshwater rules	
	(Refer Appendix AP28.9 for freshwater rules)

General Residential ~~zone~~Zone only

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17A Residential activity	REr.17A.1 A residential activity is a permitted activity provided that: a. habitable buildings used for the activity must be connected to a community water supply and the wastewater and stormwater network, with sufficient capacity to service the development ; and b. stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.	REr.17A.2 not applicable	REr.17A.3 Activities that contravene RER.17A.1 ~~a are non-complying.~~ are restricted discretionary. ~~REr.17A.4~~ ~~Activities that contravene REr.17A.1.b are discretionary.~~ Discretion is restricted to: i. The capacity and suitability of the existing reticulated network for the proposed development; ii. The suitability of alterative utility networks or on-site facilities; iii. Maintenance and operational requirements; iv. The likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone; v. The resilience of the services to the likely effects of climate change; and vi. The timing of works and projects facilitated through the long term plan (or equivalent plans prepared by the reticulated network owner).

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Assessment Criteria	Explanation
REr.17A.5 a. the capacity and suitability of the existing reticulated network for the proposed development. b. the suitability of alterative utility networks or on-site facilities. c. maintenance and operational requirements. d. the likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone. e. the resilience of the services to the likely effects of climate change. f. the timing of works and projects facilitated through the Llong Tterm Pplan (or equivalent plans prepared by the reticulated network owner).	REr.17A.6 Water supply, stormwater disposal and wastewater treatment and disposal, are important for the well-being of people and communities and for their health and safety. The systems need to be reliable, and provide agreed levels of service, while avoiding adverse effects on the environment. Where reticulated services are not available, then special consideration of the possible adverse environmental effects on the future activities on the land is needed.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17B **Residential units**	REr.17B.1 Development of up to three residential units on a site is a permitted activity. provided that the development complies with all the permitted conditions in this Rule Table.	REr.17B.2 not applicable	REr.17B.3 Development of four or more residential units on a site is a restricted discretionary activity. provided: a. for applications including 10 or more residential units, at least 10% of residential units on a site shall be designed to provide convenient wheelchair access including: i. access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transition from inside to outside; and ii. doorways that have at least 810mm clear width (when the door is open) to fit a wheelchair; and iii. at least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room. b. where the assessment of the number of accessible units results in a fractional number, any fraction under one-half shall be disregarded and

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			~~fractions of one-half or greater shall be considered as one residential unit.~~ Discretion is restricted to: i. effects of the building design and development layout on: a. the safety and attractiveness of the street; and b. the quality of on-site living environments; and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and d. the ability to provide efficient parking including accessible parking, access and servicing on the site that supports high quality living environments; and e. effects on the safe and efficient operation of the transport network; and f. the ability to provide functional accessible units within the development; and g. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons. Activities that contravene a

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Commented [CB24]: S257.008

			restricted discretionary standard are discretionary.

Assessment Criteria	Explanation
REr.17B.4 Regard is to be had to Appendix 14 - Residential Subdivision Design and Information Requirements, and the following matters: a. safety and attractiveness of the street: i. whether development provides a high quality and attractive frontage to the street or public open space. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking/garage doors.; and ii. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.; and iii. whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.; and b. quality on-site living environments: i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.; and ii. the extent to which outdoor living spaces are directly accessible from the principal living room.; and iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and privacy between residential units.; and iv. where communal open space is provided on-site, whether it is located to provide safe and convenient access for all residents and maximise sunlight access, amenity and use.; and v. the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments.; and vi. the methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on-site.; and vii. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types.; and c. neighbouring sites: i. without limiting the ability to achieve the planned built character for the zone, whether: a. the development is designed to be visually attractive when viewed from neighbouring sites; and c. mitigate privacy effects on adjoining sites, through the orientation and design of	REr.17B.5 This rule allows for the qualitative assessment of four or more residential units to ensure that high quality built environments are achieved as Nelson's neighbourhoods grow over time. The matters of discretion and assessment criteria complement rather thane duplicate the effects that the rules seek to manage. This rule applies where the site is to be subdivided at the same time.

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habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; and the development provides opportunities for sunlight access to adjoining sites through building placement or breaks in building form along side or rear boundaries.; and

d. parking, access and servicing:
   i. whether safe and direct pedestrian/ micromobility access that is easily identifiable is provided from the street to residential units on the site.; and
   ii. whether a good level of connectivity is provided within the site to the existing transport network and to local services and facilities.; and
   iii. whether vehicle access, cycle parking and carparking areas are designed as low speed environments that prioritise pedestrian movement.; and
   iv. whether storage areas for rubbish and recycling are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).; and
   v. whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice.; and
   vi. whether access for emergency service vehicles is appropriately designed so that staff can access the site safely and efficiently.; and
e. safe operation of the transport network:
   i. see Appendix 10 and Appendix 11.; and
f. whether a portion of the development can provide accessible residential units having regard to the topography of the site and the intended housing types. This includes consideration of the design of the unit, associated outdoor living courts, and the design of routes providing access to it.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17C Site coverage	REr.17C.1 Buildings are permitted where coverage of the net area of ~~any~~the development site does not exceed 40%. For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken. The following are not included in building coverage: a. pergolas and similar unroofed structures; or b. underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area; or c. that part for eaves or bay or box windows projecting 600mm or	REr.17C.2 not applicable	REr.17C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on neighbouring sites in relation to visual dominance and shading; and iv. effects on the quality of on-site living environments.

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	less horizontally from any exterior wall; or d. outdoor swimming pools, decks or terraces which are not roofed over; or e. fences, walls and retaining walls.		

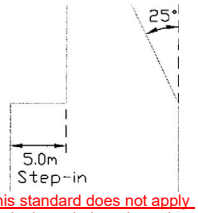
Assessment Criteria	**Explanation**
REr.17C.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the proposal would mitigate any adverse amenity effects on-site, to neighbouring sites and/or the street or public open space, through the use of building breaks, height variations, landscaping and architectural features.	REr.17C.5 The site coverage rule works in combination with the landscaped area rules to provide space around buildings on a site consistent with a residential built form. Infringements to the site coverage rule may be appropriate in some cases, particularly where the increased building bulk are generally imperceptible. Careful consideration will be given to the cumulative effects of multiple infringements, which together may indicate that the ability to achieve a high quality on-site living environments for people would be compromised.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17D **Front yards**	REr.17D.1 Buildings in a front yard are permitted if: a. buildings (~~Including~~excluding ~~building~~ eaves up 600mm in width and excluding accessory buildings, garages and carports) are set back at least 1.5m from the road boundary; and b. where the front yard adjoins a road, 50% of the front yard must have a permeable surface which may include lawn or landscape planting; and ~~c.~~ any garage, carport or accessory building wall must be set back at least 1m further from the road boundary than the front wall of the associated residential unit which is nearest to the same road boundary~~.~~ and d. ~~a 85 percentile design vehicle can be located in front of the vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on legal road. (This provision does not apply to land between the garage and the road where the~~	REr.17D.2 not applicable	REr.17D.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public notification.

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	~~gradient is greater than 1 in 3~~).		
Assessment Criteria		**Explanation**	
REr.17D.4 and 17E.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. in relation to front yards, whether the infringement would compromise the ability to achieve a high quality and attractive interface with the street and/or public open space. c. in relation to side and rear yards, whether architectural design measures such as setbacks, façade modulation or articulation, have been incorporated into the design of the building to mitigate visual dominance effects on neighbouring sites.		REr.17D.5 and 17E.5 The purpose of the front yard rule is to provide some visual separation between public and private space at the boundary with the street or public open space, and to incorporate landscaping as part of range of methods aimed at creating an attractive frontage. Side and rear boundaries provide for some separation between neighbouring sites, recognising that the rules do enable buildings to adjoin the boundary for part of the site.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17E Other yards	REr.17E.1 Buildings in a side or rear yard are permitted if: a. on any side or rear boundary, the total length of all buildings (~~including~~excluding eaves up to 600mm in width) within 1m of the boundary must not exceed 12m, and b. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram).  This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.	REr.17E.2 not applicable	REr.17E.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects of the planned built character of the zone; and ii. visual dominance, privacy and shading effects on neighbouring sites.
Assessment Criteria		**Explanation**	
REr.17E.4 Refer to REr.17D.4.		REr.17E.5 Refer to REr.17D.5.	

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17F Outdoor living court	REr.17F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. at least 20m^2 where provided at ground floor level; and b. includes an area with a minimum horizontal dimension of no less than 4m, and a gradient not exceeding 1:20 where provided at ground floor level; and c. is at least 8m^2 with a minimum dimension of 1.5m where provided above ground floor level; and d. is not located within 45° either side of due South; and e. is directly accessible from the principal living room; and f. outdoor living courts for different residential units may be grouped cumulatively by area in one communal accessible location.	REr.17F.2 not applicable	REr.17F.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public or limited notification.
Assessment Criteria		**Explanation**	
REr.17F.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the outdoor living space is conveniently located and is of a functional size, gradient and dimension for the intended number of residents. c. considering the context of the site, whether the outdoor living space is orientated to maximise views and outlook, in favour of sunlight access.		REr.17F.5 The purpose of the outdoor living court rule is to provide residents with functional and accessible private outdoor living space that has access to sunlight. Site conditions may mean that the rule may not be met in all instances, and in these cases, infringements may be appropriate where it can be demonstrated that a good standard of amenity can be achieved, having regarding to the context of the site and the specific proposal.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17G Corner sites	REr.17G.1 On corner sites, vegetation and structures greater than 0.9m in height must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended).	REr.17G.2 not applicable	REr.17G.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safe and efficient operation of the transport network. Resource consent applications for restricted discretionary activities will be considered without public notification.

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Assessment Criteria		Explanation	
REr.17G.4 See REr.29.4.		REr.17G.5 See REr.29.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17H Permeable landscaped area	REr.17H.1 Buildings are permitted where at least 2520% of the development site is maintained as permeable landscaped area. For the purpose of this rule, the development site is the site as it exists before any new buildings or development of the land is undertaken.	REr.17H.2 not applicable	REr.17H.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. effects on stormwater flows and flooding. Resource consent applications for restricted discretionary activities will be considered without notification or obtaining written approval of affected persons.

Assessment Criteria	Explanation
REr.17H.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site. and contribute to the overall quality of outlook space and allow for privacy between residential units. c. whether the effects of any increase in impermeable surface can be adequately managed on-site.	REr.17H.5 The purpose of the permeable landscaped area rule is two-fold. Firstly, it is intended to provide for green space around buildings as a means of contributing to high quality on-site living environments. Infringements may be appropriate where the landscaped area is well located and designed on-site to maximise amenity values. Secondly, the impermeable surface aspect of the rule is concerned with limiting the amount of stormwater runoff from the site to manage effects on the network at a neighbourhood scale.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17I Fences	REr.17I.1 A fence is a permitted activity provided that: a. it does not block access to any parking or manoeuvring space provided in accordance with Appendix 10 - Parking and loading or Appendix 11 - Access; and b. it complies with REr.17G - Corner sites; and c. where located in a front yard or on any boundary with a road, or within 1.5m of a boundary with a reserve, walkway or other publicly owned	REr.17I.2 not applicable	REr.17I.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the safety and attractiveness of the street; and ii. effects on the quality of on-site living environments; and iii. effects on the safe and efficient operation of the transport network.

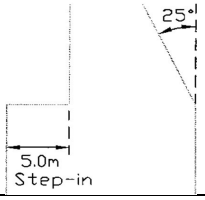
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	space: i. the maximum height does not exceed 1.2m; or ii. for any fence over 1.2m in height: a. the maximum height does not exceed 1.8m; and b. at least 50% across the entire boundary is visually permeable (as measured by the total length of the front or road boundary and the height of the fence); and d. on all other property boundaries the maximum height does not exceed 1.8m; and e. for all fences where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.		
Assessment Criteria		**Explanation**	
REr.17I.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the fence is designed to enable passive surveillance of the street or public open space at ground and first floor levels. c. whether clear and direct pedestrian access to buildings from the street is provided. d. sightlines for road, pedestrian and vehicle accesses.		REr.17I.5 The purpose of the fence rule is to ensure development contributes to safe and attractive streets and public open spaces. Low or visually permeable fences allow for views from residential units to the street, which promotes a sense of safety for pedestrians. Similarly, low or visually permeable fences, in combination with landscaping allow for views from the street to the residential unit, contributing to the visual quality of the street scene for pedestrians.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17J **Maximum Building Height**	REr.17J.1 The maximum permitted height for buildings is 8m.	REr.17J.2 not applicable	REr.17J.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects on the safety and attractiveness of the street; and

			iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the need to address other effects, including significant risks from natural hazards.
Assessment Criteria		**Explanation**	
REr.17J.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. This may include situations where: i. the site is of a sufficient size that infringing height elements can be placed centrally within a site away from neighbouring properties and/ or partially screened by other buildings proposed on-site. ii. the site is located to the south of neighbouring properties or there are topographical changes that reduce the potential for additional shading. iii. the site is located on the corner of public open spaces (including streets) providing an opportunity to position increased height towards these spaces and away from neighbouring properties. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance.		REr.17J.5 The purpose of the building height rule, in combination with the other rules, is to achieve the planned residential character of the zone. Within this context, infringements to building height will be considered in terms of the whether character is achieved as a whole, while also considering effects on neighbouring sites, on-site and to the street and public open spaces.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.17K **Daylight admission**	REr.17.K.1 Buildings are permitted if: a. they do not project beyond a 45° recession plane measured from a point 3m above ground level along side and rear boundaries; and b. where the boundary forms part of a legal right of way, entrance strip or pedestrian access way, REr.17K.1.a. applies to the farthest boundary of that legal right of way, entrance strip or pedestrian access way; and c. this standard does not apply to: i. a boundary with a road; and ii. aerials, except dish antennas greater than 1m in diameter; and	REr.17.K.2 not applicable	REr.17.K.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the need to address other effects, including significant risks from natural hazards.

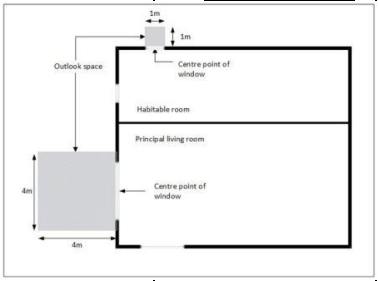
	iii. dormer windows and solar panels provided they are no more than 1.5m in height above the height permitted by the recession plane and make up no more than 25% of the length of the building or a maximum length of 2.5m, whichever is the lesser; and iv. gable and other roof ends, where the roof ridge is generally at right angles to the site boundary. The end of the ridge must be no greater than 1.5m above the recession plane and no greater than 2.5m in area, and 2.5m in width. Only one intrusion is permitted per boundary; and v. Pparty walls, and any new allotment boundary related to these. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram). 		

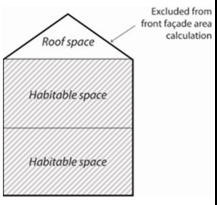
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Assessment Criteria	Explanation
REr.17K.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance.	REr.17K.5 The purpose of the daylight admission rule is to manage the scale and bulk of buildings to neighbouring sites, within the context of achieving the planned built residential character. Infringements to the rule may be appropriate where it can be demonstrated that effects on neighbouring sites can be effectively managed, responding to the specific context of the site, and the location of buildings and principal living rooms and outdoor living courts on adjoining sites.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17L **Outlook and privacy**	REr.17L.1 Residential units are permitted if: a. an outlook space is provided from the windows in accordance with the diagram and below; and b. where the room has two or more external walls with windows, the outlook space must be provided from the face with the largest area of glazing; and c. the minimum dimensions of the outlook space must be as follows: i. for a living area: 4m in depth x 4m in width; and ii. for all other habitable spaces 1m x 1m; and d. outlook spaces must: i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another residential unit; and iii. must not extend over a neighbouring site, except as allowed by REr.17LO.1.e below. e. The outlook space may be over driveways and footpaths within the site or over a public street or other public open space. f. Outlook spaces may overlap where they are	REr.17L.2 not applicable	REr.17L.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the quality of on-site living environments; and ii. privacy effects on neighbouring sites. Resource consent applications for restricted discretionary activities will be considered without public notification.

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	on the same plane in the case of a multi-storey building. g. Outlook spaces may be under or over a balcony. h. Outlook spaces required from different rooms within the same building may overlap.		
Assessment Criteria		**Explanation**	
REr.17L.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. the extent to which direct overlooking of another residential unit's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.		REr.17L.5 The purpose of the outlook and privacy rule is to ensure that residential units have a reasonable degree of privacy. This is achieved by requiring a minimum separation between principal living rooms and other buildings on the site. The rule also encourages residential units to be orientated towards the street or public open space.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17M Glazing to the street	REr.17M.1 Residential units are permitted if: a. Any residential unit facing the street has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors ~~.~~ and must contain window(s) to at least 1 habitable space ~~.~~ and b. Front doors may be solid. Garage doors do not contribute towards the 20% glazing ~~.~~ and c. For the purpose of this rule, any area of roof space that is fully enclosed by a gable shall not be included in the area of the front façade ~~.~~ and d. For the purpose of this rule, where a residential unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable). 	REr.17M.2 not applicable	REr.17M.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safety and attractiveness of the street. Resource consent applications for restricted discretionary activities will be considered without public notification.

Assessment Criteria	Explanation
REr.17M.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement, including (but not limited to) the orientation of the site and proposed buildings. b. whether there are opportunities for passive surveillance, through the use of windows to habitable rooms that directly overlook the street.	REr.17M.5 The purpose of the glazing rule is to provide a reasonable amount of window space overlooking the street. This works in combination with the fence rule to achieve an attractive and safe street environment. Exceptions to the glazing rule are provided for front doors, gable roof forms and garage doors, to avoid unintended consequences of glazed garage/front doors and/or flat roof forms; and because entranceways (including front doors regardless of material construction) are also an important design technique to add interest to a building façade and aid in wayfinding.

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17N Home occupations	REr.17N.1 Home occupations are permitted activities if: a. the principal use of the site is for residential activities.; and b. at least one person carrying out the home occupation lives on the site.; and c. not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity.; and d. no part of any home occupation activity(including storage or display of goods) is visible from any public place.; and e. clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted to between the hours of 8am and 8pm.; and f. there are no heavy vehicle movements to and from the site as part of the home occupation activity.; and g. any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties; and h. it does not involve any of the following activities: i. boarding of dogs, cats or other animals. ii. storage or sorting of any bottles, scrap or other waste materials. iii. fish, meat or animal by-product processing. iv. panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.	REr.17N.2 not applicable	REr.17N.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.17N.4 Refer to REr.21.4	REr.17N.5 Refer to REr.21.5

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.17O Non-residential activities (excluding home occupations)	REr.17O.1 Except as otherwise provided for in the rules, no activity is a permitted activity, except: a. residential activity~~;~~ or b. a home occupation.	REr.17O.2 not applicable	REr.17O.3 Any non-residential activity that is not otherwise provided for in the rules is discretionary.
Assessment Criteria		**Explanation**	
REr.17O.4 Refer to REr.20.4.		REr.17O.5 Refer to REr.20.5.	
Medium Density Residential Zone only			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18A Residential activity	REr.18A.1 A residential activity is a permitted activity provided that: a. habitable buildings used for the activity must be connected to a community water supply and the wastewater and stormwater network, with sufficient capacity to service the development; and b. stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.	REr.18A.2 not applicable	REr.18A.3 Activities that contravene REr.18A.1~~.a are non-complying~~ are restricted discretionary. REr.18A.4 ~~Activities that contravene REr.18A.1.b are discretionary.~~ Discretion is restricted to: i. the capacity and suitability of the existing reticulated network for the proposed development; and ii. the suitability of alterative utility networks or on-site facilities; and iii. maintenance and operational requirements; and iv. the likely service needs for the future development of adjacent or nearby land considering the planned built character of the zone; and v. the resilience of the services to the likely effects of climate change; and vi. the timing of works and projects facilitated through the long term plan (or equivalent plans prepared by the reticulated network owner).

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Assessment Criteria		Explanation	
REr.18A.5 Refer to REr.17A.5.		REr.18A.6 Refer to REr.17A.6.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18B Residential units	REr.18B.1 Development of up to three residential units on a site is a permitted activity ~~provided that the development complies with all the permitted conditions in this Rule Table~~.	REr.18B.2 not applicable	REr.18B.3 Development of four or more residential units on a site is a restricted discretionary activity ~~provided:~~ ~~a. for applications including 10 or more residential units, at least 10% of residential units on a site shall be designed to provide convenient wheelchair access including:~~ ~~i. access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transition from inside to outside; and~~ ~~ii. doorways that have at least 810mm clear width (when the door is open) to fit a wheelchair; and~~ ~~iii. at least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room.~~ ~~b. where the assessment of the number of accessible units results in a fractional number, any fraction under one half shall be disregarded and fractions of one-half or greater shall be considered as one residential unit.~~ Discretion is restricted to: i. effects of the building design and

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			development layout on: a. the safety and attractiveness of the street; and b. the quality of on- site living environments; and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and d. the effects on heritage values of any heritage precinct or heritage building where it shares a common legal boundary with the development site; and e. the ability to provide efficient parking, including accessible parking, access and servicing on the site that supports high quality living environments; and f. effects on the safe and efficient operation of the transport network; and g. the ability to provide functional accessible units within the development; and h. the ability to minimise reverse sensitivity effects on any

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			existing non-residential activities on neighbouring sites. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons. Activities that contravene a restricted discretionary standard are discretionary.

Assessment Criteria	Explanation
REr.18B.4 Regard is to be had to Appendix 14 Residential Subdivision Design and Information Requirements, and the following matters: a. safety and attractiveness of the street i. whether development provides a high quality and attractive frontage to the street or public open space. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking/garage doors.; and ii. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security.; and iii. whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.; and b. quality on-site living environments i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access.; and ii. the extent to which outdoor living spaces are directly accessible from the principal living room.; and iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow some privacy between residential units.; and iv. where communal open space is provided on-site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use.; and v. the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments; and vi. the methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on-site.; and	REr.18B.5 This rule allows for the qualitative assessment of four or more residential units to ensure that high quality built environments are achieved as Nelson's neighbourhoods grow over time. The matters of discretion and assessment criteria complement rather the duplicate the effects that the rules seek to manage. This rule applies where the site is to be subdivided at the same time. Where the development site shares a common legal boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18B.3 and REr.18B.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building.

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vii. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types.

c. neighbouring sites
   i. without limiting the ability to achieve the planned medium density built character for the zone, whether:
      a. the development is designed to be visually attractive when viewed from neighbouring sites and mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping~~.~~; and
      b. the development provides opportunities for sunlight access to adjoining sites through building placement or breaks in building form along side or rear boundaries.

d. parking, access and servicing
   i. whether safe and direct pedestrian/ micromobility access that is easily identifiable is provided from the street to residential units on the site~~.~~; and
   ii. whether a good level of connectivity is provided within the site to the existing transport network and to local services and facilities~~.~~; and
   iii. whether vehicle access, cycle parking and carparking areas are designed as low speed environments that prioritise pedestrian movement~~.~~; and
   iv. whether storage areas for rubbish and recycling are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed)~~.~~; and
   v. whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice~~.~~; and
   vi. whether access for emergency service vehicles is appropriately designed so that staff can access the site safely and efficiently.

e. safe operation of the transport network
   i. See Appendix 10 and Appendix 11.

f. whether a portion of the development can provide accessible residential units having regard to the topography of the site and the intended housing types. This includes consideration of the design of the unit, associated outdoor living courts, and the design of routes providing access to it.

g. the effects on heritage values where the development site shares a common legal boundary with a heritage precinct or heritage building. In particular:
   i. whether the proposed building is located and designed to have regard to the heritage values and the relationship between the built form of

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	the heritage precinct or heritage building that shares a common legal boundary with the development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the proposed building to ensure the design is sympathetic to visual qualities of the heritage precinct or heritage building; and ii. where the heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and iii. whether the building uses materials and/or design details that respect, rather than replicate, any features of the heritage precinct or building. New and contemporary interpretations in form and detail may be used.		
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18C Site coverage	REr.18C.1 Buildings are permitted where coverage of the net area of ~~any~~the development site does not exceed 50%. For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken. The following are not included in building coverage: a. pergolas and similar unroofed structures; or b. underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area; or c. that part of the eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall; or d. outdoor swimming pools, decks or terraces which are not roofed over; or e. fences, walls and retaining walls.	REr.18C.2 not applicable	REr.18C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned suburban built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on neighbouring sites in relation to visual dominance and shading; and iv. effects on the quality of on-site living environments.
Assessment Criteria		**Explanation**	
REr.18C.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the proposal would mitigate any adverse amenity effects on-site, to neighbouring sites and/or the street or public open space, through the use of building breaks, height variations, landscaping and architectural features.		REr.18C.5 The site coverage rule works in combination with the landscaped area rules to provide space around buildings on a site consistent with a residential built form. Infringements to the site coverage rule may be appropriate in some cases, particularly where the increased building bulk are generally imperceptible. Careful consideration will be given to the cumulative effects of multiple infringements, which together may indicate that the ability to achieve high quality on-site living environments for people would be compromised.	

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18D Front yards	REr.18D.1 Buildings in a front yard are permitted if: a. buildings (~~including~~excluding eaves up to 600mm in width and excluding accessory buildings, garages and carports) are set back at least 1.5m from the road boundary; and b. where the front yard adjoins a road, 50% of the front yard must have a permeable surface which may include lawn or landscape planting; and ~~c.~~ any garage, carport or accessory building wall must be set back at least 1m further from the road boundary than the front wall of the associated residential unit which is nearest to the same road boundary; ~~and~~ d. ~~an 85th percentile design vehicle can be located in front of a vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on the legal road. This does not apply to land between the garage and the road where the gradient is greater than 1 in 3.~~	REr.18D.2 not applicable	REr.18D.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public notification.

Assessment Criteria	Explanation
REr.18D.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. in relation to front yards, whether the infringement would compromise the ability to achieve a high quality and attractive interface with the street and/or public open space. c. in relation to side and rear yards, whether architectural design measures such as setbacks, façade modulation or articulation, have been incorporated into the design of the building to mitigate visual dominance effects on neighbouring sites. d. the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access.	REr.18D.5 The purpose of the front yard rule is to provide some visual separation between public and private space at the boundary with the street or public open space, and to incorporate landscaping as part of range of methods aimed at creating an attractive frontage. Side and rear boundaries provide for some separation between neighbouring sies, recognising that the rules do enable buildings to adjoin the boundary for part of the site.

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18E Other yards	REr.18E.1 Buildings are permitted if buildings (~~including~~excluding eaves up to 600mm in width) are not located within 1m of side and rear boundaries. This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.	REr.18E.2 not applicable	REr.18E.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects of the planned built character of the zone; and ii. visual dominance, privacy and shading effects on neighbouring sites.
Assessment Criteria		**Explanation**	
REr.18E.4 Refer to REr.18D.4.		REr.18E.5 Refer to REr.18D.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18F Outdoor living court	REr.18F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. at least 20m2 where provided at ground floor level; and b. includes an area with a minimum horizontal dimension of no less than 4m, and a gradient not exceeding 1:20 where provided at ground floor level; and c. is at least 8m2 with a minimum dimension of 1.5m where provided above ground floor level; and d. is not located within 45° either side of due South; and e. is directly accessible from a living room; and f. outdoor living courts for different residential units may be grouped cumulatively by area in one communal accessible location.	REr.18F.2 not applicable	REr.18F.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public or limited notification.
Assessment Criteria		**Explanation**	
REr.18F.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the outdoor living space is conveniently located and is of a functional size, gradient and dimension for the intended number of residents. c. considering the context of the site, whether the outdoor living space is orientated to maximise views		REr.18F.5 The purpose of the outdoor living court rule is to provide residents with functional and accessible private outdoor living space that has access to sunlight. Site conditions may mean that the rule may not be met in all instances, and in these cases, infringements may be appropriate where it can be demonstrated that a good standard of amenity can be achieved, having regarding to the context of the site and the specific proposal.	

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and outlook, in favour of sunlight access.			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18G Corner sites	REr.18G.1 On corner sites, vegetation and structures greater than 0.9m in height must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended).	REr.18G.2 not applicable	REr.18G.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safe and efficient operation of the transport network. Resource consent applications for restricted discretionary activities will be considered without public notification.
Assessment Criteria		**Explanation**	
REr.18G.4 Refer to REr.29.4.		REr.18G.5 Refer to REr.29.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18H Permeable landscaped area	REr.18H.1 Buildings are permitted where at least 20% of the development site is maintained as permeable landscaped area. For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.	REr.18H.2 not applicable	REr.18H.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned medium density built character; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. effects on stormwater flows and flooding. Resource consent applications for restricted discretionary activities will be considered without public notification.
Assessment Criteria		**Explanation**	
REr.18H.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow for privacy between residential units. c. whether the effects of any increase in impermeable surface can be adequately managed on-site.		REr.18H.5 The purpose of the permeable landscaped area rule is two-fold. Firstly, it is intended to provide for green space around buildings as a means of contributing to high quality on-site living environments. Infringements may be appropriate where the landscaped area is well located and designed on-site to maxmise amenity values. Secondly, the impermeable surface aspect of the rule is concerned with limiting the amount of stormwater runoff from the site to manage effects on the network at a neighbourhood scale.	

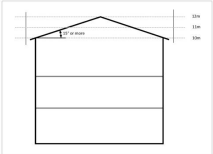
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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18l Fences	REr.18l.1 A fence is a permitted activity provided that: a. It does not block access to any parking or manoeuvring space provided in accordance with Appendix 10 - Parking and loading or Appendix 11 - Access; and b. it complies with REr.17G - Corner sites; and c. where located in a front yard or on any boundary with a road, or within 1.5m of a boundary with a reserve, walkway or other publicly owned space: i. the maximum height does not exceed 1.2m; or ii. for any fence over 1.2m in height: a. the maximum height does not exceed 1.8m; and b. at least 50% across the entire boundary is visually permeable (as measured by the total length of the front or road boundary and the height of the fence); and d. on all other property boundaries the maximum height does not exceed 1.8m; and e. for all fences where board or paling fences are usesd, structural railings do not face a road, walkway, reserve or other publicly-owned space.	REr.18l.2 not applicable	REr.18l.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the safety and attractiveness of the street; and ii. effects on the quality of on-site living environments.

Assessment Criteria	Explanation
REr.18l.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the fence is designed to enable passive surveillance of the street or public open space at ground and first floor levels. c. whether clear and direct pedestrian access to buildings from the street is provided. d. sightlines for road, pedestrian and vehicle accesses.	REr.18l.5 The purpose of the fence rule is to ensure development contributes to safe and attractive streets and public open spaces. Low or visually permeable fences allow for views from residential units to the street, which promotes a sense of safety for pedestrians. Similarly, low or permeable fences, in combination with landscaping allow for views from the street to the residential unit, contributing to the visual quality of the street scene for pedestrians.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18J Maximum Building Height	REr.18J.1 The maximum permitted height for buildings is 11m except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in the following diagram: 	REr.18J.2 not applicable	REr.18J.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned suburban built character of the zone; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the effects on heritage values of any heritage precinct or heritage building where it shares a common legal boundary with the development site; and vi. the need to address other effects, including significant risks from natural hazards.

Assessment Criteria	Explanation
REr.18J.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. This may include situations where: i. the site is of a sufficient size that infringing height elements can be placed centrally within a site away from neighbouring properties and/ or partially screened by other buildings proposed on-site. ii. the site is located to the south of neighbouring properties or there are topographical changes that reduce the potential for additional shading. iii. the site is located on the corner of public open spaces (including streets) providing an opportunity to position increased height towards these spaces and away from neighbouring properties. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance. d. whether the scale and context of the proposed building respects the historic heritage defining elements of the heritage precinct or heritage building.	REr.18J.5 The purpose of the building height rule, in combination with the other rules, is to achieve the planned built character of the zone. Within this context, infringements to building height will be considered in terms of the whether character is achieved as a whole, while also considering effects on neighbouring sites, on-site and to the street and public open spaces. Where the development site shares a common legal boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18J.3 and REr.18J.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building.

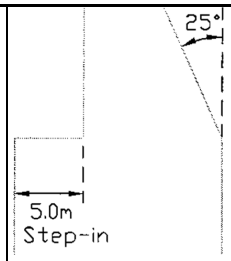
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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18K Daylight admission	REr.18K.1 Buildings are permitted if: a. they do not project beyond a 60 degree recession plane measured from a point 4m above ground level along side boundaries and a 35 degree recession plane measured from a point 4m above ground level along rear boundaries; and b. where the boundary forms part of a legal right of way, entrance strip or pedestrian access way, REr.18K.1.a. applies to the farthest boundary of that legal right of way, entrance strip or pedestrian access way; and c. this standard does not apply to: i. a boundary with a road; and ii. aerials, except dish antennas greater than 1m in diameter; and iii. dormer windows and solar panels provided they are no more than 1.5m in height above the height permitted by the recession plane and make up no more than 25% of the length of the building or a maximum length of 2.5m, whichever is the lesser; and iv. gable and other roof ends, where the roof ridge is generally at right angles to the site boundary. The end of the ridge must be no greater than 1.5m above the recession plane and no greater than 2.5m in area, and 2.5m in width. Only one intrusion is permitted per boundary, and v. Party walls, and any new allotment boundary related to these. d. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram).	REr.18K.2 not applicable	REr.18K.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned medium density built character of the zone; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the effects on heritage values of any heritage precinct or heritage building where it shares a common legal boundary with the development site; and vi. the need to address other effects, including significant risks from natural hazards.

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Assessment Criteria	**Explanation**
REr.18K.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the scale and context of the infringement effects the heritage values of any heritage precinct or heritage building the development site shares a common legal boundary with. d. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance.	REr.18K.5 The purpose of the daylight admission rule is to manage the scale and bulk of buildings to neighbouring sites, within the context of achieving a medium density residential character. Infringements to the rule may be appropriate where it can be demonstrated that effects on neighbouring sites can be effectively managed, responding to the specific context of the site, and the location of buildings and principal living rooms and outdoor living courts on adjoining sites. Where the development site shares a common legal boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18K.3 and REr.18K.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building in relation to the heritage precinct or heritage building.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18L **Outlook and privacy**	REr.18L.1 Residential units are permitted if: a. an outlook space is provided from the windows in accordance with the diagram and below; and b. where the room has two or more external walls with windows, the outlook space must be provided from the face with the largest area of glazing; and c. the minimum dimensions of the outlook space must be as follows: i. for a living area; 4m in depth x 4m in width; and ii. for all other habitable spaces 1m x 1m; and d. outlook spaces must: i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another	REr.18L.2 not applicable	REr.18L.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the quality of on-site living environments; and ii. privacy effects on neighbouring sites. Resource consent applications for restricted discretionary activities will be considered without public notification.

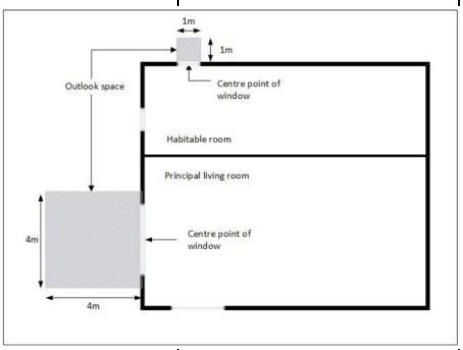
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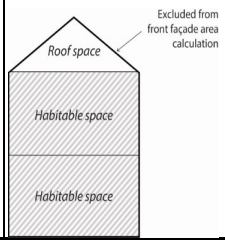
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	residential unit; and iii. must not extend over a neighbouring site, except as allowed by REr.18L.1.e below. e. The outlook space may be over driveways and footpaths within the site or over a public street or other public open space. f. Outlook spaces may overlap where they are on the same plane in the case of a multi-storey building. g. Outlook spaces may be under or over a balcony. h. Outlook spaces required from different rooms within the same building may overlap.  		

Assessment Criteria	Explanation
REr.18L.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. the extent to which direct overlooking of another residential unit's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.	REr.18L.5 The purpose of the outlook and privacy rule is to ensure that residential units have a reasonable degree of privacy. This is achieved by requiring a minimum separation between principal living rooms and other habitable room windows with other buildings on the site. The rule also encourages residential units to be orientated towards the street or public open space.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18M Glazing to the street	REr.18M.1 Residential units are permitted if: a. Any residential unit facing the street has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors and must contain window(s) to at least 1 habitable space. b. Front doors may be solid. Garage doors do not contribute towards the 20% glazing. For the purpose of this rule, any area of roof space that is fully enclosed by a gable shall not be included in the area of the front façade. c. For the purpose of this rule, where a residential unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable). 	REr.18M.2 not applicable	REr.18M.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safety and attractiveness of the street. Resource consent applications for restricted discretionary activities will be considered without public notification.

Assessment Criteria	Explanation
REr.18M.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement, including (but not limited to) the orientation of the site and proposed buildings. b. whether there are opportunities for passive surveillance, through the use of windows to habitable rooms that directly overlook the street.	REr.18M.5 The purpose of the glazing rule is to provide a reasonable amount of window space overlooking the street. This works in combination with the fence rule to achieve an attractive and safe street environment. Exceptions to the glazing rule are provided for front doors, gable roof forms and garage doors, to avoid unintended consequences of glazed garage/front doors and/or flat roof forms; and because entranceways (including front doors regardless of material construction) are also an important design technique to add interest to a building façade and aid in wayfinding.

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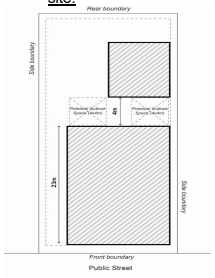
Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18N **Home occupations**	REr.18N.1 Home occupations are permitted activities if: a. the principal use of the site is for residential activities; and b. at least one person carrying out the home occupation lives on the site; and c. not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity; and d. no part of any home occupation activity (including storage or display of goods) is visible from any public place; and e. clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted to between the hours of 8am and 8pm; and f. there are no heavy vehicle movements to and from the site as part of the home occupation activity; and g. any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties; and h. it does not involve any of the following activities: i. boarding of dogs, cats or other animals. ii. storage or sorting of any bottles, scrap or other waste materials. iii. fish, meat or animal by-product processing. i. panel beating, vehicle wrecking, sheet metal work, automotive engineering such as	REr.18N.2 not applicable	REr.18N.3 Activities that contravene a permitted condition are discretionary.

	engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.		
Assessment Criteria		**Explanation**	
REr.18N.4 Refer to REr.21.4.		REr.18N.5 Refer to REr.21.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18O Non-residential activities (excluding home occupations	REr.18O.1 Except as otherwise provided for in the rules, no activity is a permitted activity, except: a. residential activity, or b. a home occupation.	REr.18O.2 not applicable	REr.18O.3 Any non residential activity that is not otherwise provided for in the rules is discretionary.
Assessment Criteria		**Explanation**	
REr.18O.4 Refer to REr.20.4.		REr.18O.5 Refer to REr.20.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18P Restaurants	REr.18P.2 not applicable	REr.18P.2 not applicable	REr.18P.3 Restaurants are a restricted discretionary activity provided that the net floor area of the restaurant does not exceed 100m2. Discretion is restricted to: i. effects on residential amenity, including hours of operation, visual and acoustic privacy; and ii. effects of any associated buildings on the planned built character of the zone and the safety and attractiveness of the street; and iii. effects on the safe and efficient operation of the transport network; and iv. cumulative effects. Activities that contravene a restricted discretionary condition are discretionary.

Assessment Criteria	Explanation
REr.18P.4 a. whether the activity is located and designed to minimise adverse effects on residential amenity values, including noise and lighting. Methods to achieve this include: i. locating pedestrian and vehicle entrances and other noisy activities away from bedrooms and other noise sensitive spaces; and ii. limiting the hours of operation; and iii. using design techniques like acoustic screening where appropriate. b. whether the associated buildings are designed in an integrated way, and are consistent with the high density urban built character of the size. c. whether the associated buildings are designed to contribute to the safety and attractiveness of the street, including by orientating buildings to front the street, with clearly defined pedestrian access and glazing and pedestrian shelter over entrances where appropriate.	REr.18P.5 The Medium Density Residential Zone is expected to accommodate a significant number of residents in the future at increasing densities. Ensuring that people have convenient access to commercial activities and community services to meet their day-to-day-day needs in walking distance, is an important part of achieving well-functioning urban environment in Nelson. These needs will mostly be met within nearby centres, however, the Medium Density Residential Zone can play a supporting role, by providing for small-scale commercial activities that would not adversely affect the vitality and amenity of centres. Resource consent is required, to ensure that effects on residential amenity, the planned character of the zone, and the safety and attractiveness of the street can be considered.

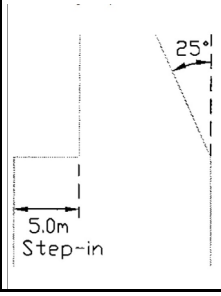
Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18Q Dairies	REr.18Q.1 not applicable	REr.18Q.2 not applicable	REr.18Q.3 Dairies are a restricted discretionary activity provided that the net floor area of the dairy does not exceed 100m2. Discretion is restricted to: i. effects on residential amenity, including hours of operation visual and acoustic privacy.; and ii. effects of any associated buildings on the planned built character of the zone and the safety and attractiveness of the street.; and iii. effects on the safe and efficient operation of the transport network. iv. Cumulative effects. Activities that contravene a restricted discretionary condition are discretionary.

Assessment Criteria	Explanation
REr.18Q.4 Refer to REr.18P.4.	REr.18Q.5 Refer to REr.18P.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18R Educational facilityies	REr.18R.1 not applicable	REr.18R.2 not applicable	REr.18R.3 Educational facilities are a restricted discretionary activity provided that the net floor area of the educational facility does not exceed 200m2. Discretion is restricted to: i. effects on residential amenity, including visual amenity, noise and privacy; and ii. effects of any associated buildings on the planned built character of the zone and the safety and attractiveness of the street; and iii. effects on the safe and efficient operation of the transport network; and iv. cumulative effects. Activities that contravene a **restricted discretionary** condition are discretionary.
Assessment Criteria		**Explanation**	
REr.18R.4 Refer to REr.18P.4.		REr.18R.5 Refer to REr.18P.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.18S Maximum building length	REr.18S.1 Buildings are permitted if: a. The maximum length of a building above ground floor level shall be 22m, measured parallel to side and rear boundaries, after which there shall be a minimum separation of 4m between any other building on the same site.  	REr.18S.2 not applicable	REr.18S.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to visual dominance, privacy and shading effects on neighbouring sites. Resource consent applications for restricted discretionary activities will be considered without public notification.

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	b. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25º from straight, is considered a single boundary (see diagram).  		
Assessment Criteria		**Explanation**	
REr.18S.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether architectural design measures such as setbacks, modulation, or articulation have been incorporated into the design of the building to mitigate visual dominance effects on neighbouring sites. c. the extent to which the total number of residential units which directly overlook a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.		REr.18S.5 The purpose of the building length rule is to provide opportunities for sunlight and daylight access to neighbouring sites and manage visual dominance effects. The rule seeks to avoid a situation where long unrelieved building facades run the length of side boundaries. Infringements to the rule may be appropriate where it can be demonstrated that these effects can be managed through building design and placement as well as landscaping.	
Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18T **Buildings** on adjoining a sites in a which share a common legal boundary with a **heritage precinct**, item or place or containing a heritage building or object	REr.18T.1 Buildings on sites which share a common legal boundary with a adjoining a site in a heritage precinct, item or placeor containing a heritage building or object are permitted if the building height does not exceed 8m.	REr.18T.2 not applicable	REr.18T.3 Buildings on sites which share a common legal boundary withadjoining a site in a heritage precinct, item or placeor containing a heritage building are a restricted discretionary activity where the building is greater than 8m in height. Discretion is restricted to effects on the historic heritage values of the adjoining historic heritage precinct or scheduled building. Resource consent applications for restricted discretionary activities will be considered without public notification.

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Assessment Criteria	Explanation
REr.18T.4 a. compatibility with the form, scale, and proportions of the adjoining heritage building or precinct. This does not mean rigid adherence to the height of the heritage building or precinct, but it does require careful consideration to ensure the design is sympathetic and visually integrated; b. whether the building uses materials and/or design details that respect rather than replicate any patterns or elements of adjoining heritage buildings or precincts; c. the heritage building or precinct's sensitivity to change or capacity to accommodate change without compromising its historic heritage values and setting; d. whether there is potential for a reduction or loss of heritage values, including the ability to interpret the heritage building or precinct, and its relationship with other heritage items; e. existing views of the scheduled heritage building or precinct from adjoining public places and publicly accessible areas are maintained as far as is practicable.	REr.18T.5 The purpose of this rule is to manage development on sites adjoiningwhich share a common legal boundary with a historic heritage precincts and/or scheduledheritage buildingsitem or place to ensure that their historic heritage values are protected. This will requires consideration of the context of the site, its location and physical relationship with the heritage precinct and/or heritage items or place and their setting.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18UT Residential unit Minimum size	REr.18UT.1 Residential units are permitted if: A minimum net internal floor area is provided as follows: a. studio unit – 35m2. b. 1 bedroom unit – 45m2.	REr.18UT.2 not applicable	REr.18UT.3 Activities that contravene a restricted discretionary a permitted condition are a restricted discretionary activity. Discretion is restricted to effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public notification.

Assessment Criteria	Explanation
REr.18UT.4 a. whether the layout of residential units provides sufficient room for the day to day needs of residents, including space for both furniture and internal circulation. b. whether each unit has access to communal facilities (e.g. shared laundry) and/or storage facilities within the building. c. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site.	REr.18UT.5 The rule is intended to set the minimum size requirement for residential units and is based on a typical understanding of the internal floor space needed for people to meet their day-to-day needs. Infringements to the rule may be considered where it can be demonstrated that this can be achieved with an alternative layout within a smaller footprint.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.18VU High Accessibility Overlay	REr.18VU.1 not applicable	REr.18VU.2 not applicable	REr.18VU.3 Four or more residential units is a restricted discretionary activity provided that: a. The development site is in the High

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			Accessibility Overlay; and b. the development site is a minimum of 1,000m² in net site area; and c. the development site has a minimum road boundary width of 24m; and d. all buildings are no more than 19.5m in height; and e. building coverage of the net area of the development site does not exceed 60%; and f. no buildings project beyond a 60° recession plane measured from a point 8m above ground level along all side and rear boundaries; and g. buildings (excluding eaves up to 600mm in width) are not located within 3m of the side and rear boundaries of the development site. Discretion is restricted to: i. effects of the building design and development layout on: a. the safety and attractiveness of the street; and b. the quality of on- site living environments; and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone or overlay; and d. the ability to provide efficient parking, access and servicing on the development site that supports high quality living environments;

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			and e. effects on the safe and efficient operation of the transport network. f. the ability to provide functional accessible units within the development. g. the ability to minimise reverse sensitivity effects on any existing non-residential activities on neighbouring sites. h. the effects on the heritage values of any heritage precinct or heritage building where it shares a common legal boundary with the development site. Resource consent applications for restricted discretionary activities that comply with standards a to g h will be considered without notification or obtaining written approval of affected persons. Activities that contravene a restricted discretionary standard are restricted discretionary and subject to the normal tests for notification. For the purpose of this rule the development site is the site as it exists before any new buildings or development of the land is undertaken.

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Assessment Criteria	Explanation
REr.18.VU.4 Regard is to be had to Appendix 14 Residential Subdivision Design and Information Requirements, and the following matters: a. safety and attractiveness of the street i. whether development provides a high quality and attractive frontage to the street or public open space. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking/garage doors. ii. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security. iii. whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street. b. quality on-site living environments i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access. ii. the extent to which outdoor living spaces are directly accessible from the principal living room. iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow some privacy between residential units. iv. where communal open space is provided on-site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use. v. the extent to which the development will enable as many people as possible to independently use and interact with the on-site living environments. vi. The methods by which the development will ensure the on-going management and maintenance of privately owned shared/communal facilities on-site. vii. for accommodation where residents are subject to care, whether design flexibility is necessary and appropriate to respond to the functional requirements of the activity and the context of the site. This may include design flexibility for the provision open space within the development and for the layout and outlook of smaller room types. c. neighbouring sites i. without limiting the ability to achieve the planned medium density built character for the zone, whether: a. the development is designed to be visually attractive when viewed from neighbouring sites; and b. privacy effects on adjoining sites are mitigated, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; and	REr.18.VU.5 This rule allows for the qualitative assessment of high density developments to ensure that high quality built environments are achieved as Nelson's neighbourhoods grow over time. The matters of discretion and assessment criteria complement rath Where the development site shares a common legal boundary with a heritage precinct or heritage building, the matters of discretion and assessment criteria in REr.18V.3 and REr.18V.4 are focused on managing the design related effects of development and address matters of building scale and context in relation to the heritage precinct or heritage building. This rule applies where the site is to be subdivided at the same time

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c. the development provides opportunities for sunlight access to adjoining sites through building placement or breaks in building form along side or rear boundaries.

d. parking, access and servicing
   i. whether safe and direct pedestrian/ micromobility access that is easily identifiable is provided from the street to residential units on the site.
   ii. whether a good level of connectivity is provided within the site to the existing transport network and to local services and facilities.
   iii. whether vehicle access, cycle parking and carparking areas are designed as low speed environments that prioritise pedestrian movement.
   iv. whether storage areas for rubbish and recycling are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed).
   v. whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice.
   vi. whether access for emergency service vehicles is appropriately designed so that staff can access the site safely and efficiently.

e. the effects on the heritage values of adjacent historic heritage buildings that share a common legal boundary with the development site, in particular:
   i. whether the proposed building is located and designed to have regard to the significant historic heritage elements and the built form of the adjacent heritage building. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the building to ensure the design is sympathetic and visually integrated; and
   ii. where the adjoining heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and
   iii. whether the building uses materials and/or design details that respect rather than replicate any patterns or elements of the heritage new building, however new and contemporary interpretations in form and detail may be used.
   iv. signed so that staff can access the site safely and efficiently.

f. safe operation of the transport network
   i. see Appendix 10 and Appendix 11.

g. accessible units
   i. whether a portion of the development can provide accessible residential units having regard to the topography of the site and the intended housing types. This includes consideration of the design of the unit, associated outdoor living courts, and the design of routes providing access to it access that is easily identifiable is provided from the street to residential units on the site.

h. The effects on heritage values where the development site shares a common legal boundary with a heritage precinct or heritage building, in particular:
   i. whether the proposed building is located and

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designed to have regard to the heritage values and the relationship between the built form of the heritage precinct or heritage building that shares a common legal boundary with the development site. This does not mean rigid adherence to the height of the heritage building, but it does require careful consideration in terms of the form and design of the proposed building to ensure the design is sympathetic to visual qualities of the heritage precinct or heritage building; and i. where the heritage building is set back from the street frontage, whether aligning the setback of the new building would achieve a better design outcome; and ii. whether the building uses materials and/or design details that respect, rather than replicate, any features of the heritage precinct or building. New and contemporary interpretations in form and detail may be used.			
~~High Density Residential Zone~~			
~~Item~~	**~~Permitted~~**	**~~Controlled~~**	**~~Discretionary/Non-complying/Prohibited~~**
~~REr.19A Residential activity~~	~~REr.19A.1 A residential activity is a permitted activity provided that: a. habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and b. stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.~~	~~REr.19A.2 not applicable~~	~~REr.19A.3 Activities that contravene REr.19A.1.a are non-complying. REr.19A.4 Activities that contravene REr.19A.1.b are discretionary.~~
~~Assessment Criteria~~		**~~Explanation~~**	
~~REr.19A.5 Refer to REr.17A.5.~~		~~REr.19A.6 Refer to REr.17A.6.~~	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19B Residential units	REr.19B.1 Development of up to three residential units on a site is a permitted activity, provided that the development complies with all the permitted conditions in this Rule Table.	REr.19B.2 not applicable	REr.19B.3 Development of four or more residential units on a site is a restricted discretionary activity provided: a. for applications including 10 or more residential units, at least 10% of residential units on a site shall be designed to provide convenient wheelchair access including: i. access from a street to an entry door (which may be a front, back or side door) using gradients no greater than 1:20 and has a level (stepless) transition from inside to outside; and ii. doorways that have at least 810mm clear width (when the door is open) to fit a wheelchair; and iii. at least one bedroom and accessible bathroom be located at ground level and on the same level as the kitchen and living room. b. where the assessment of the number of accessible units results in a fractional number, any fraction under one-half shall be disregarded and fractions of one-half or greater shall be considered as one residential unit. Discretion is restricted to: i. effects of the building design and development layout on: a. the safety and attractiveness of the street; and b. the quality of on-site living environments;

			and c. adjoining sites, with respect to visual dominance, daylight and sunlight, while not limiting the ability to achieve the planned built character of the zone; and d. the ability to provide efficient parking, access and servicing on the site that supports high quality living environments; and e. effects on the safe and efficient operation of the transport network. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons Activities that contravene a restricted discretionary standard are discretionary.
Assessment Criteria		**Explanation**	
REr.19B.4 Regard is to be had to Appendix 14 Residential Subdivision Design and Information Requirements, and the following matters: a. safety and attractiveness of the street i. whether development provides a high quality and attractive frontage to the street or public open space. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking/garage doors. ii. whether the orientation of development and the placement of doors, windows, balconies and habitable rooms maximises visibility over the street and public open space to enhance safety and security. iii. whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street. b. quality on-site living environments i. whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access. ii. the extent to which outdoor living spaces are directly accessible from the principal living		REr.19B.5 This rule allows for the qualitative assessment of four or more residential units to ensure that high quality built environments are achieved as Nelson's neighbourhoods grow over time. The matters of discretion and assessment criteria complement rather the duplicate the effects that the rules seek to manage. This rule applies where the site is to be subdivided at the same time.	

room. iii. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and privacy between residential units. iv. where communal open space is provided on-site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use. c. neighbouring sites i. without limiting the ability to achieve the planned high density built character for the zone, whether: a. the development is designed to be visually attractive when viewed from neighbouring sites and mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; b. the development provides opportunities for sunlight access to adjoining sites through building placement or breaks in building form along side or rear boundaries. d. parking, access and servicing i. whether safe and direct pedestrian/micromobility access that is easily identifiable is provided from the street to residential units on the site. ii. whether a good level of connectivity is provided within the site to the existing transport network and to local services and facilities. iii. whether vehicle access, cycle parking and carparking areas are designed as low speed environments that prioritise pedestrian movement. iv. whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened and can be safely serviced by appropriate collection vehicles (if on-site collection is proposed). v. whether the development can be adequately serviced for firefighting water supply in accordance with the New Zealand Fire Service Water Supplies Code of Practice. vi. whether access for emergency service vehicles is appropriately designed so that staff can access the site safely and efficiently. e. safe operation of the transport network i. See Appendix 10 and Appendix 11.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19C Site coverage	REr.19C.1 Buildings are permitted where coverage of the net area of any site does not exceed 50%.	REr.19C.2 not applicable	REr.19C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned high density built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on neighbouring sites in relation to visual dominance and shading; and iv. effects on the quality of on-site living environments.
Assessment Criteria		**Explanation**	
REr.19C.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the proposal would mitigate any adverse amenity effects on-site, to neighbouring sites and/or the street or public open space, through the use of building breaks, height variations, landscaping and architectural features.		REr.19C.5 The site coverage rule works in combination with the landscaped area rules to provide space around buildings on a site consistent with a residential built form. Infringements to the site coverage rule may be appropriate in some cases, particularly where the increased building bulk are generally imperceptible. Careful consideration will be given to the cumulative effects of multiple infringements, which together may indicate that the ability to achieve high quality on-site living environments for people would be compromised.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19D Front yards	REr.19D.1 Buildings in a front yard are permitted if: a. buildings (including eaves and excluding accessory buildings, garages and carports) are set back at least 1.5m from the road boundary; and where the front yard adjoins a road, 50% of the front yard must have a permeable surface which may include lawn or landscape planting; and b. Any garage, carport or accessory building wall must be set back at least 1m further from the road boundary than the front wall of the associated residential unit which is nearest to the same road boundary; and	REr.19D.2 not applicable	REr.19D.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned built character of the zone; and ii. effects of the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments.

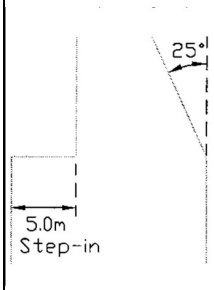
	c. an 85th percentile design vehicle can be located in front of a vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on the legal road. This does not apply to land between the garage and the road where the gradient is greater than 1 in 3.		
Assessment Criteria		**Explanation**	
REr.19D.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. in relation to front yards, whether the infringement would compromise the ability to achieve a high quality and attractive interface with the street and/or public open space. c. in relation to side and rear yards, whether architectural design measures such as setbacks, façade modulation or articulation, have been incorporated into the design of the building to mitigate visual dominance effects on neighbouring sites. d. the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access.		REr.19D.5 The purpose of the front yard rule is to provide some visual separation between public and private space at the boundary with the street or public open space, and to incorporate landscaping as part of range of methods aimed at creating an attractive frontage. Side and rear boundaries provide for some separation between neighbouring sies, recognising that the rules do enable buildings to adjoin the boundary for part of the site.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19E **Other yards**	REr.19E.1 Buildings are permitted if buildings (including eaves) are located at least 1m from side and rear boundaries.	REr.19E.2 not applicable	REr.19E.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects of the planned built character of the zone; and ii. visual dominance, privacy and shading effects on neighbouring sites.
Assessment Criteria		**Explanation**	
REr.19E.4 Refer to REr.19D.4.		REr.19E.5 Refer to REr.19D.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19F Outdoor living court	REr.19F.1 Any residential unit must be provided with an outdoor living court having at least the following area and dimensions per residential unit: a. at least 20m2 where provided at ground floor level; and b. includes an area with a minimum horizontal dimension of no less than 4m, and a gradient not exceeding 1:20 where provided at ground floor level; and c. is at least 6m2 with a minimum dimension of 1.5m where provided above ground floor level; and d. is not located within 45° either side of due South; and e. is directly accessible from a living room; and f. outdoor living courts for different residential units may be grouped cumulatively by area in one communal accessible location.	REr.19F.2 not applicable	REr.19F.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the quality of on-site living environments. Resource consent applications for restricted discretionary activities will be considered without public or limited notification.
Assessment Criteria		**Explanation**	
REr.19F.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the outdoor living space is conveniently located and is of a functional size, gradient and dimension for the intended number of residents. c. considering the context of the site, whether the outdoor living space is orientated to maximise views and outlook, in favour of sunlight access.		REr.19F.5 The purpose of the outdoor living court rule is to provide residents with functional and accessible private outdoor living space that has access to sunlight. Site conditions may mean that the rule may not be met in all instances, and in these cases, infringements may be appropriate where it can be demonstrated that a good standard of amenity can be achieved, having regarding to the context of the site and the specific proposal.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19G Corner sites	REr.19G.1 On corner sites, vegetation and structures greater than 0.9m in height must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended).	REr.19G.2 not applicable	REr.19G.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safe and efficient operation of the transport network.
Assessment Criteria		**Explanation**	
REr.19G.4 Refer to REr.29.4.		REr.19G.5 Refer REr.29.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19H Permeable landscaped area	REr.19H.1 Buildings are permitted where at least 20% of the site is maintained as permeable landscaped area.	REr.19H.2 not applicable	REr.19H.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned high density built character; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. effects on stormwater flows and flooding.
Assessment Criteria		**Explanation**	
REr.19H.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether landscaped areas can be consolidated to allow opportunities for large scale trees on-site, and contribute to the overall quality of outlook space and allow for privacy between residential units. c. whether the effects of any increase in impermeable surface can be adequately managed on-site.		REr.19H.5 The purpose of the permeable landscaped area rule is two-fold. Firstly, it is intended to provide for green space around buildings as a means of contributing to high quality on-site living environments. Infringements may be appropriate where the landscaped area is well located and designed on-site to maximise amenity values. Secondly, the impermeable surface aspect of the rule is concerned with limiting the amount of stormwater runoff from the site to manage effects on the network at a neighbourhood scale.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19I Fences	REr.19I.1 A fence is a permitted activity provided that: a. It does not block access to any parking or manoeuvring space provided in accordance with Appendix 10 - Parking and loading or Appendix 11 - Access; and b. it complies with REr.19G - Corner sites; and c. where located in a front yard or on any boundary with a road, or within 1.5m of a boundary with a reserve, walkway or other publicly owned space: i. the maximum height does not exceed 1.2m; or ii. for any fence over 1.2m in height: a. the maximum height does not	REr.19I.2 not applicable	REr.19I.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the safety and attractiveness of the street; and ii. effects on the quality of on-site living environments.

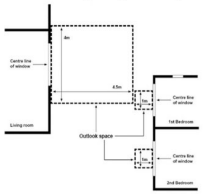
	exceed 1.8m; and b. at least 50% across the entire boundary is visually permeable (as measured by the total length of the front or road boundary and the height of the fence); and d. on all other property boundaries the maximum height does not exceed 1.8m; and e. for all fences where board or paling fences are uses, structural railings do not face a road, walkway, reserve or other publicly-owned space.		
Assessment Criteria		**Explanation**	
REr.19I.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether the fence is designed to enable passive surveillance of the street or public open space at ground and first floor levels. c. whether clear and direct pedestrian access to buildings from the street is provided. d. Sightlines for road, pedestrian and vehicle accesses.		REr.19I.5 The purpose of the fence rule is to ensure development contributes to safe and attractive streets and public open spaces. Low or visually permeable fences allow for views from residential units to the street, which promotes a sense of safety for pedestrians. Similarly, low or permeable fences, in combination with landscaping allow for views from the street to the residential unit, contributing to the visual quality of the street scene for pedestrians.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19J Maximum Building Height	REr.19J.1 The maximum permitted height for buildings is 19.5m.	REr.19J.2 not applicable	REr.19J.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned high-density built character of the zone; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the need to address other effects, including

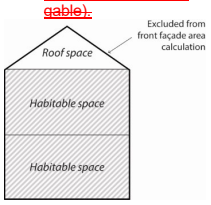
			significant risks from natural hazards.
Assessment Criteria		**Explanation**	
REr.19J.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. This may include situations where: i. the site is of a sufficient size that infringing height elements can be placed centrally within a site away from neighbouring properties and/ or partially screened by other buildings proposed on-site. ii. the site is located to the south of neighbouring properties or there are topographical changes that reduce the potential for additional shading. iii. the site is located on the corner of public open spaces (including streets) providing an opportunity to position increased height towards these spaces and away from neighbouring properties. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance.		REr.19J.5 The purpose of the building height rule, in combination with the other rules, is to achieve the planned high density residential character of the zone. Within this context, infringements to building height will be considered in terms of the whether this character is achieved as a whole, while also considering effects on neighbouring sites, on-site and to the street and public open spaces.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19K Daylight admission	REr.19K.1 Buildings are permitted if: a. they do not project beyond a 60° recession plane measured from a point: i. 12m above ground level along all side and rear boundaries within 23.5m from the road frontage; and ii. 4m above ground level along all other side and rear boundaries; and b. where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, REr.19K.1.a applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way; and c. this standard does not apply to: i. a boundary with a road; and ii. aerials, except	REr.19K.2 not applicable	REr.19K.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the planned high density built character of the zone; and ii. effects on the safety and attractiveness of the street; and iii. effects on the quality of on-site living environments; and iv. visual dominance, privacy and shading effects on neighbouring sites; and v. the need to address other effects, including significant risks from natural hazards.

	dish antennas greater than 1m in diameter; and iii. party walls, and any new allotment boundary related to these. iv. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram).  		

Assessment Criteria	Explanation
REr.19K.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether additional height is necessary to provide a higher ground floor level to address flood hazards on the site. c. whether the upper floor(s) of proposed buildings are set back from lower floors or utilise recessive building elements to reduce visual dominance.	REr.19K.5 The purpose of the daylight admission rule is to manage the scale and bulk of buildings to neighbouring sites, within the context of achieving a high density residential character. Infringements to the rule may be appropriate where it can be demonstrated that effects on neighbouring sites can be effectively managed, responding to the specific context of the site and proposal.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19L Outlook and privacy	REr.19L.1 Residential units are permitted if: a. an outlook space is provided from the windows in accordance with the diagram and below; and b. where the room has two or more external walls with windows, the outlook space must be provided from the face with the largest area of glazing; and c. the minimum dimensions of the outlook space must be as follows:	REr.19L.2 not applicable	REr.19L.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. effects on the quality of on-site living environments; and ii. privacy effects on neighbouring sites.

	i. for a living area: 4m in depth x 4m in width; and ii. for all other habitable spaces 1m x 1m; and d. outlook spaces must: i. be clear and unobstructed by buildings; and ii. not extend over an outlook space or outdoor living space required by another residential unit; and iii. must not extend over a neighbouring site, except as allowed by REr.19L.1.e below. e. the outlook space may be over driveways and footpaths within the site or over a public street or other public open space. f. outlook spaces may overlap where they are on the same plane in the case of a multi-storey building. g. outlook spaces may be under or over a balcony. h. outlook spaces required from different rooms within the same building may overlap. 		

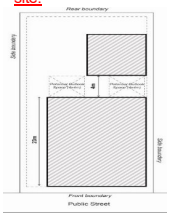
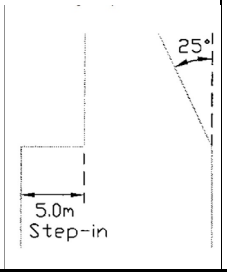
Assessment Criteria		Explanation	
REr.19L.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. the extent to which direct overlooking of another residential unit's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.		REr.19L.5 The purpose of the outlook and privacy rule is to ensure that residential units have a reasonable degree of privacy. This is achieved by requiring a minimum separation between principal living rooms and other buildings on the site. The rule also encourages residential units to be orientated towards the street or public open space.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19M **Glazing to the street**	REr.19M.1 Residential units are permitted if: a. Any residential unit facing the street has a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors. b. Front doors may be solid. Garage doors do not contribute towards the 20% glazing. c. For the purpose of this rule, any area of roof space that is fully enclosed by a gable shall not be included in the area of the front façade. d. For the purpose of this rule, where a residential unit faces more than one street, the 20% glazing shall be calculated based on the total of all street facing facades (excluding roof spaces fully enclosed by the gable).  	REr.19M.2 not applicable	REr.19M.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to effects on the safety and attractiveness of the street.

Assessment Criteria		Explanation	
REr.19M.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether there are opportunities for passive surveillance, through the use of windows to habitable rooms that directly overlook the street.		REr.19M.5 The purpose of the glazing rule is to provide a reasonable amount of window space overlooking the street. This works in combination with the fence rule to achieve an attractive and safe street environment. Exceptions to the glazing rule are provided for front doors, gable roof forms and garage doors, to avoid unintended consequences of glazed garage/front doors and/or flat roof forms; and because entranceways (including front doors regardless of material construction) are also an important design technique to add interest to a building façade and aid in wayfinding.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19N Home occupations	REr.19N.1 Home occupations are permitted activities if: a. the principal use of thesite is for residential activities; and b. at least one person carrying out the home occupation lives on the site; and c. not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity; and d. no part of any home occupation activity (including storage or display of goods) is visible from any public place; and e. clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted to between the hours of 8am and 8pm; and f. there are no heavy vehicle movements to and from the site as part of the home occupation activity; and g. any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties.; and h. it does not involve any of the following activities: i. boarding of dogs, cats or other animals.	REr.19N.2 not applicable	REr.19N.3 Activities that contravene a permitted condition are discretionary.

	ii. storage or sorting of any bottles, scrap or other waste materials. iii. fish, meat or animal by-product processing. iv. panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.		
Assessment Criteria		**Explanation**	
REr.19N.4 Refer to REr.21.4.		REr.19N.5 Refer to REr.21.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19O Non-residential activities (excluding home occupations and the activities listed below)	REr.19O.1 not applicable	REr.19O.2 not applicable	REr.19O.3 Any non-residential activity that is not otherwise provided for in the rules is a discretionary activity.
Assessment Criteria		**Explanation**	
REr.19O.4 Refer to REr.20.4.		REr.19O.5 Refer to REr.20.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19P Restaurants	REr.19P.1 not applicable	REr.19P.2 not applicable	REr.19P.3 Restaurants are a restricted discretionary activity provided that the net floor area of the restaurant does not exceed 100m2. Discretion is restricted to: i. effects on residential amenity, including hours of operation visual and acoustic privacy; and ii. effects of any associated buildings on the planned built character of the zone.

			and the safety and attractiveness of the street; and iii. effects on the safe and efficient operation of the transport network; and iv. cumulative effects. Activities that contravene a restricted discretionary condition are discretionary.
Assessment Criteria		**Explanation**	
REr.19P.4 a. whether the activity is located and designed to minimise adverse effects on residential amenity values, including noise and lighting. Methods to achieve this include: i. locating pedestrian and vehicle entrances and other noisy activities away from bedrooms and other noise sensitive spaces. ii. limiting the hours of operation. iii. using design techniques like acoustic screening where appropriate. b. whether the associated buildings are designed in an integrated way, and are consistent with the planned built character of the zone. c. whether the associated buildings are designed to contribute to the safety and attractiveness of the street, including by orientating buildings to the front the street, with clearly defined pedestrian access and glazing and pedestrian shelter over entrances where appropriate.		REr.19P.5 The High Density Residential Zone is expected to accommodate a significant number of residents in the future at increasing densities. Ensuring that people have convenient access to commercial activities and community services to meet their day-to-day-day needs in walking distance, is an important part of achieving well-functioning urban environment in Nelson. These needs will mostly be met within nearby centres, however, the High Density Residential Zone can play a supporting role, by providing for small-scale commercial activities that would not adversely affect the vitality and amenity of centres. Resource consent is required, to ensure that effects on residential amenity, the planned built character of the zone, and the safety and attractiveness of the street can be considered.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19Q Dairies	REr.19Q.1 not applicable	REr.19Q.2 not applicable	REr.19Q.3 Dairies are a restricted discretionary activity provided that the net floor area of the dairy does not exceed 100m2. Discretion is restricted to: i. effects on residential amenity, including hours of operation visual and acoustic privacy; and ii. effects of any associated buildings on the planned built character of the zone and the safety and attractiveness of the street; and iii. effects on the safe and efficient operation of the transport network; and iv. cumulative effects. Activities that contravene a restricted discretionary condition are discretionary.

Assessment Criteria		Explanation	
REr.19Q.4 Refer to REr.19P.4.		REr.19Q.5 Refer to REr.19P.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.19R Educational facility	REr.19R.1 not applicable	REr.19R.2 not applicable	REr.19R.3 Educational facilities are a restricted discretionary activity provided that the net floor area of the educational facility does not exceed 200m2. Discretion is restricted to: i. effects on residential amenity, including hours of operation, visual amenity, noise and privacy; and ii. effects of any associated buildings on the planned built character of the zone and the safety and attractiveness of the street; and iii. effects on the safe and efficient operation of the transport network; and iv. cumulative effects. Activities that contravene a restricted discretionary condition are discretionary.
Assessment Criteria		**Explanation**	
REr.19R.4 Refer to REr.19P.4.		REr.19R.5 Refer to REr.19P.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19S Maximum building length	REr.19S.1 Buildings are permitted if: a. The maximum length of a building above ground floor level shall be 22m, measured parallel to side and rear boundaries, after which there shall be a minimum separation of 4m between any other building on the same site.  b. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram). 	REr.19S.2 not applicable	REr.19S.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to visual dominance, privacy and shading effects on neighbouring sites.

Assessment Criteria	Explanation
REr.19S.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. whether architectural design measures such as setbacks, modulation, or articulation have been incorporated into the design of the building to mitigate visual dominance effects on neighbouring sites. c. the extent to which the total number of residential units which directly overlook a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.	REr.19S.5 The purpose of the building length rule is to provide opportunities for sunlight and daylight access to neighbouring sites and manage visual dominance effects. The rule seeks to avoid a situation where long unrelieved building facades run the length of side boundaries. Infringements to the rule may be appropriate where it can be demonstrated that these effects can be managed through building design and placement, as well as landscaping.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19T Buildings adjoining sites in a heritage precinct, or containing a heritage building.	REr.19T.1 Buildings on sites adjoining a site in a heritage precinct, or containing a heritage building are permitted if the building height does not exceed 8m.	REr.19T.2 not applicable	REr.19T.3 Buildings on sites adjoining a site in a heritage precinct, or containing a heritage building are a restricted discretionary activity where the building is greater than 8m in height. Discretion is restricted to effects on the historic heritage values of the adjoining historic heritage precinct or scheduled building.

Assessment Criteria	Explanation
REr.19T.4 a. compatibility with the form, scale, and proportions of the adjoining heritage building or precinct. This does not mean rigid adherence to the height of the heritage building or precinct, but it does require careful consideration to ensure the design is sympathetic and visually integrated. b. whether the building uses materials and/or design details that respect rather than replicate any patterns or elements of adjoining heritage buildings or precincts. c. the heritage building or precinct's sensitivity to change or capacity to accommodate change without compromising its historic heritage values and setting. d. whether there is potential for a reduction or loss of heritage values, including the ability to interpret the heritage building or precinct, and its relationship with other heritage items. e. existing views of the scheduled heritage building or precinct from adjoining public places and publicly accessible areas are maintained as far as is practicable.	REr.19T.5 The purpose of this rule is to manage development adjoining historic heritage precincts and/or scheduled buildings to ensure that their historic heritage values are protected. This will require consideration of the context of the site, its location and physical relationship with the heritage items and their setting.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19U Residential unit Minimum size	REr.19U.1 Residential units are permitted if: A minimum net internal floor area is provided as follows: a. Studio unit – 35m2. b. 1 bedroom unit – 45m2.	REr.19U.2 not applicable	REr.19U.3 Activities that contravene a restricted discretionary activity. Discretion is restricted to effects on the quality of on-site living environments.

~~Assessment Criteria~~	~~Explanation~~
~~REr.19U.4~~ ~~a. whether the layout of residential units provides sufficient room for the day to day needs of residents, including space for both furniture and internal circulation.~~ ~~b. whether each unit has access to communal facilities (e.g. shared laundry) and/or storage facilities within the building.~~	~~REr.19U.5~~ ~~The rule is intended to set the minimum size requirement for residential units and is based on a typical understanding of the internal floor space needed for people to meet their day-to-day needs. Infringements to the rule may be considered where it can be demonstrated that this can be achieved with an alternative layout within a smaller footprint.~~

General Residential Zone, Medium Density Residential Zone, ~~High Density Residential Zone~~ only

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.19~~V~~ Papakāinga development - in General, Medium Density~~, High Density~~ Residential zones (Schedule Sch.AA)	REr.19~~V~~.1 Papakāinga development is permitted if it complies with Schedule Sch.AA.	REr.19~~V~~.2 Schedule Sch.AA applies.	REr.19~~V~~.3 Schedule Sch.AA applies.

Assessment Criteria	Explanation
REr.19~~V~~.4 Refer to Schedule Sch.AA.	REr.19~~V~~.5 Refer to Schedule Sch.AA. The schedules for this zone follow after the Rule Table. Note: Whakatū Marae is scheduled in the Open Space and Recreation Zone.

Comprehensive Area, Standard Area and Residential - Lower Density Area only

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.20 Non-residential activities Excluding home occupations	REr.20.1 Except as otherwise provided for in the rules, no activity is a permitted activity, except: a. residential activity; or b. a home occupation.	REr.20.2 not applicable	REr.20.3 Any activity that contravenes a permitted condition is discretionary.

Assessment Criteria	Explanation
REr.20.4 a. the relationship between the scale of any buildings, structures or carparking areas on the site and existing residential development, ensuring that new development generally reflects established building forms in the neighbourhood. More substantial building development may be acceptable in situations where: i. the size or location of a site permits greater separation from existing development ii. the topography of the site or existing vegetation will diminish the impact of new development iii. development on adjacent sites is similar in size and scale. b. the extent to which existing residential 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 to be given to maintaining a quiet night-time environment, and to minimising risk to people's health and safety. c. whether the activity is in the Airport Effects Control Overlay or Port Effects Control Overlay, or the Airport Effects Advisory Overlay and the relevant objectives and policies of DO11.1.3 and DO12.1.4.	REr.20.5 Non-residential activities can have significant impacts on the residential character of the Zone. Applicants wishing to establish non-residential activities in the Residential Zone are required to go through the resource consent process, so that each proposal can be assessed on its merits, because: a. of the importance of maintaining a high standard of residential amenity b. of the difficulty in removing activities once established if they prove unacceptable in the neighbourhood c. in some instances, the risks to health and safety d. the diversity of types of non-residential activity, which make blanket rules difficult to develop. It is recognised that some non-residential activities need to locate in the Residential Zone, or are of community benefit to the local residents or to the wider public. The consent process provides the opportunity for each case to be considered on its merits, and the application to be granted with conditions, or declined as the situation requires. Note: Residential activity is a defined term. Home occupation is a defined term. See also REr.21. i. Short term living accommodation is not a residential

d. the extent to which vehicular traffic generated by any activity can be accommodated without loss of safety or efficiency of the road network, or without loss of residential amenity. e. the ability to provide adequate parking and access. ~~f. in the Wakefield Quay Precinct, the provisions of the Design Guide and rules for Wakefield Quay.~~ f. the extent to which the design and appearance of new buildings or alterations reflect residential forms. g. the use of landscaping and site treatment proposed as part of the application to soften the appearance of the development and reduce the effects upon neighbouring properties. h. impacts on any significant views or landscapes in Appendix 8. i. the proposed hours of operation of the activity and the extent to which that will have adverse effects on residential occupiers, particularly during normal sleeping hours of 10pm to 7am. j. the reasons why siting in the Residential Zone is considered appropriate or necessary, and the extent to which alternative locations have been considered, including sites in other zones. k. any impacts in terms of community dislocation. l. any positive effects to the neighbourhood or the wider community, including the extent to which the activity might enhance the amenity of the area. m. 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.		activity. See definition. ii. Section 10 of the Resource Management Act provides certain rights for existing activities that contravene a rule in a plan e.g. non-residential activities. This provides for maintenance and some alteration of existing uses subject to the tests in the Resource Management Act. 'Use' in s10 Resource Management Act includes changes to buildings (subject to certain conditions), and uses within those buildings.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.21 Home occupations	REr.21.1 Home occupations are permitted activities if: a. ~~The~~the principal use of the site is for residential activities~~.~~; and b. at least one person carrying out the home occupation lives on the site~~.~~; and c. not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity~~.~~; and ~~d. the activity is carried out in an unobtrusive manner, consistent with the amenity values of a residential neighbourhood, and~~ d. no part of any home occupation activity (including storage or display of goods) is visible from any public place~~.~~; and e. clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted	REr.21.2 not applicable	REr.21.3 Activities that contravene a permitted condition ~~(excluding condition d.)~~ are discretionary.

	to between the hours of 8am and 8pm~~.~~; and f. there are no heavy vehicle movements to and from the site as part of the home occupation activity~~.~~; and g. ~~g. it does not involve any activity listed in Table 1 in the Explanation column of this Rule, and~~ any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties; and i. ~~i~~it does not involve any of the following activities: boarding of dogs, cats or other animals. ii. storage or sorting of any bottles, scrap or other waste materials. iii. fish, meat or animal by-product processing. iv. panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic		

	resins.		

Assessment Criteria	Explanation
REr.21.4 a. the extent to which the residential character and appearance of the property is maintained, and any adverse effects of the activity are avoided, mitigated, or reduced. b. the extent to which any adverse effects could be minimised by physical means such as landscaping or sound insulation or other special conditions. c. whether special conditions will be effective to avoid, mitigate, or remedy adverse effects (e.g. Sound proofing negated by opening windows in hot weather), and the impacts of any negation. d. the adequacy of parking on the site to cater for the demands of the home occupation, particularly for rear sites and sites with shared access. e. any effects on the safety and efficiency of the road network. f. 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.	REr.21.5 The rules aim to ensure that the scale, hours of operation, and the type of activity undertaken as home occupations maintain residential character, while still providing the flexibility for people to work from their homes. ~~Table 1~~REr.21.1.~~gh~~provides a list of activities which are considered inherently unsuitable as home occupations because of their close association with the generation of adverse effects such as noise, dust and discharges, which are likely to cause a nuisance to neighbours and, for this reason should be avoided. ~~It is not intended that non-compliance with condition d. will result in requiring a resource consent, because a judgement is involved in condition d.~~ ~~Condition d. is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned.~~ ~~Table 1: List of activities not permitted as home occupations.~~ a. ~~boarding of dogs, cats or other animals.~~ b. ~~storage or sorting of any bottles, scrap or other waste materials.~~ c. ~~fish, meat or animal by-product processing.~~ d. ~~panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.22 Comprehensive Housing Development	REr.22.1 Comprehensive Housing Development is permitted if it complies with all the permitted conditions in this Rule Table.	REr.22.2 ~~At Ngawhatu converting the existing buildings – Airdie and Clovelly (including extending the buildings) into apartment buildings is a controlled activity if:~~not applicable ~~a. the buildings are not increased in height~~ ~~b. any extension of the buildings largely maintains the external design integrity~~ ~~c. it complies with Parking provision in Appendix 10.~~ ~~Control is reserved over:~~ ~~i. the design, location and appearance of any building extensions, and fencing, parking and access areas the appearance of the external façade of the existing building~~ ~~ii. landscaping and site treatment, including the retention of significant trees~~	REr.22.3 Comprehensive Housing Developments which do not comply with the permitted standards of REr.23 - Minimum site area or REr.24 - Site coverage, will be considered as a restricted discretionary activity if: a. the development is located entirely within the Residential Zone – ~~Higher~~ ~~Density~~Comprehensive Area~~,~~; and b. rules i. REr.25 - Front Yards~~,~~; and ii. REr.26 - Other Yards~~,~~; and iii. REr.35 - Daylight Admission~~,~~; and iv. REr.36 - Decks, Terraces, Verandahs and Balconies are complied with other than on boundaries

		~~iii. provision of outdoor living courts.~~ ~~In exercising the control reserved under this Rule, regard is to be had to Appendix 22 - Comprehensive Housing Development, to the extent that these are relevant, taking account of the fact that this Rule relates to existing buildings rather than the erection of new buildings which fall to be considered under REr.22.3.~~ ~~Resource consent applications will be considered without notification, and without service of notice.~~	internal to the development. Discretion is restricted to the following matters in Appendix 22 - Comprehensive Housing Development: i. on-site amenity; and ii. off-site amenity; and iii. access, parking and services. Resource consent applications for restricted discretionary activities under this rule will be considered without notification, and without service of notice. **Discretionary Activity** Comprehensive Housing Development which: a. is not located entirely within the Residential Zone – ~~Higher Density~~Comprehensive Area; or b. contravenes a permitted condition other than those contraventions specified for a restricted discretionary activity, are discretionary activities, except within the Airport Effects Overlay or Port Effects Control Overlay. **Non-Complying Activity** Comprehensive Housing Development located in the Airport Effects Control Overlay or Port Effects Control Overlay is non-complying.
Assessment Criteria		**Explanation**	
REr.22.4 a. the degree the development achieves the outcomes in Appendix 22 - Comprehensive Housing Development. b. any beneficial effects of the development in terms of: i. degree to which the design is sympathetic to the character of the neighbourhood and streetscape. ii. connectivity within and between streets and houses. iii. range of housing and section types. iv. extent to which energy efficiency is incorporated within the building design. v. efficient use of services and land. vi. promotion of public transport and reduction in total number of vehicle trips. vii. use of Crime Prevention Through Environmental Design (CPTED) techniques. c. any cumulative effects such that they significantly adversely affect the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and		REr.22.5 A Comprehensive Housing Development is three or more residential units, where the buildings and any subdivision are designed together (see definition). It is not desirable to write permitted standards to cater for Comprehensive Housing Developments as they are generally tailored to a particular site, and need to be considered on their merits on a case by case basis. A 'one size fits all' approach of a permitted activity rule can often deliver a poor quality result. Assessing such developments by the consent process is considered, in the end, to give the best outcomes, both to the developer and the environment. It allows the opportunity for innovation and flexibility, provided the development provides a high standard of on-site and off-site amenity. It also provides the opportunity to decline developments which do not achieve the standards sought in Appendix 22. The provisions contained in rules REr.23 - Minimum Site Area, and REr.24 - Site Coverage do not apply to Comprehensive Housing Developments beyond being used to determine if a particular proposal under this rule is	

presence of open space.		permitted or not. All assessment of these particular matters is to be carried out using the provisions of Appendix 22 - Comprehensive Housing Developments. Comprehensive Housing Developments in a Residential Zone ~~– Higher Density~~ Comprehensive Area with consent requirements solely based on not meeting REr.23 - Minimum Site Area or REr.24 - Site Coverage (and associated subdivision) are provided for as non-notified restricted discretionary activities. Additionally, proposals which do not meet rules REr.25 - Front Yards, REr.26 - Other Yards, REr.35 - Daylight Admission or REr.36 - Decks, Terraces, Verandahs and Balconies on boundaries internal to the development will retain the non-notified restricted discretionary status. This signals that the Plan anticipates the ~~Higher Density~~Residential Zone - Comprehensive Area will provide for appropriately designed developments of this nature. The design and location of the development is a matter between the Council and the applicant, and will be assessed in accordance with Appendix 22. If rules other than those specifically provided for are breached then a resource consent is required under that rule and the activity status of that rule is applicable. For example, a Comprehensive Housing Development in the ~~Higher Density~~Residential Zone - Comprehensive Area which breaches REr.35 - Daylight Admission on an external boundary will be considered as a discretionary activity. ~~Opportunity has been provided to convert two existing buildings at Ngawhatu known as Airdrie and Clovelly to apartment buildings if it proves technically and economically feasible.~~ ~~These buildings were part of an existing complex of buildings utilised for the delivery of health services. Unlike most of the more institutional style buildings, the architecture, appearance and location of these buildings offers some potential for conversion to apartments. The situation of these buildings is unique, as they are contained currently within a site which is largely undeveloped and largely in one ownership. Conversion of the buildings will have no impact on neighbours, as they do not exist in close proximity, and the location is not visible from public vantage points. A separate rule for these buildings is required as the provision under REr.22.3 envisages new buildings.~~ Note: Comprehensive Housing Development is not considered appropriate in the Airport Effects ~~overlays~~Overlays or Port Effects ~~overlays~~Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.23 **Minimum site area** Lower Density Area, ~~Lower Density Area (Stoke) Higher Density~~Comprehensive Area and Standard ~~Density (Main Zone)~~Area	REr.23.1 a. The net area of a site exclusively allocated to each residential unit from the total area of the site must be not less than: Lower Density Area: 600m^2~~;~~ or ~~Lower Density Area (Stoke): an average net area of 1000m2 and a minimum of 850m2, or Higher~~	REr.23.2 not applicable	REr.23.3 Activities (other than for Comprehensive Housing Developments REr.22) that contravene a permitted condition are discretionary if: a. at least 90% of the minimum net site area required in the permitted condition is allocated to each residential unit~~;~~ and b. the application for resource consent is accompanied by a

	~~Density~~Comprehensive Area: 300m2~~.~~ or Standard ~~Density (remainder of Zone)~~Area: 400m^2. b. Paragraph a. does not apply to a single residential unit on a single allotment where: i. the subdivision was granted before 25 October 1996~~.~~; and ii. the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access.		building outline plan (sketch plan) for the proposed residential unit to be erected on the site~~.~~; and c. all other resource consents required, including any subdivision consent where relevant, accompany the resource consent application.
Assessment Criteria		**Explanation**	
REr.23.4 and REr.24.4 Site Area and Site Coverage: a. the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area. b. the effect on net site area or building coverage of any acquisition by the Council of land on the property for purposes such as road widening or esplanade reserves. Where the esplanade reserve continues to provide open space and amenity to the site, this should be taken into account. c. whether conditions should be placed on any consent granted limiting any building erected on the site to specific plans, or to within certain bulk and locational requirements. d. the extent to which the proposal would cause loss of sunlight, daylight, or privacy to adjoining sites. e. the extent to which a reasonable degree of amenity is achieved on the site being developed. f. whether the activity is in the Port Effects Control Overlay, Airport Effects Control Overlay, or the Airport Effects Advisory Overlay. g. the ability to provide adequate outdoor living areas, and parking and manoeuvring on-site. h. in the case of existing vacant cross lease and unit titles, the degree to which the owners of the titles would have had an expectation of being permitted to erect a residential unit on the site. i. in addition to the above, for the lower density areas, the extent to which decreases in site size or increased building coverage would have an adverse effect on the consistency and amenity of the area, and/or the presence of mature on-site vegetation. j. the extent to which the site could be more effectively used, and the minimum site size be accordingly reduced, if an existing building were removed or relocated. k. the extent to which the amenity and appearance of an		REr.23.5 and REr.24.5 Site Area and Site Coverage: These two standards are closely related, and are major determinants of the character of the residential areas of the city. The size of residential sections and the proportion of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each residential environment. The overall pattern ~~is made of three areas:~~ ~~The Lower Density Area which is comprised~~ of the ~~early settled parts of Nelson at the northern toe of the Grampians, the Tahunanui hillside (which~~areas is ~~subject to slope stability constraints), and Ardilea Ave~~described ~~in Stoke, and land north. west of the Marsden Valley Cemetary. Note: Some areas around the airport are also lower density to minimise the intensity of development that is potentially exposed to noise - see REr.64 - Airport Effects Control Overlay: Minimum Site Area.~~ ~~The Standard Density Area covers the bulk of the residential areas in Nelson. The building coverage and open space requirements are intended to largely maintain the existing character of the residential environment, which balances open space with building bulk.~~ ~~The Higher Density Area includes The Wood, an area of both Ngawhatu and Marsden Valleys adjacent to the Suburban Commercial Zones, and an area surrounding the Stoke Shopping Centre. The areas are flat or of gentle contour, close to shops or zoning for commercial and other facilities, making them suitable for more intensive development. These areas tend to be popular with older people, but not exclusively. The Council intends to undertake an intensification review with a view to encouraging further intensification of residential areas where appropriate on and off site amenity is provided~~ of the areas is described in policy DO16.1.1.	

Commented [MG110]: JWS Infrastructure 3.4(c) - 24July2024

existing building on the site would be compromised by the proposed development. l. the extent to which smaller sites or higher building densities could be allowed as a trade-off for the protection of a heritage item, significant trees or vegetation, or a cultural or spiritual item on the site (if the development does not compromise those heritage or other values). m. the special requirements of any Heritage Precinct, having regard to the character of the area and any flexibility that might be required to compensate for constraints the guide may place on development (e.g. of a second storey)(see the design guide for the relevant precinct). n. any aspects of the provisions for Comprehensive Housing Development (Appendix 22) that are relevant to the consent application. o. the degree of outlook from each residential unit. p. the provision of alternative areas for recreation, including public open spaces in close proximity to the site. q. the probable outdoor living needs of the existing or likely future residents. Opportunities to use rooftops of buildings, including buildings on other residential sites to provide outlook or outdoor living areas.	An exemption is provided for allotments of less than the required minimum area if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. One residential unit is permitted on such an allotment. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking. The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity. A specific building proposal must accompany the application. This recognises that it is easier to assess, and address, any adverse effects associated with a smaller section when there is a specific housing proposal and analysis of off and on-site amenity accompanying it. The amount of any reduction in size, or whether the exemption is granted, will depend on the merits of the case, and on-site and off-site effects on the esidential amenity. Exceeding the specified coverage by up to 10% is provided for as a discretionary activity. As with site size, the success of the application will depend on the merits of the situation. The limits on exercising discretion for both site size and site coverage are set as maximums. **There should be no expectation that the maximum will necessarily be granted.** Notes: All subdivision in a Heritage Precinct is a discretionary activity; see REr.113. Parking is dealt with in REr.38 - Parking and REr.39 - Parking or storage of heavy vehicles. ~~REr.23 - Minimum site area and REr.24 - Site coverage do not apply to Wakefield Quay Precinct - refer to REr.84 - Wakefield Quay Precinct.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.24 **Site coverage** Lower Density Area, ~~Lower Density Area (Stoke) Higher~~ ~~Density~~Comprehensive Area and Standard ~~Density (Main Zone)~~Area	REr.24.1 Building coverage of the net area of any site must not exceed: Lower Density Area: 30%~~,~~; or ~~Lower~~ ~~Density~~Comprehensive and Standard Area ~~(Stoke): 30%, or~~ ~~South St Heritage Precinct: 60%, or~~ ~~Remainder of Zone (including Higher Density Area)~~: 40%.	REr.24.2 not applicable	REr.24.3 Activities (other than for Comprehensive Housing Developments Rule REr.22) that contravene a permitted condition are discretionary if the building coverage of the net area of any site does not exceed: i. Lower Density Area: 33%~~,~~; or ~~ii. South St Heritage Precinct 66%, or~~ ii. ~~Remainder of Zone (including Higher Density~~Comprehensive and Standard Area~~)~~: 44%.

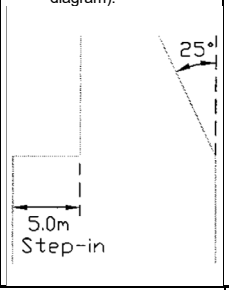
Assessment Criteria	Explanation
REr.24.4 Refer to REr.23.4.	REr.24.5 Refer to REr.23.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.25 Front yards	REr.25.1 Buildings in a front yard are permitted if: a. buildings are set back at least 1.5m from the road boundary; and b. any garage or accessory building located in a front yard is setback at least 1m further from the road boundary than the wall of the associated residential unit which is nearest to the same road boundary; and c. any garage, accessory building or extension to the principal building is compatible in design and colour scheme with the principal building on the site; and d. any length of wall longer than 5m and facing parallel (or within 25 degrees of parallel) to the road boundary contains a window and/or door; and e. at least 50% of the front yard is landscaped when fronting an Unclassified Road, or at least 30% when fronting a Classified Road; and f. 85 percentile design vehicle can be located in front of the vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on legal road. (This provision does not apply to land between the garage and the road where the gradient is greater than 1 in 3).	REr.25.2 not applicable	REr.25.3 Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under REr.22.3. All other buildings that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. location, design and appearance of the proposed buildings, landscaping and any fences, considering the impact on scale, character, streetscape values and open space; and ii. effects on public safety from changes to passive surveillance between public and private space; and iii. the relationship of the building to adjoining buildings, and other buildings in the vicinity in respect of visual and amenity values; and iv. the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access; and v. on-site amenity for residents. Resource consent application for restricted discretionary activities will be considered without notification.

Commented [CB111]: Consequential amendment from the relief recorded in Strategic, Residential and Planning - Joint Witness Statement - 5 & 6th August 2024 and S517.012.

Assessment Criteria	Explanation
REr.25.4 a. the extent to which any breach of the front yard standards contributes to enhanced street amenity and safety, including maintaining a relationship between residential elements (windows, doors, porches) with the street environment and a more visually rich streetscape. b. any impacts on the outlook of other houses in the vicinity, or of public vistas. c. any adverse effect on traffic visibility, affecting pedestrian and vehicle safety. d. the streetscape and the impact on scale, character and open space. e. the avoidance of front yard layout and design that leads to more than one vehicle access point per site. f. the avoidance of visual dominance of street elevations by garages (particularly garage doors), parking and manoeuvring areas and blank walls g. whether the proposed setback assists with safety and a pleasant public experience by enabling informal surveillance from the dwelling to the street while at the same time providing a modest setback that maintains a degree of privacy and acoustic insulation for residents. h. the design and appearance of proposed fencing and landscaping in the front yard. Trees and vegetation are preferred to hard surfaces. i. the opportunity for safe reverse manoeuvring onto the street on unclassified roads. j. constraints from existing development or unusual site shape or natural and physical features. k. the topography of the site, and whether this might worsen or soften the impact of the building. l. the presence of any unformed road or local purpose reserve (future road) adjacent to the property. m. the position of any formed carriageway, footpaths, or services within the road. n. provision of an additional landscaped area within the site which can be viewed from the road and contribute to the amenity values of the locality. o. the extent that the visual impacts of the building may be mitigated by screening, landscaping, or other treatment.	REr.25.5 The rule aims to create a positive relationship between private and public spaces. This includes a safe and pleasant walking experience along footpaths that are bordered by dwellings at a human scale, that offer a sense of interaction, surveillance and community through front garden areas, and make efficient use of available flat land for uses other than those associated with vehicles. The main issue with buildings occupying the front yard are streetscape amenity, including the reductions in planted or garden areas, extent of impermeable surfacing for parking and manoeuvring areas and maintaining a degree of spaciousness and surveillance in the street. Garages that project in front of the house tend to dominate the streetscape and create unfriendly places. Reverse manoeuvring is encouraged on unclassified roads and is part of ensuring a low speed environment and people orientated streetscape. Parking for more than two vehicles is best achieved at the rear or side of a site if possible. There needs to be sufficient space in front of the entrance of any garage to park a car to ensure that vehicles do not obstruct the footpath or roadway. An exemption to the parking requirement is provided for steep sites, recognising that a setback of a garage can be difficult to achieve on such sites. Conditions can be placed on the appearance of the building and on landscaping requirements in order to ensure the amenity and surveillance of the road is adequate. Also, conditions can be placed to ensure that the location or appearance of the building is not a traffic hazard eg. vehicles reversing from a garage, and to avoid buildings being constructed too close to services. Development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i. The restricted discretionary category is provided for departure from the permitted activity standards in certain circumstances. For example, in situations where houses are located on the southern side of the road, or where steep topography dictates the provision of access and setback of the garage, it may be appropriate to relax the standards if a positive private to public relationship between the dwelling and street can be demonstrated through other design features. See rule REr.35 - Daylight admission. In addition to side boundary recession planes, a height recession plane applies from the road boundary to prevent any building within 4m of the road boundary over shadowing the road or an accessway. Notes: Refer to the NCC Residential Street Frontage Guidelines. A right of way serving more than 4 actual or potential residential units is treated as a road in this rule (see definition of 'Boundary'), and REr.25 - Front Yards therefore applies. This rule does not apply to ~~Wakefield Quay Precinct – refer REr.84.~~ ~~This rule does not apply to~~ Heritage precincts – refer REr.89 - Alterations or additions to any building ~~including~~excluding listed heritage buildings and REr.90 - Erection of new building.

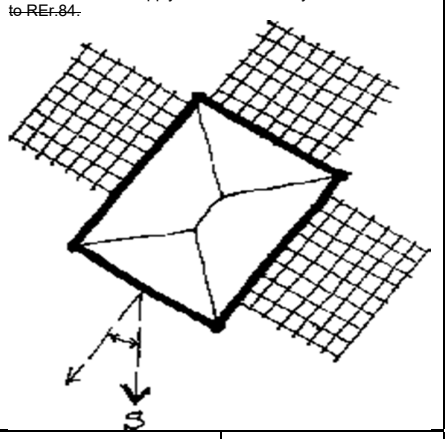
Commented [RD112]: As a result of PC29 REr.89 now excludes listed heritage buildings.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.26 Other yards	REr.26.1 a. on any side or rear boundary, the total length of all buildings within 1.5m of the boundary must not exceed 12m, and b. for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25º from straight, is considered a single boundary (see diagram).  	REr.26.2 not applicable	REr.26.3 Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under REr.22.3. All other activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.26.4 a. the height and bulk of the proposed building, and the extent it may dominate an adjoining property, taking account of the aspect and topography of the site and any affected sites, the location of buildings and outdoor living areas on affected properties. b. the presence of site constraints such as the topography and size of the site, and other natural and physical features. c. the extent to which any impacts on adjoining properties may be mitigated by techniques in building design, such as a lower building profile, variations in the lines of the wall or roof, or design features which add visual interest. d. the special needs that may relate to a Heritage Building or Heritage Precinct. e. the ability to mitigate potential cross boundary and reverse sensitivity effects at the Rural/Residential Zone boundary through other means.	REr.26.5 Long walls on or close to the boundary of any adjoining property can be very overbearing, affecting outlook and privacy, particularly if the buildings are to the maximum height permitted by the rules in the plan. No other specific controls are placed on buildings in rear or side yards, providing they comply with the provisions relating to access of daylight to adjoining properties (REr.35 – Daylight admission). The building setback adjoining the Rural Zone boundary is to provide a buffer between Residential activities and the adjoining Rural activities so as to avoid reverse sensitivity effects. Note: Eaves are part of a building and are not exempted in the definition.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.27 Outdoor living court sites less than 350m²	REr.27.1 Any residential unit that does not have a net area of at least 350m² allocated exclusively to it, must be provided with an outdoor living court. a. minimum area: 1 bedroom 35m²	REr.27.2 not applicable	REr.27.3 Activities that contravene a permitted condition are discretionary.

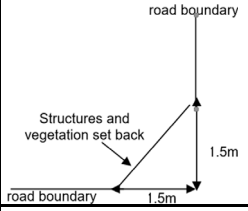
	2 bedrooms 50m^2 3 or more 75m^2; and b. minimum dimension 4.5m; and c. units without a room on the ground floor may instead provide a balcony (minimum area of 12m^2, minimum dimension of 2.0m);and d. the required minimum area must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit (see diagram); and e. for Comprehensive Housing Developments the outdoor living court requirement can be a combined total of ground level and upper level areas provided the minimum dimension requirements are met; and f. for Comprehensive Housing Developments communal outdoor court can be a substitute for up to a third of the required outdoor living court of a residential unit, provided minimum widths are achieved in all instances and each unit has unhindered access to the communal space. Communal outdoor space used in this manner shall be at least 100m^2 which would provide a third reduction for a maximum of 5 residential units; with an additional net area of 20m^2 required for each additional residential unit.		

Assessment Criteria	Explanation
REr.27.4 a. whether alternative outdoor space is available adjacent or near to the site. b. with an existing building, whether provision of a living court is impracticable. c. the likely needs of future occupants of the residential unit. d. the amenity of the area, and whether this makes the use of an outdoor living court undesirable e.g. ~~T~~through being exposed to excessive noise.	REr.27.5 A requirement for a minimum outdoor living area is included for smaller sites in order to ensure that an adequate and useful outdoor living court is provided. On larger sites it is considered that there will be adequate area for a living court, without this being required in the Plan. Consent may be granted to reduce or waive the living court requirement in certain circumstances e.g. ~~i~~if the development directly adjoins a public park. In Comprehensive Housing Developments more flexibility is allowed in the shape and configuration of outdoor living courts. This recognises the improved internal and external living environment that is expected to be achieved in these developments. ~~This rule does not apply to Wakefield Quay Precinct – refer to REr.84.~~ 

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.28 Pedestrian access to rear of sites	REr.28.1 a. The outdoor space around any ground level residential unit must have direct, practical pedestrian access to a road~~;~~ and b. the minimum width of the access – 1m~~;~~ and c. the minimum overhead clearance - 1.8m~~;~~ and d. for Comprehensive Housing Developments the pedestrian access may be indirect through a garage, laundry or storage space also meeting the minimum dimensions in b. and c. above.	REr.28.2 not applicable	REr.28.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.28.4 a. alternative means of providing for emergency access. b. the nature of the outdoor living area and whether it will generate garden waste, and the nature of any waste.	REr.28.5 The access is to provide for emergency services, and also to allow for the disposal of garden wastes and similar. Direct access means it must be around the building, not through it. Inclusion of the word 'practical' indicates that it can be readily used for pedestrian access. Increased flexibility in this rule is provided for Comprehensive Housing Developments due to the generally smaller nature of the outdoor areas and to allow for an increased ability to construct dwellings with common or party walls.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.29 **Corner sites**	REr.29.1 On corner sites, vegetation and structures greater than ~~1m~~0.9m in height ~~and structures~~ must be set back from the corner at least to a diagonal line joining points on each road boundary 1.5m from the corner of the site (or the point where the road boundaries would meet if extended). (See diagram REr.29.5).	REr.29.2 not applicable	REr.29.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.29.4 a. any impacts on driver visibility, having regard to the width of the road, the configuration of the corner, lines of sight and the width of any unformed road reserve. b. any adverse effect on traffic visibility, affecting pedestrian and vehicle safety. c. the streetscape and the impact on scale, character and open space. d. constraints from existing development or unusual site shape or natural and physical features.	REr.29.5 An extra setback for structures and vegetation on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections. 

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.30 *This Rule has been deleted by Plan Change 14.*			

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.31 Fences	REr.31.1 Fences are permitted if: a. In a front yard or on a road boundary of an Unclassified Road: i. the maximum height does not exceed 1.2m; or ii. for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable; and b. In a front yard or on a road boundary of a Classified Road: i. the maximum height does not exceed 1.2m; or ii. for any fence over 1.2m in height ▪ the maximum height does not exceed 1.8m; and ▪ at least 50% across the entire front boundary is visually permeable (as measured by the total length of the front boundary and the height of the fence).; and c. on a boundary with a reserve, walkway or other publicly owned space: i. the maximum height of the fence does not exceed 1.2m within 1.5m of the boundary; or ii. for any fence over 1.2m in height the maximum height does not exceed 1.8m and the entire fence is visually permeable; and d. on all other property boundaries the maximum height does not exceed 1.8m; and e. where board or paling fences are used, structural railings do not face a road, walkway, reserve or other publicly-owned space.	REr.31.2 not applicable	REr.31.3 Fences that contravene a permitted condition are restricted discretionary. Discretion is restricted to the following assessment matters which will be guided by the assessment criteria in REr.31.4: i. Height, Length and Location ii. Design and Appearance iii. Residential Character and Streetscape iv. Surveillance and Safety v. On-site amenity. Resource consent applications for restricted discretionary activities will be considered without notification.

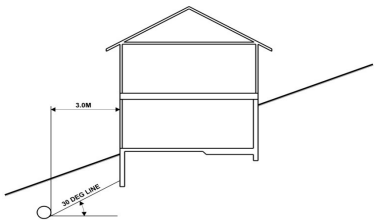
Assessment Criteria	Explanation
REr.31.4 a. the proportion of the front yard to be contained by the fence and whether the objectives of an open, high amenity, pleasant and safe streetscape can still be achieved, and b. the design and appearance of the fence (including physical dimensions), materials and colour of the fence and whether this provides a pleasant, human scaled streetscape, and c. whether any site-specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents, and d. the relationship of the fence with the dwelling, garage, and driveway on the site and the cumulative effects of those elements on the streetscape, and e. the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences, and f. the degree of surveillance when viewed from public spaces and the consistency with the outcomes sought in policy RE3.5 and DO13A.3.1 and g. the topography of the site and whether that mitigates the fence height encroachment effects on streetscape and/or reserve amenity, residential character and surveillance and safety.	REr.31.5 The concept of open frontages onto roads, walkways and reserves is promoted. A sense of openness between residential properties and streets, reserves and walkways is required to maintain streetscape amenity, encourage a sense of community, provide opportunities for passive surveillance and improve safety in public spaces. The requirements of REr.31.1 a. to b. relate to the entire front yard i.e. the section of side boundaries that are within the front yard. In some circumstances multiple rules may apply, particularly where boundaries adjoin a reserve or walkway and are also within the front yard. On boundaries adjoining a walkway or reserve rule REr.31.1c. applies rather than REr.31.1 a. or b. The rule provides for different degrees of height and visual permeability for classified and unclassified roads in recognition of the different function, traffic effects and privacy needs of the residents living in that street. Fences on boundaries between properties are limited in height to avoid having a dominant effect, keep them human scaled, and to maintain a level of openness while providing for privacy. Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i and RE3.5. Visually permeable for fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures. Notes: Refer to rules REr.29 - Corner sites, REr.40 - Access and Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2020, and REr.92 - Heritage precincts Front fences for other rules relating to fence heights or locations. Refer to the NCC Residential Street Frontage Guidelines.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.32 Maximum building height	REr.32.1 The maximum permitted height for buildings is 7.5m. (see definitions of 'Height' [including chimneys] and 'Height measurement')	REr.32.2 not applicable	REr.32.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.32.4 a. the effect on streetscape and the general amenity values in the locality. b. the scale and bulk of the structure in relation to the street, the site and the locality. c. the extent to which landscaping, or greater than required building setback distances could mitigate the height. d. proximity of residential development on an adjoining site. e. any natural and physical constraints on the use of the site. f. whether the layout or topography of the site may	REr.32.5 Building height is limited to a scale normally accepted in a residential area. The permitted standard allows 2 storey buildings. Allowing higher buildings within the Residential Zone requires greater scrutiny. Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground are discretionary. ~~This rule does not apply to Wakefield Quay Precinct - refer to REr.84.~~ Note: Airport Height Restrictions may also affect some properties, especially at Monaco - see Maps A3.1 and A3.2.

reduce the adverse effects of a taller structure. g. the extent to which the proposed development will visually intrude or dominate an adjacent activity. h. the manner in which the proposed development might protect or enhance the amenities of the adjoining land. i. impacts on any significant views or landscapes in Appendix 9 - Landscape components and views.			
Permitted	**Item**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.33 **Relocated buildings**	REr.33.1 Relocation of a building from another site is permitted if the gross floor area is less than 30m^2.	REr.33.2 Relocation of a building from another site is controlled if: a. the gross floor area is greater than 30m^2. Control reserved over: i. the external appearance of the building.; and ii. landscaping of the site.; and iii. timing of completion of work.	REr.33.3 not applicable
Assessment Criteria		**Explanation**	
REr.33.4 a. the exterior materials used, their condition and quality, including whether recladding may be required for the building to be brought up to an acceptable standard b. the period required for restoration work to be undertaken c. how prominent the site is to neighbours or from any public place d. whether bonds or covenants are required to enforce compliance with conditions.		REr.33.5 Relocated buildings can be an efficient reuse of a valuable resource. However, in the Residential Zone, conditions are needed to ensure that the relocated building is promptly restored and blended into the site. There are no additional controls in the Plan on relocating older buildings into new residential subdivisions. If this is a concern to the developers of such subdivisions, then they should consider the use of private covenants on the title to restrict this.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~**REr.34**~~ ~~**Building over or alongside drains (piped or open) and water mains**~~	~~REr.34.1~~ ~~Structures 3m or greater from a drain (piped or open) are a permitted activity.~~ ~~Structures closer than 3m to a piped drain or watermain are permitted provided that:~~ ~~For drains or watermains less than or equal to 300mm diameter:~~ ~~a. any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or~~ ~~For drains or watermains greater than 300mm in diameter~~ ~~b. any structure 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, or~~ ~~For drains 150mm or less in~~	~~REr.34.2~~ ~~Structures:~~ ~~That contravene REr.34.1.c.ii., c.iii., c.iv., c.v., and c.vi. only are controlled activities~~ ~~The matters of control are;~~ ~~a. Physical accessibility to the pipe, and~~ ~~b. the ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and~~ ~~c. the depth of concrete/permanent surface floor over the pipe, and~~ ~~d. alternative locations for the pipe and methods of emplacement.~~	~~REr.34.3~~ ~~Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity.~~ ~~All other activities are discretionary.~~

	diameter c. any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that: i. The length of pipe or drain built over is no more than 6m in length; and ii. There are no changes in direction or junctions in the portion of the drain built over; and iii. The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and iv. There is a minimum 6m clear length and 3m clear width and 1.8m clear height at one end of the sleeve to allow replacement of the pipe; and v. The pipes are not water mains or pressurised pipelines; and in all cases d. any structure 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 where the required pipe or drain is greater than 150mm in diameter or width; and e. any structure located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram).		

~~Assessment Criteria~~	~~Explanation~~
~~REr.34.4~~ ~~a. the nature of the structure and whether access to the pipe or drain can be maintained~~ ~~b. any measures taken to ensure that replacement of the pipe or drain can be undertaken.~~ ~~c. the nature of the pipe or drain, taking into account materials of construction and any bends or joints.~~ ~~d. the accessibility of the pipework or drain and the ease by which it could be extracted.~~	~~REr.34.5~~ ~~This rule applies to piped and open drains.~~ ~~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 rains where off-site facilities are likely to be affected.~~ ~~Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.~~ ~~At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply.~~ ~~Diagram referred to in REr.34.1a:~~ 

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.35 **Daylight admission**	REr.35.1 Buildings are permitted if~~:~~ ~~a.~~ they comply with the requirements in Appendix 15.	REr.35.2 not applicable	REr.35.3 Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under REr.22.3. All other activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.35.4 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. b. the nature of activities or area affected. c. the effects of any shading on the public enjoyment and amenity of streets and public places.	REr.35.5 The daylight/sunlight 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.36 Decks, terraces, verandahs and balconies	REr.36.1 Decks, verandahs, balconies or any similar structures, with a finished floor level in excess of 1.2m above natural ground level at any point, including terraces formed behind retaining walls supporting fill material, are permitted, if: a. they are set back at least 2m from any side or rear boundary, measured on the horizontal plane. This is not a requirement where the subject property adjoins a reserve, access, right-of-way, stream or river; and b. the entire structure (including any railings, fences and canopies) complies with REr.35 - Daylight admission and REr.32 - Maximum building height. This rule does not apply where: a. the ground is sloping; and b. the structure is within 2m of the boundary; and c. the finished floor level of the structure lies below the ground level of the adjacent property (measured at all points of the structure in relation to that boundary).	REr.36.2 Activities that contravene part a. of the permitted conditions are controlled, if: a. they comply with part b. of the permitted conditions and are not part of a Comprehensive Housing Development. Control reserved over: i. screening from the adjoining property; and ii. the height and location of the deck, verandah, balcony or similar structure.	REr.36.3 Comprehensive Housing Developments which do not comply with a permitted condition of the rule on boundaries internal to the development will be processed under REr.22.3. All other activities that contravene part b. of the permitted conditions are discretionary

Assessment Criteria	Explanation
REr.36.4 a. the location and proximity of buildings and outdoor living areas on adjacent sites in relation to the proposed structure. b. the effect of the structure on the privacy of neighbours. c. the extent to which any effects on the privacy of adjoining properties will be or could be mitigated by screening (e.g. by a fence, vegetation, or a wall on the deck etc). d. the intended use of the structure. e. the topography of the site, including the ability to provide for outdoor living elsewhere on the site. f. any impacts on sunlight and daylight on adjoining properties, where the sunlight and daylight rules are not complied with (see also assessment criteria for REr.35 - Daylight Admission).	REr.36.5 The rule aims to prevent structures which can be used for outdoor living, from being located such that they can overlook neighbours and take away their ability to have a reasonable degree of privacy. These include terraces constructed behind filled retaining walls. Any such structure, including any fences or rails that are part of it, must comply with the rules that relate to access of daylight. This applies to any fence on top of a retaining wall.

All residential zones (Residential Zone - Standard Area, Comprehensive Area, Lower Density Area, General Residential Zone, Medium Density Residential Zone~~, High Density Zone~~)			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.36A Building over or alongside drains (piped or open) and water mains ~~Note: Rule REr.36A does not apply to Schedule X (Maitahi Bayview) see Appendix 3I~~	REr.36A.1 Structures 5m or greater from a public or common private drain (piped or open) or a public or common watermain are a permitted activity. Structures on a property that are closer than 5m to a public or common private ~~piped~~ drain (piped or open) or a public or common watermain are permitted provided that: In all cases: a. any structure must be located outside of the top of a bank or swale for open drains; and b. any structure located within 5m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified and experienced chartered civil engineer) (see diagram); and For drains ~~and/or~~ watermains greater than 150mm in diameter or any drains or watermains deeper than 1.2m to invert: c. any structure must be located no closer than 1.5m plus the depth of the drain or watermain measured horizontally from the near side of any public or common private water main, or common private or public sewer or stormwater pipe; and d. there is no structure overhanging/cantilevered for the full width as identified in REr.36A.1.c) (1.5m plus the depth of the drain or watermain measured horizontally from the near side of any public or common	REr.36A.2 not applicable	REr.36A.3 Structures that contravene a permitted activity condition are restricted discretionary. Discretion is restricted to the following matters: i. physical accessibility to the pipe~~.~~; and ii. the ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair~~.~~; and iii. alternative locations for the pipe and methods of emplacement. Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity. All other activities are discretionary.

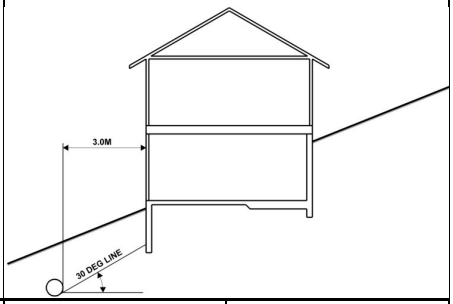
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	private water main, or common private or public sewer or stormwater pipe); and For drains or watermains less than or equal to 150mm in diameter and less than 1.2m depth to invert: e. any structure must be located no closer than 1.5m measured horizontally from the near side of any public or common private water main or common private or public sewer or stormwater drain; or f. any structure may be located within 1.5m or directly over a common private or public piped drain; providing that: i. the length of pipe built over is no more than 6m- in length; and ii. there are no changes in direction or junctions in the portion of the drain built over; and iii. the length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and iv. there is a minimum 6m clear length and 3m clear width and 1.8m clear height at one end of the sleeve to allow replacement of the pipe; and v. the pipes are not pressurised; and g. any structure may overhang a line of the pipe or drain that is less than or equal to 150mm in diameter and less than 1.2m depth to invert, 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.		
Assessment Criteria		**Explanation**	
ICr.36A.4 a. the nature of the structure and whether access to the pipe or drain can be maintained. b. any measures taken to ensure that replacement of the pipe or drain can be undertaken. c. the nature of the pipe or drain, taking into account materials of construction and any bends or joints. d. The accessibility of the pipework or drain and the ease by which it could be extracted.		ICr.36A.5 This rule applies to piped and open drains. 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 rains where off-site facilities are likely to be affected. Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case-by-case basis through the resource consent process. At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply. Diagram referred to in ICr.36A.1.b:  	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.37 **Activities near the coast**	REr.37.1 Activities within 5m 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.	REr.37.2 Extension of a utility service line or structure is controlled. Control reserved over i. damage to indigenous vegetation; and ii. discharge of contaminants; and iii. maintenance of access; and iv. remedial measures.	REr.37.3 Activities that contravene a permitted condition or controlled standard are discretionary.

Assessment Criteria		Explanation	
REr.37.4 a. the appropriateness of undertaking the activity within this area. b. effects on water quality. c. effects on public access and recreation. d. effects on indigenous vegetation and the habitat of indigenous fauna. e. effects on sites of cultural significance. f. the justification for the establishment of esplanade reserves, strips or other protections for the margins. g. the values of coastal waters listed in Appendix 4 - ASCV Overlay and Appendix 6 - Riparian and coastal margin overlays.		REr.37.5 Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons. Activities adjoining a Riparian Overlay are regulated by REr.71 - Riparian Overlay – activities on land identified with riparian values. See REr.70 - Conservation overlay for activities in a Conservation Overlay.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.38 **Parking** ~~Note: Rule REr.38 does not apply to Schedule X (Maitahi Bayview) see Appendix 32~~	REr.38.1 Parking, loading and manoeuvring areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 - Standards and terms for parking and loading.	***Rule REr.38.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020***	REr.38.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.38.4 Refer to Appendix 10.		REr.38.5 Refer to Appendix 10.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.38A **Cycle Parking** ~~Note: Rule REr.38A does not apply to Schedule X (Maitahi Bayview) see Appendix 32~~	REr.38A.1 Cycle Parking must be provided and maintained on each site in accordance with the standards set out in Appendix 10 - Standards and terms for parking and loading.	REr.38A.2 ~~N~~not applicable	REr.38A.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to the matters outlined in Appendix 10.
Assessment Criteria		**Explanation**	
REr.38A.4 Refer to Appendix 10.		REr.38A.5 Refer to Appendix 10.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.39 **Parking or storage of heavy vehicles**	REr.39.1 Maximum of 1 heavy vehicle parked or stored on-site.	REr.39.2 not applicable	REr.39.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.39.4 a. the size of the site and the location in which the vehicle will be parked. b. the visual, shading, noise, and other effects of having the vehicle parked or stored on the site. c. where there is a shared vehicle access, the number of sites using the access and its width. d. the likely hours of use of the vehicle.		REr.39.5 Heavy vehicles parked on a site can reduce the residential amenity, and in particular cause problems with shared accesses. Heavy vehicles are often started early and left to idle for a period, or used until late in the evening. Both can cause problems with noise and fumes.	

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.40 Access Note: Rule REr.40 does not apply to Schedule X (Maitahi Bayview) see Appendix 32	REr.40.1 ~~Vehicle~~ a. Micromobility access is required where vehicle access is not provided. Micromobility access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 - Access standards. b. Where provided, vehicle access must be formed and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and the mandatory matters in Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2020. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 and mandatory matters in the Nelson Tasman Land Development Manual 2020 as listed above.	REr.40.2 not applicable	REr.40.3 ~~Activities~~ a. Micromobility access that ~~contravene~~contravenes a permitted condition ~~are~~is a **restricted discretionary** activity. b. Shared private vehicle access for 20 or more residential units is a **restricted discretionary** activity. Discretion is restricted to the matters outlined in Appendix 11. i. Vehicle access that contravenes permitted condition REr.40.1.b are **discretionary**.
Assessment Criteria		**Explanation**	
REr.40.4 Refer to Appendix 11.		REr.40.5 Refer to Appendix 11. Small unstaffed network utility buildings are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.41 Signs	REr.41.1 Any sign must be designed and constructed in accordance with the specifications in Appendix 20 - Signs and outdoor advertising.	REr.41.2 not applicable	REr.41.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.41.4 Refer to Appendix 20 - Signs.		REr.41.5 Refer to Appendix 20 - Signs.	

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.42 Outdoor storage	REr.42.1 Goods and materials stored outside must not be readily visible from any road or public place or adjoining sites.	REr.42.2 not applicable	REr.42.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.42.4 a. the visual impacts from the street, neighbouring properties or any public area. b. the potential for contamination of the site and the surrounding environment. c. the distance that storage will occur from the nearest boundary, and the proposed methods of screening from neighbouring properties and from public view. d. the nature of the items being stored and the length of time that storage on the site is proposed.		REr.42.5 Outdoor storage, if not screened from the view of the public or neighbours, can have a major impact on the visual amenity of residential areas.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.43 Noise	REr.43.1 Noise levels generated by any non-residential activity or home occupation, measured at, or within, the boundary of any site in the Residential Zone must not exceed: a. **Day Time** L 10: 55 dBA **Other Times** L10: 45 dBA Lmax: 75 dBA b. Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and public holidays. All measurements and assessment in accordance with NZS 6801:1991 and NZS 6802:1991.	REr.43.2 not applicable	REr.43.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.43.4 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. b. the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units. c. whether the noise is likely to detract from the general environmental quality being proposed for the zone. d. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.		REr.43.5 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. Reasonableness may also relate to the duration or frequency of the event. Recurring noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance e.g. noise associated with construction. As noise has a major influence on the amenity of an area, any proposal for noise in excess of the permitted standard will be assessed as a discretionary activity. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound)	

		Note: this Rule does not apply to aircraft noise, port noise or off-site traffic noise.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.43A ~~State Highway Noise –~~ Acoustic Insulation within the State Highway Noise Overlay. Note: Where more than one rule/ standard applies that requires acoustic insulation of a habitable space from an external noise source, the standards must be applied cumulatively when determining the overall level of acoustic insulation that is required. Note: Where more than one rule or standard requires a mechanical ventilation and cooling system to comply with the Acoustic Insulation or Acoustic Treatment requirements, compliance can be demonstrated by meeting the requirements of the mechanical ventilation and cooling standards set out in any one of the applicable rules.	REr.43A.1 New buildings~~,~~ used for Residential Activity, or additions that increase the gross floor area of a habitable space ~~or substantial alterations to an existing building~~ by 10m^2 or more within the State Highway Noise Overlay are a permitted activity ~~if:~~ where: a. ~~habitable spaces are located at least:~~ ~~i. 100m from the edge of the nearest marked traffic lane of any State Highway; or~~ ~~ii. 40m from the edge of the nearest marked traffic lane of any State Highway and there is an existing solid and continuous building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new or altered habitable spaces to any part of the road surface of the state highway. This excludes unaltered existing spaces; or~~ a. the habitable space(s) are designed, constructed and maintained to achieve a maximum indoor design noise level~~s~~ of 40 dB $L_{Aeq(24hr)}$ ~~L_{Aeq} (24hr) inside any new or altered habitable space; and~~ or, b. the habitable space(s) are located so the nearest exterior façade of that part of the building is at least 40m from the edge of the nearest marked lane of the State	REr.43A.2 not applicable	REr.43A.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to the following matters: i. the extent to which the noise ~~or vibration~~ generated by the road will adversely affect health and wellbeing of people, including consideration of: a. whether the times of noise ~~or vibration generation~~ will occur when disturbance to rest and sleep should be avoided or minimised; and b. the effect on the occupants being exposed to higher indoor noise levels and / or ventilation that is insufficient to allow people to remain healthy (NZBC G4) and temperature controls that is insufficient to ensure people are thermally comfortable. c. mitigation and management measures to reduce effects from noise. d. ~~existing background levels and the total cumulative level of noise.~~ ii. ~~the extent to which the noise or vibration generated by the road will detract from the amenity values expected in the zone or area, including consideration of:~~ a. ~~the relevant objectives and policies relating~~

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	Highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors of the habitable space(s) to all parts of the formed carriageway of the state highway; or c. The habitable space(s) are in a location where it can be demonstrated by way of predication or measurement by an appropriately qualified and experienced acoustic specialist that the design road noise level at all exterior façades of habitable space(s) is no more than 55dB $L_{Aeq(24hr)}$ where the design road noise level is based on measured or predicted existing road noise levels plus 3 dB. And d. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Council demonstrating compliance with a.- c. prior to the construction of any habitable spaces. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted levels. Noise level predictions for the building may be modelled by a suitably qualified and experienced acoustics specialist using a recognised computer modelling method for road traffic, having regard to factors such as barrier attenuation, the location of the dwelling relative to the road, topographical features and any intervening structures. And e. if windows must be closed to achieve the design noise levels in ~~b~~.a., the habitable space(s) ~~building~~ must be designed, constructed and		~~to amenity in the zone, or area.~~ b. ~~the positive and adverse effects of the activity on amenity values.~~ c. ~~mitigation and management measures to reduce effects from noise or vibration.~~ d. ~~reverse sensitivity effects on the safe and efficient operation of the State Highway network~~

	maintained with a ventilation and cooling system. ~~For habitable spaces a ventilation cooling system must~~ that achieves the following: ~~i. ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq (30s) when measured 1m away from any grille or diffuser; and~~ ~~ii. provides heating and cooling that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq (30s) when measured 1m away from any grille or diffuser; and~~ i. provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and ii. provides cooling and heating that is controllable by the occupant and can maintain the inside		

	temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for Nelson. An acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data; and iii. any system installed in compliance with i. and ii. above, must not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser). Or iv. Alternatively, in lieu of i.to iii. above, a design verified by a suitably qualified and experienced HVAC expert certifying that the design will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in i.to iii; and		

	v. a commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with i. to iii. or iv. d. a design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Council demonstrating noise compliance prior to the construction or alteration of any habitable spaces. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.		
Assessment Criteria		**Explanation**	
REr.43A.4 a. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. b. the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. c. whether the development is able to be located elsewhere. d. effects on the existing or planned function of the road , including reverse sensitivity effects. e. effects on the safety and amenity of the street and public open spaces associated with any alternative acoustic barriers proposed. f. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.		REr.43A.5 The rule is to manage the effects of high levels of road traffic noise on the indoor amenity and health of occupants prevent unreasonable levels of noise affecting properties neighbouring of buildings containing Residential Activities adjacent to the state highway.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.44 **Helicopter landing pads**	REr.44.1 Use of a site for the landing or taking off of helicopters is not permitted, except for: a. emergencies such as saving life, fire fighting, rescue; or b. associated with short term construction, inspection, and maintenance activities; or c. temporary military training activity.	REr.44.2 not applicable	REr.44.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria		Explanation	
REr.44.4 a. the location of the site in relation to residences or other noise sensitive activities. b. the proposed hours and regularity of use of the pad.		REr.44.5 Helicopter pads are considered an inappropriate use in residential areas, except for emergency, construction or military training purposes, and therefore have been made non-complying activities in all but those cases. Use of helicopters for emergency purposes includes emergency activities associated with Nelson Public Hospital on any part of its scheduled site, or any hospital providing accident and emergency services to the public.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.45 Vibration	REr.45.1 No vibration created on a site may be discernible at any other site, except for short term construction activity.	REr.45.2 not applicable	REr.45.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.45.4 a. the duration, time, and the type of vibration, and the likely disturbance that may cause. b. the nature and location of nearby activities and the effects they may experience. c. whether the vibration is likely to detract from the general environmental quality and the amenity of any Residential Zone.		REr.45.5 Like noise, vibration can have a major impact on people's enjoyment of their property. This is particularly so for residential properties.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.46 Light spill	REr.46.1 Artificial lighting is permitted if: a. the spill of light onto any other site does not exceed 3 lux (horizontal and vertical) measured at the boundary of the other site;; and b. it does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or c. the light is a street light, navigation light or traffic signal.	REr.46.2 not applicable	REr.46.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.46.4 a. the extent to which additional light may adversely affect occupation of residential properties. b. the effect on traffic safety. c. the positive effects of improved pedestrian safety and security. d. the type of light, including its strength, colour, hours of operation, and whether flashing or varying in intensity.		REr.46.5 The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. The standard recognises the effect that light spillage may have on people's ability to sleep.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.47 Hazardous substances use and storage	REr.47.1 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.	REr.47.2 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.	REr.47.3 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.
Assessment Criteria		**Explanation**	
REr.47.4 Assessment criteria in Appendix 21.		REr.47.5 Refer to Appendix 21.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.48 Radioactive material	REr.48.1 Permitted if: used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography, or the radioactivity does not exceed 0.1 terabecquerel.	REr.48.2 not applicable	REr.48.3 Activities that contravene a permitted condition are discretionary, if the amount does not exceed 1 terabecquerel.
Assessment Criteria		**Explanation**	
REr.48.4 a. the type of radioactive source proposed and its relative activity. b. compliance with the relevant National Radiation Laboratory code of practice. c. the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site. d. transportation routes, particularly through residential areas, and methods.		REr.48.5 The permitted standard provides for such things containing minor amounts of radioactive materials such as smoke detectors, and luminous watches and clocks. The discretionary activity category would provide for facilities such as new medical laboratories. The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants from being established. Activities involving radioactive substances are controlled by the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982. The rules seek to impose additional control only on the higher potential emission activities to enable wider community consultation. Note: activities are prohibited if emissions are in excess of 1,000 terabecquerels of radioactivity (see REr.2 – Prohibited activities).	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.49 Aerials	REr.49.1 Aerials are permitted if: a. there are not more than 3 aerials per site, and b. any dish antenna is not located on a front site between the residential unit and the road boundary.; and i. in the case of a dish antenna erected on a site owned or leased	REr.49.2 not applicable	REr.49.3 **Restricted Discretionary Activity** Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to: i. visual effects (including cumulative effects)..; and ii. practical

	by a network utility operator, does not exceed a diameter of 1.2m; or ii. in the case of any other dish antenna, does not exceed a diameter of 1m, and c. 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 – Heritage buildings, places and objects); and d. aerials attached to any building do not exceed the height of the building by more than 3m; and e. aerials that are not attached to a building do not exceed 10.5m in height and are located not closer than 4m from any boundary; and f. the supporting mast does not exceed 450mm diameter.		alternatives; and iii. design and appearance of the structure (including its height and bulk) and method of mounting; and iv. siting of the structure; and v. landscaping or other treatment; and vi. the shading effects of the structure. **Discretionary Activity** Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.
Assessment Criteria		**Explanation**	
REr.49.4 a. the visual impacts of the aerial on neighbouring residents and the general public. b. the scale of the aerial in relation to buildings on the site and in the neighbourhood, and taking account of local topography and the local environment. c. the form and bulk of the aerial, including the visual impact of any support structures and any guy wires. d. the extent to which design, colour scheme or screening might mitigate the adverse effects of the aerial. e. any shading posed by the structure. f. how prominent the site is, taking account of any significant public or private views or any significant landscapes. g. the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. h. the cumulative effect of additional aerials, taking account of the impacts of existing aerials on the site, and on adjacent sites.		REr.49.5 The rules provide as of right for standard domestic radio or television aerials at a scale that is traditional and accepted in residential neighbourhoods. Three such aerials are considered sufficient for normal domestic needs. A slightly larger sized dish antenna has been provided for network utility operators as it is considered that 1.2m provides operational flexibility while also being appropriate to the environment in which they will be located. Note the definition of aerial which allows for a support mast with several antenna mounted on it. Within the Residential Zone therefore, REr.49.1 a. provides for a maximum of 3 support masts with multiple antennas/aerials. The rule makes some provision for amateur radio operators, but when a larger size or a larger number of aerials are needed, a resource consent is required. This is so that any adverse effects on the neighbours and the wider environment can be assessed. To deal with guy supports, and antennas overhanging neighbouring properties, a set back is required from the boundaries. Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence dishes over 1m in diameter or in the front yard require a resource consent so that any impacts can be addressed. Notes: Dish antennas and other aerials which add to the coverage of the site are counted as part of building coverage. Part of the definition of 'aerial' states: “A single mast, pole, or single structure supporting several antennas including non-transmitting guy wires or supports would be considered to be	

		one aerial".	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.50 **Radiofrequency exposure levels**	REr.50.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if: a. 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 b. 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 c. 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	REr.50.2 not applicable	REr.50.3 Activities that contravene permitted condition a. are **non-complying**. Activities that contravene any other permitted condition are **discretionary**.

	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. Exclusion Conditions b. and c. 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.		
Assessment Criteria		**Explanation**	
REr.50.4 a. the potential effects of any increase of radio frequency exposure on the health of persons near the facility. b. the nature of any activities near the proposed site, having regard to their susceptibility to any exposures. c. the location of the site, and any potential for shielding from exposures. d. any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.		REr.50.5 Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them. 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. 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% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required. 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. Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.51 **~~Buildings~~ Activities near transmission lines**	REr.51.1 a. Sensitive activities ~~Residential units, or education facilities (including any preschool or day care centre)~~ must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity ~~greater than or equal to~~ of 66kV.	REr.51.2 not applicable	REr.51.3 ~~a.~~ Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.51.4 a. any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area. b. any effects to and from structures and lines including noise, visual impact and physical risk.	REr.51.5 A limited number of ~~high voltage~~ transmission lines traverse the Residential Zone. These locations are shown on the Planning Maps. ~~A separation distance between lines and housing activities is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This reflects a precautionary approach to electromagnetic fields and other effects of major overhead transmission lines~~. The rule provides an opportunity for evaluation of such effects when ~~new housing~~ sensitive activities are ~~is~~ proposed in proximity to these lines (see also REr.53 for new lines). All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.51A **~~Activities near National Grid transmission lines~~** **Activities, buildings, and structures within the National Grid Yard**	REr.51A.1 An activity, building or structure ~~within the National Grid Yard~~ is a permitted activity provided that: a. it involves alterations and additions to an existing building or structure for a sensitive activity that does not involve an increase in the building height or footprint; or b. it involves accessory buildings for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m2 in area; and c. it is for network utilities as defined in section 166 of the RMA and for electricity generation that connects	REr.51A.2 not applicable	REr.51A.3 Activities that contravene a permitted condition or are not otherwise provided for are **non-complying**. Any application under this rule will not be publicly or limited notified except that limited notification must be given to Transpower (New Zealand Limited) unless it provides its written approval.

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	d. to the National Grid; and any fences are located at least 6m from a National Grid support structure. Other permitted activity standards: a. All buildings or structures in the National Grid Yard must comply with the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP34:2001). b. Any building, structure or activity within the National Grid Yard must ensure vehicular access to any National Grid support structure is available.		
Assessment Criteria		**Explanation**	
REr.51A.4 not applicable		REr.51A.5 National Grid transmission lines traverse part of the Residential Zone. These locations are shown on the Planning Maps. A separation distance is required between these assets and sensitive activities. This recognizes that the safe and efficient operation, maintenance repair, upgrading, removal or development of the National Grid must not be compromised by the potential adverse effects created by sensitive activities, new development and the subdivision of land near the National Grid. The rule provides an opportunity for evaluation of such effects when new sensitive activities are proposed in proximity to the National Grid (see also REr.53 for new lines). All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner/ operator.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.52 **Network utility** Buildings	REr.52.1 Any network utility building is permitted if: a. the building is directly part of a network utility;; and b. the building is not, or does not contain, a substation;; and c. the building does not exceed 36m^2 ground floor area, and 5m in height;; and d. all parts of the site utilised by the network utility are landscaped, except those parts that are: i. associated with a building no greater than 15m^2, or	REr.52.2 not applicable	REr.52.3 Activities that contravene a permitted condition are discretionary.

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	ii. occupied by structures, or iii. only utilised to the extent that they are occupied by overhead lines, or iv. utilised for parking, access or manoeuvring; and e. the building complies with the relevant standards in this table **except** REr.24 - Site coverage, REr.25 - Front yards, and REr.32 - Maximum building height.		
Assessment Criteria		**Explanation**	
REr.52.4 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. b. the extent to which the utility may compromise the amenity of residences in terms of matters such as lighting, noise, shading, air emissions, or vibration. c. any risk to health, safety or property posed by the structure or activity. d. how prominent the site is, taking account of any significant public or private views or any significant landscapes. e. the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the facility. f. whether there would be environmental benefits in co-location of the facility with other utilities. g. any cumulative effects, particularly with regard to visual impacts with respect to existing facilities in the area.		REr.52.5 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: REr.55 – Structures on the road reserve - applies where these are in the road reserve). Structures larger than this (e.g. 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.53 **Network utility** Above ground and underground utilities	REr.53.1 a. Any underground network utility is permitted except: i. any high pressure gas line exceeding a gauge pressure of 2,000 kilopascals; and b. Any above ground network utility is not permitted except: i. maintenance and operation of existing utilities; or ii. small above ground parts of	REr.53.2 not applicable	REr.53.3 Activities that contravene a permitted condition are discretionary.

	an underground utility (e.g. Junction boxes); iii. as explicitly provided for elsewhere in this rule table.		
Assessment Criteria		**Explanation**	
REr.53.4 a. any hazard presented by the utility, including any effects of electromagnetic radiation. b. the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses. 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 and in particular the impact on land within the Landscape Overlay. d. the scale, bulk and height of the facility. 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. f. any constraints on placing the utility underground. g. Appendix 9 - Landscape components and views.		REr.53.5 Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk also need to be assessed as discretionary activities. The electricity and telephone network is an important part of the City's infrastructure. They, and similar facilities, are permitted if located underground. 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.54 **Minor Upgrading of Electricity Transmission Lines and Support Structures** The National Environmental Standards for Electricity Transmission Activities (NESETA) contain a separate code of rules for the operation, maintenance, upgrading, relocation or removal of an existing transmission line, which is part of the National Grid, as defined in the regulations. Except as provided for by the regulations, no rules in the Nelson Resource Management Plan apply to such activities. Where an activity does not relate to an existing transmission line that is part of the National Grid, or where new transmission lines and associated structures are proposed, the provisions of the Nelson Resource Management Plan apply.	REr.54.1 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.	REr.54.2 not applicable	REr.54.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.54.4 a. the impact any proposed lines and support structures will have on the character of the area. b. any alternatives considered or proposed. c. the purpose of the facility and the local community it will serve. d. any mitigation measures proposed. e. the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.	REr.54.5 "Minor Upgrading" 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.55 **Structures on the road reserve**	REr.55.1 Structures on the road reserve are permitted if: a. they are part of the road infrastructure (e.g. 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^2 floor area and 3.5m high; and c. they do not obstruct the carriageway or footpaths.	REr.55.2 not applicable	REr.55.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.55.4 a. the size and scale of the structures. b. any visual impacts, taking account of the character of the area. c. safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.	REr.55.5 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. 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. 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 these Acts, by the matters contemplated in these rules.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.56 **Network utility** Roads	REr.56.1 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 mandatory matters in Chapter 4 of the	REr.56.2 not applicable	REr.56.3 Activities that contravene a permitted condition are discretionary.

	Nelson Tasman Land Development Manual 2020 are complied with.		
Assessment Criteria		**Explanation**	
REr.56.4 a. the matters in Chapter 4 of the Nelson Tasman Land Development Manual 2020. b. the noise and air emissions from the road, taking account of the nature of nearby activities. c. any implications for traffic and pedestrian safety, both positive and adverse. d. any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e. any impacts on communities e.g. whether the road would divide a neighbourhood. f. any opportunities to provide views and vistas from the road.		REr.56.5 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.57 **Neighbourhood parks**	REr.57.1 Playgrounds, service buildings, informal recreation, galas, festivals, ceremonies and outdoor performances are permitted, if any structure (including a fence): a. does not exceed a height of 3m (for playground equipment), or 4.5m for service buildings~~.~~; and b. complies with the other rules in this Rule Table.	REr.57.2 not applicable	REr.57.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.57.4 a. the compatibility of the structure with its surroundings and its appropriateness in the particular park. b. the nature of the adjacent land uses. c. privacy for adjacent land use activities. d. any effects on the outlook of the adjoining properties. e. any positive impacts in terms of recreational opportunities. f. any noise or other adverse effects associated with the activity. g. any landscaping or other site treatment proposed to deal with any adverse effects of the activity.		REr.57.5 Neighbourhood parks are generally included in the Open Space and Recreation Zone. Many of these parks are created when land is subdivided, or when land is acquired to provide parks for the growing city. Prior to a Plan Change that would change the zoning to Open Space and Recreation, small neighbourhood parks are likely to be in the Residential Zone. It is therefore necessary to make some provision for neighbourhood parks in this zone especially where they have very little adverse impact, or enhance the amenity of the neighbourhood.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.58 **Building on low lying sites**	REr.58.1 ~~Building~~A 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~~.~~; and	REr.58.2 not applicable	REr.58.~~1~~.3 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

	i. in accordance with NZS 4431:1989 (Code of practice for earthfill or residential development); and ii. such that stormwater runoff from the site is not directed onto other sites, and that stormwater runoff from other sites is 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.		
Assessment Criteria		**Explanation**	
REr.58.4 a. the ground level required to avoid the effects of anticipated flooding. 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. c. the effects on neighbouring properties, especially with respect to stormwater runoff. d. Chapter 5, section 5.4.5 of the Nelson Tasman Land Development Manual 2020.		REr.58.5 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 consequent effects on stormwater ponding. 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. See REr.61 - Earthworks where a site is to be filled. A resource consent to erect a building or undertake major alterations within an inundation area does not remove the need to obtain a building consent under the provisions of the Building Act 2004. Where land is subject to a natural hazard, Section 72 of the Building Act 2004 applies. If the proposed building work does accelerate, worsen or create a natural hazard on that or any other property, the Building Consent Authority (the Council) can issue a building consent under section 72 of the Building Act. A building consent issued under Section 72 can not require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property/s title that the property may still be subject to a natural hazard. ~~This~~ Note: This low lying site rule does not apply within any Flood Area. ~~Refer to Chapter 3 Administration for information on the Inundation Overlay - see REr.93 - Inundation~~	

Commented [RD125]: Minor correction this is required for sense as the rule does not apply to Flood Areas.

		overlayspreparation of applications and an explanation of the Flood Areas	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.59 **Vegetation clearance** Note this rule is a regional and a district rule 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.	REr.59.1 Vegetation clearance is a permitted activity if: 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: i. forming or constructing a fire break, fence line, survey line,; or ii. installing a utility service line across the river,; or iii. for domestic garden activity,; or iv. maintenance of State Highways,; or v. 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 c. it does not take place within 20m of the coastal marine area, except maintenance of State Highways, or 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 no vegetative debris is positioned where it may	REr.59.2 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: a. the vegetation to be cleared is not indigenous forest, or is plantation forest,; and b. no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats,; and 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: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over. Control reserved over: i. loss of topsoil, or movement of soil down slope,; and ii. damage to structures or adjoining properties,; and iii. soil and vegetation entering rivers,; and iv. damage to instream habitats,; and v. adverse effects on catchment stream flow, including stormwater,; and vi. river bank erosion, and vii. duration of exposure of bare soil to wind and rainfall,; and viii. catchment water quality including suspended sediment load and increased stream bed load,; and ix. the method and timing of the activity,; and	REr.59.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to: i. loss of topsoil or movement of soil down slope,; and ii. the potential for slope failure,;and iii. damage to structures or adjoining properties,; and iv. soil and vegetation entering rivers and coastal water,; and v. damage to instream and coastal habitats,; and vi. adverse effects of catchment stream flow,; and vii. stream bank and coastal erosion,; and viii. duration of bare soil to wind and rainfall,; and ix. water quality, including suspended sediment load and increased stream bed load,; and x. the method and timing of the activity,; and xi. the area to be cleared at any one time,;and xii. the provision of structures to control soil erosion or sedimentation,; and xiii. the timing and techniques used for revegetation,; and xiv. the long term management of the land cleared,;and xv. the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated,; and xvi. the values set out in Appendix 6 Table 6.1 for any river,; and xvii. the matters in Appendix 9 – Landscape

	dam or divert any river or stream or adversely affect instream habitats;; and d. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over;; and 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 f. After reasonable mixing there are no significant adverse effects on aquatic life;; and g. there is no clearance of indigenous forest;; and h. there is no clearance of vegetation within a Biodiversity Corridor (or area of greenspace shown in Schedule I) 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: i. the maintenance of State Highways;; or ii. the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) including the excavation of holes for supporting structures, back-	x. the area to be cleared at any one time;; and xi. the provision of structures to control soil erosion or sedimentation;; and xii. the timing and techniques used for revegetation.	components and views;; and xviii. the matters in Appendix 4 - Marine ASCV Overlay;; and xix. effects on the values and function of any Biodiversity Corridor.

	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 iii. the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) 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 iv. the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2.c and W.2.c), or crossing (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) and provided the clearance is no more than required to permit the activity.		
Assessment Criteria		**Explanation**	
REr.59.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in		REr.59.5 This rule generally follows the pattern of the Regional Plan for the NCC Land Disturbance Regional Plan notified in 1993.	

REr.59.2, and restrict its discretion to the matters listed in REr.59.3.		That Plan will cease to have effect when this Plan becomes operative. Ordinary garden activity such as mowing lawns, or trimming or removing individual shrubs is permitted as is clearance for the purpose of installing or maintaining utility service lines. 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. Plantation Forest clearance near rivers and the coast is more tightly regulated under the National Environmental Standard for Plantation Forestry 1st 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 Appendix 6 - Riparian and coastal margin overlays. Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Māori to their ancestral lands. Vegetation clearance in the Conservation Overlay is regulated by a separate rule. Native vegetation is specifically protected in Biodiversity Corridors (or area of greenspace shown in Schedule I) to ensure their function as an ecosystem and a corridor, or 'green' area, is not compromised through clearance.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.60 **Soil disturbance** Note this rule is a regional and a district rule Advisory Note: Rule REr.60. 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. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.	REr.60.1 Soil disturbance is a permitted activity if: 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: i. forming or maintaining a firebreak or the fairway beneath power transmission lines;; or ii. maintaining a state highway, road, track or landing;; or iii. is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches,	REr.60.2 Soil disturbance that contravenes a condition for permitted activities is controlled if: a. the predominant slope does not exceed 35° from horizontal;; and b. no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats;; and 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: i. stabilised so that no earth moves off-site or presents a danger to life or property;; and ii. vegetated, paved, metalled or built over;; and all formation surfaces with an inward cross	REr.60.3 Soil disturbance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to: i. loss of topsoil or movement of soil down slope;; and ii. the potential for slope failure;; and iii. damage to structures or adjoining properties;; and iv. soil and vegetation entering rivers and coastal water;;and v. damage to instream and coastal habitats;; and vi. adverse effects on catchment stream flow;; and vii. bank and coastal erosion;;and viii. duration of bare soil to wind and rainfall;;and ix. water quality, including suspended sediment load and increased stream bed load;; and x. the method and timing of the activity;; and xi. the area to be cleared at any one time, and the provision of

	mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity; or iv. cultivation in the course of normal garden activity to a depth not exceeding 300mm and a maximum area of 100m^2 per site; and 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: i. the purpose of forming or constructing a firebreak, fence line, survey line or installing a utility service line across a river; or ii. cultivation of land with a predominant slope not exceeding 6^o from horizontal, provided cultivation is at least 2m from the banks of the river; or iii. the purpose of maintaining a State Highway; or iv. 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	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. Control reserved over: i. loss of topsoil or movement of soil down slope; and ii. damage to structures or adjoining properties; and iii. soil and vegetation entering rivers or coastal water; and iv. damage to instream and coastal habitats; and v. adverse effects on catchment stream flow, including stormwater; and vi. river bank and coastal erosion; and vii. duration of exposure of bare soil to wind and rainfall; and viii. water quality, including suspended sediment load and increased stream bed load; and ix. the method and timing of the activity; and x. the area to be disturbed at any one time; and xi. the provision of structures to control soil erosion or sedimentation; and xii. the timing and techniques used for revegetation.	structures to control soil erosion or sedimentation; and xiii. the timing and techniques used for revegetation; and xiv. the long term management of the land cleared; and xv. the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated; and xvi. the values set out in Appendix 6, Table 6.1 for any river; and xvii. the matters in Appendix 9 - Landscape components and views; and xii. the matters in Appendix 4 - Marine ASCV Overlay

	required to permit the activity;, and c. no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats;, and d. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i. stabilised so that no earth moves off-site or presents a danger to life or property;, and ii. vegetated, paved, metalled or built over;, and 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 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 g. trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable;, and 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.		

Assessment Criteria	Explanation
REr.60.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.60.2 and restrict its discretion to the matters listed in REr.60.3.	REr.60.5 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. On steeper land, minor activities such a 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. 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 Appendix 6 - Riparian and coastal margin overlays. Soil Disturbance is regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.61 **Earthworks** Note this rule is a regional and a district rule Advisory Note: Rule REr.61. does not apply to Earthworks 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. Those regulations prevail over this rule in relation to plantation forestry earthworks as defined in the regulations.	REr.61.1 Earthworks are a permitted activity if: a. the maximum height or depth of excavation or filling does not exceed 1.2m;; or 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 c. the excavation or fill: i. is retained immediately by a structure authorised by a building consent;; and ii. the maximum height or depth of the fill or excavation does not exceed 3m;;	REr.61.2 Earthworks that contravene a permitted condition are controlled if: a. the maximum height or depth of filling or excavation does not exceed 4m;; and b. the site is not in the Land Management Overlay;; and c. earthworks do not take place within 10m of the banks of any river identified in Appendix 6 - Riparian and coastal margin overlays or within 20m of the Coastal Marine Area;; and d. no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats;; and 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	REr.61.3 Earthworks that contravene a controlled standard other than g. are restricted discretionary activities. Where g. is contravened the activity is a discretionary activity. Discretion restricted to: i. loss of topsoil or movement of soil downslope;; and ii. the potential for slope failure;; and iii. damage to structures or adjoining properties;; and iv. soil and vegetation entering rivers and coastal water;; and v. damage to instream and coastal habitats;; and vi. adverse effects on catchment stream flow;; and vii. bank and coastal erosion;; and viii. duration of bare soil to wind and rainfall;; and ix. water quality, including suspended sediment

	and 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 d. the earthworks do not take place within 10m of the bank of any river identified in Appendix 6 - Riparian and coastal margin overlays, or within 20m of the Coastal Marine Area, except for the purpose of i. maintaining State Highways and other roads.; or ii. forming or constructing a fire break, fence line or survey line.; or iii. installing a utility service line across a river.; or 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 e. no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats.; and f. all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i. stabilised so that no earth moves off-site or	erosion control plan for the site: i. stabilised so that no earth moves off-site or presents a danger to life or property; and ii. vegetated, paved, metalled or built over, and 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 g. Material used for the fill is cleanfill material. Control reserved over: i. loss of topsoil or movement of soil down slope.; and ii. damage to structures or adjoining properties.;and iii. soil and vegetation entering rivers or coastal water.; and iv. damage to instream and coastal habitats.;and v. adverse effects on catchment stream flow, including stormwater.; and vi. river bank and coastal erosion.; and vii. duration of exposure of bare soil to wind and rainfall.; and viii. water quality, including suspended sediment load and increased stream bed load.; and ix. the method and timing of the activity.; and x. the area to be disturbed at any one time.; and xi. the provision of structures to control soil erosion or sedimentation.; and xii. the timing and techniques used for revegetation.; and xiii. the depth, height and volume of cut and fill and the finished ground level.; and xiv. the quality of fill material and	load and increased stream bed load.; and x. the method and timing of the activity.; and xi. the area to be cleared at any one time.; and xii. the provision of structures to control soil erosion or sedimentation.; and xiii. the timing and techniques used for revegetation.; and xiv. the long term management of the land cleared.; and xv. the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and.; xvi. visual effects.; and xvii. the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites.; and xviii. the values set out in Appendix 6, Table 6.1 for any river.; and xix. the matters in Appendix 9 - Landscape components and views.; and xx. the matters in Appendix 4 - Marine ASCV Overlay.; and xxi. control of noise.; and xxii. control of dust.; and xxiii. traffic and access issues.

	presents a danger to life or property; and ii. vegetated, paved, metalled or built over.; and 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 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 i. trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable.;and j. material used for fill is cleanfill material.; and 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.	compaction methods.; and xv. visual effects.; and xvi. control of noise.; and xvii. control of dust.; and xviii. traffic and access issues.	
Assessment Criteria		**Explanation**	
REr.61.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.61.2, and restrict its discretion to the matters listed in REr.61.3.		REr.61.5 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. The relationship of this Plan to the Land Disturbance Regional Plan is referred to in reasons for the vegetation clearance rule above. 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. Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank erosion), or sedimentation effects. Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints. 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. The activity is generally controlled as sufficient information to plot recommended ground height in any particular area is not available and must be 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. Some confusion may arise as to whether and 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. Notes: 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 (e.g. a spring), even if they are permitted or controlled activities under this rule. Earthworks are regulated in other rules, particularly in overlays, which may impose additional regulation on particular activities. REr.36 - Deck, terraces, verandahs and balconies which controls the height, and proximity to the boundary, of filled retaining walls.
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.61A **Landfill** Note this rule is a regional and a district rule	REr.61A.1 Landfills are not a permitted activity.	REr.61A.2 not applicable	REr.61A.3 Landfill activities are restricted discretionary activities if: a. the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m^3; and b. the landfill accepts only cleanfill material. Discretion is restricted to those matters listed in REr.61.3 - Earthworks, plus: i. visual and landscaping effects; and ii. leachate and runoff; and iii. fill brought on-site; and iv. depth, height, volume of fill and finished ground level, and v. fill quality/compaction methods; and vi. effect on soil fertility/versatility; and vii. consequential stormwater characteristics such as ponding; and viii. cumulative effects of landfill activities. Activities that contravene a restricted discretionary condition are discretionary activities.

Assessment Criteria	Explanation
REr.61A.4 In considering applications for landfills, Council will restrict its discretion to the matters identified in REr.61A.3 provided that the application does not contravene a restricted discretionary condition.	REr.61A.5 Landfill development and operation are 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. 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. Discharges to water and air from material within landfill sites also require separate regional resource consents.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.61B Earthworks and vertical holes in the National Grid Yard	REr.61B.1 Earthworks or vertical holes in the National Grid Yard are a permitted activity, provided they: a. do not exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure; and b. do not exceed 3m depth where located between 6m and 12m of the outer edge of the visible foundation of any National Grid support structure; and c. ensure vehicular access to any National Grid support structure is available.; and d. do not compromise the stability of a National Grid support structure; and e. do not result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001. The following earthworks or vertical holes are exempt from a. b. c. and d. above: i. earthworks or vertical holes, excluding	REr.61B.2 not applicable	REr.61B.3 Activities that contravene a permitted condition or are not otherwise provided for are non-complying. Any application under this rule will not be publicly or limited notified except that limited notification must be given to Transpower (New Zealand Limited) unless it provides its written approval.

	mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991; and ii. earthworks or vertical holes, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track; and iii. earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001.		
Assessment Criteria		**Explanation**	
REr.61B.4		REr.61B.5 The National Grid transmission lines traverse parts of the Residential Zone. These locations are shown on the Planning Maps. A separation distance between lines, support structures and earthworks recognises that the safe and efficient operation, maintenance, repair, upgrading, removal or development of the National Grid must not be compromised by the potential adverse effects created by earthworks near the National Grid.	
Standard Area, Comprehensive Area, Lower Density Area			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.62 **Papakāinga development** Standard Area, Comprehensive Area, Lower Density Area Schedule Sch.A.	REr.62.1 Papakāinga development is permitted if: a. it complies with Schedule Sch.A.	REr.62.2 Schedule Sch.A. applies.	REr.62.3 Schedule Sch.A. applies.
Assessment Criteria		**Explanation**	
REr.62.4 Refer to Schedule Sch.A.		REr.62.5 Refer to Schedule Sch.A. Note: Whakatū Marae is scheduled in the Open Space and Recreation Zone.	
Rules relating to overlays on Planning Maps			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.63 **Service Overlay** Building (this rule does not apply in the General Residential Zone, or Medium Density Residential Zone or High Density Residential	REr.63.1 Erection or extension of buildings in the Services Overlay is permitted if it is located in the General Residential Zone, or Medium Density Residential Zone or	REr.63.2 not applicable	REr.63.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are **restricted discretionary**.

Commented [CB126]: S03.001 (and others)

~~Zone.~~	~~High Density Residential Zone,~~ or: a. it is not located in the path of any future road: i. shown as an Indicative Road on any Structure Plan in the Plan~~.~~; or ii. shown as Proposed Road on the Roading Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan~~.~~; or iii. shown as Proposed Road on any Planning Maps in Volume 4 of the Plan. b. Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and 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.		Discretion is restricted to: i. whether there is adequate capacity and availability in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s)~~.~~; and ii. whether all connections to Council services (excluding roading) are to gravity systems~~.~~; and 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 iv. the location of the building ensures it does not impede the route or construction of any future road or utility services. Resource consent for restricted discretionary activities will be considered without notification. **Discretionary Activity** Activities that propose to connect to on~~-~~site services are discretionary.
Assessment Criteria		**Explanation**	
REr.63.4 a. the matters in the Nelson Tasman Land Development Manual 2020. b. whether the location of the building or development impedes the route and construction of any future road or utility services required to service the site or surrounding sites that have potential for residential development. 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. d. whether the building can provide for on~~-~~site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29. e. the timing of the strategic planning programme for servicing sites within the district over the next 10 years.		REr.63.5 The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or ~~has~~may have insufficient capacity to accept more discharges or new connections. Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building in the Services Overlay will be permitted if it is located in the General Residential Zone, or Medium Density Residential Zone~~, or High Density Residential Zone~~, or restricted discretionary or discretionary in other areas. 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. Gravity fed systems are preferred because these have lower maintenance costs and are more reliable. 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. The proposed road network will be updated through the Nelson Development Strategy and subsequent plan changes. Use of on-site servicing within the Residential Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity. 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	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.64 **Airport Effects Control Overlay and Port Effects Control Overlay** Minimum site area	REr.64.1 a. In the Airport Effects Control Overlay and the Port Effects Control Overlay, every residential unit must have a net area of at least 600m^2 allocated exclusively to it within the site. b. Paragraph a. does not apply to a single residential unit on a single allotment where: i. the subdivision was granted before 25 October 1996;; and ii. the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access;; and iii. the site was previously located within the Port Effects Advisory Overlay in the Proposed Plan as amended by decisions in October 1999 and the subdivision was granted before 14/07/07.	REr.64.2 not applicable	REr.64.3 Activities that contravene a permitted condition are non-complying.
Assessment Criteria		**Explanation**	
REr.64.4 a. the location of the site in relation to the noise contour, and the main source of the noise. b. the potential cumulative effects of higher density residential activities. c. ~~see also the assessment criteria for rules REr.23 - Minimum site area and REr.24 - Site~~		REr.64.5 Land within the Airport and Port Effects Control overlays as shown on the Planning Maps is predicted to be exposed to potentially high noise levels from the airport or Port Industrial Area. In order to avoid increasing the number of residential units exposed to the noise, a density restriction has been imposed on these areas. An exemption is provided for	

~~coverage~~.		allotments less than 600m^2 if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. A further exemption is provided for allotments less than 600m^2 if they were previously located within the Port Effects Advisory Overlay and if they existed, or were granted subdivision consent, before 14/07/07. One residential unit is permitted on such an allotment by these exemptions. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking. Note: Comprehensive housing development is not considered appropriate in the Airport or Port Effects Control overlays, as the Plan seeks to minimise the number of residential units exposed to the noise from these areas. (See REr.22 – Comprehensive housing development).	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.65 **Airport Effects Control Overlay** Acoustic insulation of buildings	REr.65.1 Within the Airport Effects Control Overlay construction, or substantial alteration of a building is permitted if: a. either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 - Acoustic insulation requirements.; or b. the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design will reduce noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).	REr.65.2 not applicable	REr.65.3 Activities that contravene a permitted condition are non-complying.
Assessment Criteria		**Explanation**	
REr.65.4 a. the location of the site in relation to the noise contour, and the main source of the noise. b. the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c. the nature of the activity, and its susceptibility to noise. d. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e. the potential cumulative effects of an increased exposure to noise.		REr.65.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 - Acoustic insulation requirements provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.	

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Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.65A Port Effects Control Overlay Acoustic insulation of buildings	REr.65A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a. the building is acoustically insulated to reduce noise levels to no greater than 40 dBA Ldn inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 - Acoustic insulation requirements; and b. prior to the commencement of any construction or site works a certificate is obtained from a suitable qualified engineer to demonstrate that the building design complies with paragraph a. above; and c. the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a. above.	REr.65A.2 not applicable	REr.65A.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
REr.65A.4 not applicable	REr.65A.5 The rule is based on the predicted exposure of the property to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the acoustic insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification by a suitably qualified acoustic engineer is considered appropriate.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.66 Airport Effects Advisory Overlay	REr.66.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 dBA (10.9 and 34.6 Pasques) noise contours. The overlay is to advise that the areas will be subject to the effects of airport noise.	REr.66.2 not applicable	REr.66.3 not applicable

Assessment Criteria		Explanation	
REr.66.4 a. 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.		REr.66.5 The land between the Ldn 55-60 dBA (10.9 to 43.6 Pasques) noise contours is unlikely to be exposed to airport noise sufficient to require mandatory acoustic insulation. However it is likely to be subject to some noise nuisance. This provision 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.67 **Coastal Environment Overlay** Activities near the coast	REr.67.1 There are no rules relating to this overlay in this Zone, but regard should be had to the overlay and its implications in considering any resource consent application.	REr.67.2 not applicable	REr.67.3 not applicable
Assessment Criteria		**Explanation**	
REr.67.4 not applicable		REr.67.5 not applicable	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.68 **Landscape Overlay** Above-ground network utility structures	REr.68.1 Maintenance of any above-ground network utility structure is permitted.	REr.68.2 not applicable	REr.68.3 Construction or alteration of any above ground network utility structure is discretionary.
Assessment Criteria		**Explanation**	
REr.68.4 a. the visual impacts of the proposed activity. b. any possible alternative locations or methods available c. the applicant's reasons for choosing the proposed location for the activity. d. any vegetation clearance associated with the activity. e. whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures. f. any impacts on soil erosion or sedimentation of water ways. g. the stability of the land. h. Appendix 9 - Landscape components and views.		REr.68.5 Construction of new, or alteration of network utility structures will have a greater adverse visual effect than the maintenance of existing structures. Construction or alteration of structures, have been made discretionary activities, so that each application can be judged on its merits. Earthworks and vegetation clearance are dealt with under REr.61 - Earthworks and REr.59 - Vegetation clearance.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.69 **Landscape Overlay** Minor Upgrading of Electricity Transmission Lines and Support Structures	REr.69.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Landscape overlays if: a. the line or support structure is existing; and b. the line has a capacity of greater than or equal to 66kV.	REr.69.2 not applicable	REr.69.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.69.4 a. the visual impacts of the proposed activity. b. any possible alternative locations or methods available. c. the applicant's reasons for choosing the proposed location for the activity. d. any vegetation clearance associated with the activity. e. whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures. f. any impacts on soil erosion or sedimentation of water ways. g. the stability of the land. h. Appendix 9 - Landscape components and views.	REr.69.5 "Minor Upgrading" (in accordance with the definition) 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.70 **Conservation Overlay**	REr.70.1 Activities in a Conservation Overlay are permitted if: a. the activity does not involve the erection or extension of structures, other than post and wire fences not exceeding 1.5m high; and b. the activity does not involve earthworks or soil disturbance; and c. the activity does not involve clearance of vegetation, other than hand clearance of exotic vegetation.	REr.70.2 not applicable	REr.70.3 Activities that contravene a permitted condition are discretionary if: a. the activity does not involve clearance of indigenous forest. (Clearance of indigenous forest is a non-complying activity.)

Assessment Criteria	Explanation
REr.70.4 a. the effect of a structure, and activities associated with the structure, on the values associated with the particular area. b. any protection or mitigation measures proposed, including any positive effects to offset adverse effects. c. the effects on the ecological and visual values of the area. d. the outcome of any consultation with interested or affected parties (including Department of Conservation, QEII Trust). e. any proposed environmental compensation (such as formal protection of the area, or parts or values of the area). f. the assessment criteria in REr.61 - Earthworks and REr.60 - Soil disturbance.	REr.70.5 The rule protects valued identified areas from development that would adversely affect the values of Areas of Significant Conservation Values (ASCV). The rule also protects the ecological values and visual appearance of ASCVs. It allows each case to be considered on its merits. Earthworks, soil disturbance and vegetation clearance are also regulated by other rules, as are activities within stated distances of rivers and wetlands.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.71 **Riparian Overlay** Activities on land identified with riparian values	REr.71.1 On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6, 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.	REr.71.2 On land located within a Riparian Overlay listed in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i. protection of indigenous vegetation~~.~~; and ii. disturbance to riverbanks~~.~~; and iii. maintenance of access~~.~~; and iv. remedial measures.	REr.71.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.71.4 a. the values for esplanade purposes stated in Table 6.2 of Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Resource Management Act. 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. 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. d. whether a lesser distance than specified might adequately protect the esplanade values. e. any existing protection of the area including existing esplanade reserves or strips or protective covenants.		REr.71.5 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. In the case of overlays 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 Table 6.2 of Appendix 6.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.72 **Land Management Overlay**	REr.72.1 See REr.61 - Earthworks.	REr.72.2 not applicable	REr.72.3 not applicable
Assessment Criteria		**Explanation**	
REr.72.4 not applicable		REr.72.5 not applicable	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.73 **Fault ~~Hazard~~Deformation Overlay** Building or network utility	REr.73.1 ~~Erection, extension or alteration of~~In the Fault Deformation Overlay a building ~~within the Fault Hazard Overlay~~or a network utility (except an accessory building or an addition to a building or a network utility) is ~~permitted provided that:~~ ~~a. where~~not a ~~fault trace can be identified and precisely located by reference to the~~	REr.73.2 not applicable	REr.73.3 ~~Activities that contravene~~ In the Fault Deformation Overlay a ~~permitted condition are~~building or a network utility (except an accessory building or an addition to a building or a network utility) is a restricted discretionary activity. Discretion is restricted to: i. the level of fault hazard ~~avoidance~~on the site~~.~~; and

	~~Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace~~permitted activity~~,~~ except where: a. the building or network utility occurs on an allotment which was created by a subdivision that obtained resource consent (and is not on balance land), and where the subdivision works included: i. a site-specific Site Certification Report and Statement of Suitability of Land for Building Construction in general accordance with Schedule 2A of NZS 4404:2010 Land Development and Subdivision Infrastructure geotechnical report, dated not more than 7 years old at time of application, for the allotment prepared by a suitably qualified and experienced Geo-professional as defined by NZS 4404:2010 and included: 1. conditions/ geotechnical development recommendations as consent notice conditions to mitigate the risk from fault rupture hazard that are applicable to the site. ~~i. no setback is required in the portion of the Fault Hazard Overlay~~		ii. the location, scale and nature of the activity proposed for the site~~.~~; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site~~.~~; and iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone; as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. ~~(The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities~~ will be ~~considered without notification or obtaining the written consent of neighbours under section 94 of the Resource Management Act~~implemented.

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	between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.		

Assessment Criteria	Explanation
REr.73.4 for any resource consent application under these rules the Council will require a site-specific geotechnical assessment of the fault hazard, identifying the location of the fault zone (if it is able to be located), and the likely frequency and magnitude of movement of the fault. a. the extent to which the proposed activity could be affected by fault rupture and ground deformation. b. the risk to life, property and the environment posed by the naturalfault deformation hazard. c. the extent that, considering the natural hazard applies only to partnature of the site, and consequently whether the proposed activity would be unaffected by the hazard, and would not in turn affect the hazard itself. d. the extent to which the activity would worsen the risk posed by the natural hazard. e. the extent to which the effects of the hazard, or the effects of the activity on thefault deformation hazard, can be remedied or mitigated. f. the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard. g. the likely frequency and magnitude of movement.	REr.73.5 Fault rupture and deformation of land can cause significant damage to buildings and infrastructure, and harm to people. The Fault HazardDeformation Overlay indicates where deformation of the ground may occur due to fault rupture. The 'fault zone' lies within the Fault Deformation Overlay and is shown as a corridor within whichwell-defined area where the fault line or linesmay rupture, and deformation of the ground is expectedlikely to be located. The Council holds various records (e.g. subdivision filesoccur. It is therefore appropriate to control all building, recordsofexcept for small accessory buildings, in the Fault Deformation Overlay, and to require a site-specific geotechnical assessments) which can precisely locate the fault line on some sites. In these situations, whereassessment to confirm the location of the fault is known, then a building must be set back a minimum of 5mand to recommend mitigation including an appropriate setback from that fault. Where the fault cannot be located from Council records then no set backzone. The Fault Awareness Overlay also indicates where deformation of athe ground may occur due to fault rupture; however in this area the fault is poorly defined and there is significant uncertainty regarding the specific fault location. It is appropriate to control building is required (andof new residential units in the Fault HazardAwareness Overlay, simply provides informationand to property owners or potential owners). In the Wood area between Seymour Avenue and Cambria Street, deep alluvial sediments overlay the fault trace. This makes the precise locationrequire a site-specific geotechnical assessment as part of the fault trace very difficultresource consent process to establish. Even if the location of the fault trace could be established, the surface effect of any fault movement would be difficultmanage risk to accurately predict given the depth of the overlying sediment. Therefore between Seymour Avenuepeople and Cambria Street there are no controls on the establishment of conventional residential units. However apartment blocks, rest homes, and other tall buildings or buildings with a high number of occupants do require more scrutiny. The Building Act also regulates siting of buildings by reference to seismic risksproperty. A separate rule applies to subdivision of land within the Fault Hazard Overlay.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.73A **Fault Deformation Overlay** Addition to an existing building or network utility	REr.73A.1 In the Fault Deformation Overlay an addition to an existing building or network utility is a permitted activity provided that: a. the gross floor area of	REr.73A.2 not applicable	REr.73A.3 In the Fault Deformation Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to:

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	b. the addition does not exceed 10m2; or the addition to a building or network utility occurs on an allotment which was created by a subdivision that obtained resource consent (and is not on balance land), and where the subdivision works included: i. a site-specific Site Certification Report and Statement of Suitability of Land for Building Construction in general accordance with Schedule 2A of NZS 4404:2010 Land Development and Subdivision Infrastructure geotechnical report, dated not more than 7 years old at time of application, for the allotment prepared by a suitably qualified and experienced Geo-professional as defined by NZS 4404:2010 and included: 1. conditions/ geotechnical development recommendations as consent notice conditions to mitigate the risk from fault rupture hazard that are applicable to the site.		i. the level of fault hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone; as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.73A.4 Refer to REr.73.4.		REr.73A.5 Refer to REr.73.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.73B **Fault Deformation Overlay** Accessory building	REr.73B.1 In the Fault Deformation Overlay an accessory building is a permitted activity provided that: a. the gross floor area of the building does not exceed 10m2; and b. the building is accessory to an existing residential	REr.73B.2 not applicable	REr.73B.3 In the Fault Deformation Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of fault hazard on the site; and ii. the location, scale and nature of the activity

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	unit on the site or accessory to a residential unit that can occur on the site as a permitted activity or has resource consent granted-or c. the accessory building occurs on an allotment which was created by a subdivision that obtained resource consent (and is not on balance land), and where the subdivision works included: i. a site-specific Site Certification Report and Statement of Suitability of Land for Building Construction in general accordance with Schedule 2A of NZS 4404:2010 Land Development and Subdivision Infrastructure geotechnical report, dated not more than 7 years old at time of application, for the allotment prepared by a suitably qualified and experienced Geo-professional as defined by NZS 4404:2010 and included: 1. conditions/ geotechnical development recommend ations as consent notice conditions to mitigate the risk from fault rupture hazard that are applicable to the site.		proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone; as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.73B.4 Refer to REr.73.4.		REr.73B.5 Refer to REr.73.5.	

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.73C Fault Awareness Overlay New residential units	REr.73C.1 In the Fault Awareness Overlay a new residential unit is not a permitted activity.	REr.73C.2 not applicable	REr.73C.3 In the Fault Awareness Overlay a new residential unit is a restricted discretionary activity. Discretion is restricted to: i. the level of fault hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk including setback from the fault or fault zone if it can be determined; and as detailed in an assessment of the fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.

Assessment Criteria	Explanation
REr.73C.4 Refer to REr.73.4.	REr.73C.5 Refer to REr.73.5.

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.74 Tahunanui Slump Core Slope Risk Overlay Tahunanui Slump Fringe Slope Risk Overlay Storm and waste water	REr.74.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a. driveways and vehicle standing areas must have an impervious seal, and b. stormwater from any roof, impermeable area or water storage area (including any swimming pool) must be piped into an approved stormwater system.	REr.74.2 not applicable	REr.74.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist).

Assessment Criteria	Explanation
REr.74.4 Refer to REr.75.4.	REr.74.5 The Tahunanui Slope Risk Area, commonly known as the Tahunanui Slump, is defined on the Planning Maps. It consists of a core area where the hazard is known, surrounded by a fringe area where the edge of the active slump has not been able to be accurately defined. A description of the area and the justification of the planning approach taken is set out in section AD11.3 - Description of overlays. Conditions have been placed on disposal of stormwater and other water (e.g. from swimming pools). If disposed onto land, this water can worsen the risk of slippage, by lubricating and adding to the weight of the land.

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.74A Liquefaction Hazard Overlay Building or network utility This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.74A.1 In the Liquefaction Hazard Overlay a building or network utility is a permitted activity provided that: a. the building or network utility does not contain a habitable space, has a gross floor area less than 36m2 and is not more than 4.5m high; or b. it is an addition to an existing building or network utility; or c. the building or network utility occurs on a lot which was created by a subdivision that obtained resource consent, and where the subdivision application included a site-specific assessment of liquefaction for the	REr.74A.2 not applicableIn the Liquefaction Hazard Overlay a building or a network utility that contravenes a permitted condition is a controlled activity. Control is reserved over: i. the level of liquefaction hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and v. as detailed in an assessment of the liquefaction hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or	REr.74A.3 not applicableIn the Liquefaction Hazard Overlay a building or a network utility that contravenes a permitted condition is a restricted discretionary activity. Discretion is restricted to: i. the level of liquefaction hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and v. as detailed in an assessment of the liquefaction hazard risk provided in a statement issued by

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	lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard.	Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and vi. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented. Resource consent applications for controlled activities will be considered without notification or obtaining written approval of affected persons.	~~an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and~~ ~~vi. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.~~
Assessment Criteria		**Explanation**	
REr.74A.4 a. for any resource consent application under these rules the Council will require a site-specific geotechnical assessment of the liquefaction hazard. b. the extent to which the proposed activity could be affected by liquefaction. c. the risk to people, property, infrastructure and the environment posed by liquefaction hazard, considering the nature of the proposed activity. d. the extent to which the effects of liquefaction hazard can be mitigated.		REr.74A.5 Liquefaction occurs when strong ground shaking, such as during an earthquake, causes loose and saturated sediments to lose strength and behave as a fluid. Liquefaction may cause ejection of liquefied material and groundwater, differential settlement of the ground surface and cracking of the ground surface associated with lateral spread. Structures founded on soils that have liquefied may experience bearing failure, differential settlement, and/or large horizontal displacements. The Liquefaction Hazard Overlay indicates areas where liquefaction-induced ground damage is possible in a strong earthquake. Controls have been included for buildings and network utilities within the Liquefaction Hazard Overlay to ensure that foundation and building design appropriately considers the potential for liquefaction damage to occur, and to ensure that a site-specific geotechnical assessment is undertaken to confirm the land is suitable for the intended use, and to ensure that appropriate mitigation of the liquefaction hazard is identified and implemented.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~**REr.75**~~ ~~**Tahunanui Slump Core Slope Risk Overlay**~~ ~~**Tahunanui Slump Fringe Slope Risk Overlay**~~ ~~Earthworks~~	~~REr.75.1~~ ~~Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay earthworks are not a permitted activity.~~	~~REr.75.2~~ ~~not applicable~~	~~REr.75.3~~ ~~Any earthworks are discretionary.~~ ~~(The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist).~~

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Assessment Criteria	Explanation
REr.75.4 (Assessment Criteria for Rules REr.74 to REr.79) a. geotechnical assessments should indicate the level of activity to which the area is subject (e.g. superficial, tertiary etc - see table, p4 "Nelson City Council, Geotechnical Assessment - Tahunanui Slump, Nelson, December 1995"). They should also address the assessment matters in the rules below which are relevant to the consent application in question. b. the location of the site in relation to the slump. c. the risk to life, property and the environment posed by any hazard. d. in the fringe area, whether a geotechnical assessment can demonstrate that the property is not part of the active (core) slump, or is only partly within it. Consequently whether the proposed activity would be unaffected by the hazard, and would not in turn affect the hazard itself. e. irrespective of whether the activity is within the active slump, the extent to which it would worsen the risk posed by the natural hazard. The extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated. f. where a geotechnical assessment concludes that erection of a permanent structure is not appropriate, whether a relocatable building may be a practical alternative on sites subject to high or potentially high rates of slope movement. g. the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard. h. in respect of earthworks, the assessment criteria set out in REr.61 - Earthworks. i. the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. j. irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites e.g. by discharge of stormwater, or changes in water flows. k. the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard. l. the nature of any fill and its effects on the stability of the site. the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated. m. the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.	REr.75.5 Excavations can potentially destabilise the hillside. So can placement of fill. Earthworks therefore require assessment via the resource consent process.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.76 **Tahunanui Slump Core Slope Risk Overlay** **Tahunanui Slump Fringe Slope Risk Overlay** Heavy structures	REr.76.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a. any structure must not change the loading to the site by more than 1,000kg (including any	REr.76.2 not applicable	REr.76.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a

	structure with a storage capacity in excess of 1,000 litres of liquid (such as a swimming pool).		geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist). Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Resource Management Act.
Assessment Criteria		**Explanation**	
REr.76.4 Refer to REr.75.4.		REr.76.5 As with the placement of fill, other heavy material, including swimming pools, has the potential to destabilise the slump.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.77 Tahunanui Slump Core Slope Risk Overlay Tahunanui Slump Fringe Slope Risk Overlay New residential units	REr.77.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a. the erection of new residential units is not a permitted activity.	REr.77.2 not applicable	REr.77.3 Erection of new residential units in the Tahunanui Slump Core Slope Risk Overlay is a non-complying activity, provided that no more than one residential unit is placed on any site. (More than one residential unit on a site is a prohibited activity under REr.2). Erection of new residential units in the Tahunanui Slump Fringe Slope Risk Overlay is a discretionary activity. (Applications must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist).
Assessment Criteria		**Explanation**	
REr.77.5 Refer to REr.75.4.		REr.77.5 The Planning Maps show a fringe area to the slump (Tahunanui Fringe Slope Risk Overlay). This is where the edge of the slump has not been able to be precisely defined. It is also an area where, even if the site is shown to be outside the active slump, activities could have an influence on the slump. Activities within the fringe which require a resource consent application may be allowed if the applicant can demonstrate that the activity is on land that is outside the slump, or that it will not worsen conditions on the slump. The risks associated with the core part of the Tahunanui slump are known to be high. Therefore any increase in the density of residential dwellings is prohibited. See Subdivision Rule - REr.112 - Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay: subdivision).	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.78 Tahunanui Slump Core Slope Risk Overlay Tahunanui Slump Fringe Slope Risk Overlay Extension or rebuilding of existing residential units	REr.78.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a. the extension or rebuilding of any existing residential units is not a permitted activity.	REr.78.2 not applicable	REr.78.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist). Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Resource Management Act.
Assessment Criteria		**Explanation**	
REr.78.4 Refer to REr.75.4.		REr.78.5 Extensions or rebuilding of existing dwellings has been made a restricted discretionary activity so that the degree of risk to the building and to other properties can be assessed in each situation.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.79 Tahunanui Slump Core Slope Risk Overlay Tahunanui Slump Fringe Slope Risk Overlay Accessory buildings	REr.79.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay accessory buildings are permitted if they: a. comply with the relevant conditions in this and other residential rules, and b. are ancillary to a residential unit which exists or is approved by resource consent for the site.	REr.79.2 not applicable	REr.79.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Resource Management Act.
Assessment Criteria		**Explanation**	
REr.79.4 Refer to REr.75.4.		REr.79.5 Buildings which are accessory to the principal residential building on the site are permitted, subject to compliance with any other relevant rules. For buildings that are not habitable, there is lower risk to life. Therefore a lower degree of scrutiny is provided for. Stability and related safety aspects can be dealt with as part of the building consent process under the Building Act.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.80 Grampians Slope Risk Overlay Storm and waste water	REr.80.1 a. driveways and vehicle standing areas must have an impervious seal, and b. stormwater from any roof, impermeable area or water storage area (including any swimming pool) must be piped into an approved stormwater system.	REr.80.2 not applicable	REr.80.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist).

Assessment Criteria	Explanation
REr.80.4 and REr.81.4 a. the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. b. the risk to life, property and the environment posed by the slope instability. c. irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows. d. the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard. e. whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started. f. the nature of any fill and its effects on the stability of the site. g. the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated. h. the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated. i. the assessment criteria set out in REr.61 - Earthworks.	REr.80.5 and REr.81.5 The Grampians Slope Risk Area includes areas which show widespread, but not uniform, evidence of instability. The instability ranges from relatively small, well defined features, to broad areas of slope failure whose boundaries are imprecisely known. Other areas show no obvious evidence of instability. However, their geology is such that they have the potential to fail when the ground is water saturated or is over steepened through excavation, or both. The base document which defines these areas and justifies the planning approach is the report "Nelson City Council, Geotechnical Assessment - Grampians Foothills, Nelson, December 1995". Large excavations can destabilise the hill side, as can the uncontrolled discharge of stormwater. Placement of larger amounts of fill also needs to be carefully done to ensure stability. The permitted standards however are set to allow most minor section development, such as minor excavation and benching for garden landscaping, access drives etc. Buildings are permitted but property owners should be aware of the nature of the area and the need to comply with the natural hazard provisions of the Building Act when gaining a building consent.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.81 Grampians Slope Risk Overlay Earthworks	REr.81.1 Earthworks are permitted if: a. any excavation does not exceed 0.6m in height, and b. placement of fill does not exceed 3m3 on any site.	REr.81.2 not applicable	REr.81.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist).

Assessment Criteria	Explanation
REr.81.4 Refer to REr.80.4.	REr.81.5 Refer to REr.80.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.75A Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe **Overlay** Stormwater and wastewater	REr.75A.1 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay: a. a driveway or vehicle standing area is a permitted activity, provided it is sealed. b. discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system. c. discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.	REr.75A.2 not applicable	REr.75A.3 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay activities that contravene a permitted condition are discretionary activities.

Assessment Criteria	Explanation
REr.75A.4 to REr.75F.4 a. for any resource consent application under these rules the Council will consider any of the matters of restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property and infrastructure from the slope instability hazard. b. the extent to which the proposed activity could be affected by the hazard. c. the risk to life, property and the environment posed by any hazard, considering the nature of the proposed activity. d. the extent to which the effects of the hazard can be remedied or mitigated. e. the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. f. the extent to which the activity would worsen the risk of instability on other sites, for example by discharge of stormwater, or changes in water flows. g. in respect of earthworks, the assessment criteria set out in Rule REr.61 - Earthworks. h. the nature of any fill and its effects on the stability of the site.	REr.75A.5 to REr.75F.5 Slope Instability Susceptibility Area 1 (Tāhunanui Slump)The Tāhunanui Slump and Slump Fringe Overlay consists of an area of known active instability within part of the area commonly known as the Tahunanui Slump. The risks associated with instability in Area 1 are known to be high. This risk may be increased from loading associated with new development and/or seepage into the ground. Any increase in the density of residential units in Slope Instability Susceptibility Area 1 (Tāhunanui Slump)the Tāhunanui Slump and Slump Fringe Overlay is prohibited as this may increase the risk of slope instability. There are stringent controls on activities where people, property and infrastructure could be put at risk. Controls have been placed on disposal of stormwater and other water (e.g. from swimming pools) as water can increase the risk of slippage by lubricating and adding to the weight of the land. There are also controls on earthworks and structures which can initiate further movement of the slope.

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75B Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe **Overlay**	REr.75B.1 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay earthworks are a permitted activity provided:	REr.75B.2 not applicable	REr.75B.3 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay activities that contravene a

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Earthworks	a. any cut does not exceed 0.3m in height; and b. on any site the placement of fill does not exceed 3m3 in total volume, and is spread over a minimum area of 30m2.		permitted condition are discretionary activities.
Assessment Criteria		**Explanation**	
REr.75B.4 Refer to REr.75A.4.		REr.75B.5 Refer to REr.75A.5	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75C ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ **Overlay** Structures	REr.75C.1 In the ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 1000kg (including 1000 litres of liquid).	REr.75C.2 not applicable	REr.75C.3 In the ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ Overlay activities that contravene a permitted condition are discretionary activities.
Assessment Criteria		**Explanation**	
REr.75C.4 Refer to REr.75A.4.		REr.75C.5 Refer to REr.75A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75D ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ **Overlay** New residential units	REr.75C.1 In the ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ Overlay a new residential unit is not a permitted activity.	REr.75C.2 not applicable	REr.75C.3 In the ~~Slope Instability Susceptibility Area (~~(Tāhunanui Slump)Tāhunanui Slump and Slump Fringe~~)~~ Overlay a new residential unit is a **non-complying** activity, provided that it results in no more than one residential unit on any site. REr.75C.4 More than one residential unit on a site is a **prohibited** activity.
Assessment Criteria		**Explanation**	
REr.75D.5 Refer to REr.75A.4.		REr.75D.6 Refer to REr.75A.5.	

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75E Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe **Overlay** Addition to an existing residential unit	REr.75E.1 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay an addition to an existing residential unit is not a permitted activity.	REr.75E.2 not applicable	REr.75E.3 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay an addition to an existing residential unit is a non-complying activity.
Assessment Criteria		**Explanation**	
REr.75E.4 Refer to REr.75A.4.		REr.75E.5 Refer to REr.75A.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75F Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe **Overlay** Accessory buildings	REr.75F.1 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay an accessory building is a permitted activity provided that: a. the building does not exceed a gross floor area of 10m2; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.	REr.75F.2 not applicable	REr.75F.3 In the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75F.4 Refer to REr.75A.4.		REr.75F.5 Refer to REr.75A.5.	

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75G Slope ~~Instability Susceptibility Area 2Management(Nelson Hills)~~ Overlay Stormwater and wastewater	REr.75G.1 In the Slope ~~Instability Susceptibility Area 2Management~~ Overlay: a. a driveway or vehicle standing area is a permitted activity, provided it is sealed. b. discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool) is a permitted activity, provided it is piped into an approved stormwater system. c. discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.	REr.75G.2 not applicable	REr.75G.3 In ~~the~~ Slope ~~Instability Susceptibility Area 2Management~~ Overlay activities that contravene a permitted condition are discretionary activities.

Assessment Criteria	Explanation
REr.75G.4 to REr.75~~L~~H.4 a. for any resource consent application under these rules the Council will consider any of the matters of restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property and infrastructure from the slope instability hazard. b. the extent to which the proposed activity could be affected by the hazard. c. the risk to life, property and the environment posed by any hazard, considering the nature of the proposed activity. d. the extent to which the effects of the hazard on the hazard can be remedied or mitigated. e. the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. f. the extent to which the activity would worsen the risk of instability on other sites, for example by discharge of stormwater, or changes in water flows. g. in respect of earthworks, the assessment criteria set out in Rule REr.61 - Earthworks. h. the nature of any fill and its effects on the stability of the site.	REr.75G.5 to REr.75~~L~~H.5 ~~The~~ Slope ~~Instability Susceptibility Area 2Management~~ Overlay consists of broader areas with some potential for slope instability and smaller areas with elevated potential for slope instability. While the risk of failure is not as high as ~~Slope Instability Susceptibility Area 1 (Tahunanui Slump,the Tāhunanui Slump and Slump Fringe~~ Overlay, careful management of activities is appropriate to manage risk to people, property and infrastructure. ~~Therefore, any new residential development or increase in the density of residential units in Slope Instability Susceptibility Area 2 requires resource consent for which an assessment of slope instability risk is needed.~~ Controls have been placed on disposal of stormwater and other water (e.g. from swimming pools) because if disposed onto land, this water can worsen the risk of slippage by lubricating and adding to the weight of the land. There are also conditions on earthworks ~~and structures~~ which can initiate further movement of the slope.

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75H Slope ~~Instability Susceptibility Area 2Management(Nelson Hills)~~ Overlay Earthworks	REr.75H.1 In the Slope ~~Instability Susceptibility Area~~ 2Management Overlay earthworks are a permitted activity provided: a. any cut height does not exceed ~~0.6m~~1.2m in height and ~~3m²~~ in total volume; and b. the cut height multiplied by cut length does not exceed 6; and c. on any site the placement of fill does not exceed 0.6m in height and ~~10m³~~ in total volume, ~~and is spread over a minimum area of 30m2.~~; and d. no fill is placed on slopes steeper than 18 degrees. This rule does not apply to: i. any test pits or boreholes necessary as part of a geotechnical assessment where the ground is reinstated to existing levels within 48 hours.	REr.75H.2 not applicable	REr.75H.3 In the Slope ~~Instability Susceptibility Area~~ 2Management Overlay ~~activities~~ earthworks that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of risk to people, property and infrastructure, both on and off site from slope instability. ii. the location, scale, nature and composition of earthworks proposed and its effects on the stability of the site. iii. mitigation measure, including methods and timing; and iv. the recommendations contained in a geotechnical assessment provided by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards.
Assessment Criteria		**Explanation**	
REr.75H.4 Refer to REr.75G.4.		REr.75H.5 Refer to REr.75G.5.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/ Prohibited**~~
~~**REr.75I Slope Instability Susceptibility Area 2 (Elevated) Overlay Structures**~~	~~REr.75I.1 In the Slope Instability Susceptibility Area 2 Overlay structures are permitted provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).~~	~~REr.75I.2 not applicable~~	~~REr.75I.3 In Slope Instability Susceptibility Area 2 Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and~~

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			iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75I.4 Refer to REr.75G.4.		REr.75I.5 Refer to REr.75G.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75J **Slope instability Susceptibility Area 2** (Elevated) **Overlay** New residential units	REr.75J.1 In the Slope Instability **Susceptibility** Area 2 Overlay a new residential unit is not a permitted activity.	REr.75J.2 not applicable	REr.75J.3 In Slope Instability **Susceptibility** Area 2 Overlay a new residential unit is a restricted discretionary activity. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the

			resource consent application; and v. the extent to which the proposal demonstrates that mitigation vi. measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75J.4 Refer to REr.75G.4.		REr.75J.5 Refer to REr.75G.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75K **Slope Instability Susceptibility Area 2** (Elevated) **Overlay** Addition to an existing residential unit	REr.75K.1 In the Slope Instability **Susceptibility** Area 2 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m2.	REr.75K.2 not applicable	REr.75K.3 In Slope Instability **Susceptibility** Area 2 Overlay an addition to an existing residential unit that contravene a permitted condition is a restricted discretionary. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be

			implemented.
Assessment Criteria		**Explanation**	
REr.75K.4 Refer to REr.75G.4.		RER.75K.5 Refer to REr.75G.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75L Slope instability Susceptibility Area 2 (Elevated) Overlay Accessory buildings	REr.75L.1 In the Slope Instability **Susceptibility** Area 2 Overlay an accessory building is a permitted activity provided that: a. the building does not exceed a gross floor area of 10m2; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.	REr.75L.2 not applicable	REr.75L.3 In Slope Instability **Susceptibility** Area 2 Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75L.4 Refer to REr.75G.4.		REr.75L.5 Refer to REr.75G.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75M Slope Instability Susceptibility Area 3 (General Hills) Overlay Stormwater and wastewater	REr.75M.1 In the Slope Instability **Susceptibility** Area 3 Overlay: a. discharge of stormwater from any roof, impermeable area or water storage area (including any swimming pool).	REr.75M.2 not applicable	REr.75M.3 In Slope Instability **Susceptibility** Area 3 activities that contravene a permitted condition are discretionary activities.

	greater than 10m² is a permitted activity, provided it is piped into an approved stormwater system. b. discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.		
Assessment Criteria		**Explanation**	
REr.75M.4 to REr.75RN.4 a. for any resource consent application under these rules the Council will consider any of the matters of restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property and infrastructure from the slope instability hazard. b. the extent to which the proposed activity could be affected by the hazard. c. the risk to life, property and the environment posed by any hazard, considering the nature of the proposed activity. d. the extent to which the effects of the hazard or can be remedied or mitigated. e. the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. f. the extent to which the activity would worsen the risk of instability on other sites, for example by discharge of stormwater, or changes in water flows. g. in respect of earthworks, the assessment criteria set out in Rule REr.61 – Earthworks. h. the nature of any fill and its effects on the stability of the site.		REr.75M.5 to REr.75RN.5 Slope Instability **Susceptibility** Area 3 consists of broader areas with some potential for slope instability because of either steepness or geological composition, or a combination of these factors. While the risk of slope failure is not as high as Slope Instability **Susceptibility** Areas 1 and 2, it is appropriate to manage activities to manage risk to people, property and infrastructure. Therefore, any new residential development or increase in the density of residential units in Slope Instability Area 3 requires resource consent for which an assessment of slope instability risk is needed. Conditions have been placed on disposal of stormwater and other water (e.g. from swimming pools) because if disposed onto land, this water can worsen the risk of slippage by lubricating and adding to the weight of the land. There are also conditions on earthworks and structures which can initiate further movement of the slope.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75N **Slope Instability Susceptibility Area 3** (General Hills) **Overlay** Earthworks	REr.75N.1 In the Slope Instability **Susceptibility** Area 3 Overlay earthworks are a permitted activity provided: a. any cut does not exceed 0.6m in height; and b. on any site the placement of fill does not exceed 20m3 in total volume, and is spread over a minimum area of 10m2. Or c. any cut does not exceed 1.2m in height; and d. on any site the placement of fill does not exceed 3m³ in total volume, and is spread over a minimum area of 10m².	REr.75N.2 not applicable	REr.75N.3 In Slope Instability **Susceptibility** Area 3 activities that contravene a permitted condition are discretionary activities.

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Assessment Criteria		Explanation	
REr.75N.4 Refer to REr.75JM.4.		REr.75N.5 Refer to REr.75JM.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75O Slope Instability Area 3 Overlay Structures	REr.75O.1 In the Slope Instability Area 3 Overlay structures are a permitted activity provided that the structure does not increase the loading on the site by more than 5,000kg (including 5,000 litres of liquid).	REr.75O.2 not applicable	REr.75O.3 In Slope Instability Area 3 Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75O.4 Refer to REr.75J.4.		REr.75O.5 Refer to REr.75J.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75P Slope Instability Area 3 Overlay New residential units	REr.75P.1 In the Slope Instability Area 3 Overlay a new residential unit is not a permitted activity.	REr.75P.2 not applicable	REr.75P.3 In Slope Instability Area 3 Overlay a new residential unit is a restricted discretionary activity. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site;

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			and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75P.4 Refer to REr.75M.4.		REr.75P.5 Refer to REr.75M.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75Q **Slope Instability Area 3 Overlay** Additions to existing residential units	REr.75Q.1 In the Slope Instability Area 3 Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 10m2.	REr.75Q.2 not applicable	REr.75Q.3 In Slope Instability Area 3 Overlay an addition to an existing residential unit that contravene a permitted condition is a restricted discretionary. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is

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			submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75Q.4 Refer to REr.75R.4.		REr.75Q.5 Refer to REr.75R.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.75R Slope Instability Area 3 Overlay Accessory buildings	REr.75R.1 In the Slope Instability Area 3 Overlay an accessory building is a permitted activity provided that a. the building does not exceed a gross floor area of 10m2; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.	REr.75R.2 not applicable	REr.75R.3 In Slope Instability Area 3 Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of slope instability hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented.
Assessment Criteria		**Explanation**	
REr.75R.4 Refer to REr.75M.4.		REr.75R.5 Refer to REr.75M.5.	
Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75S Debris Run-out Susceptibility Area	REr.75S.1 In the Debris Run-out Susceptibility Area Overlay a	REr.75S.2 not applicable	REr.75S.3 In the Debris Run-out Susceptibility Area Overlay a

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Overlay New residential units	new residential unit is not a permitted activity		new residential unit is a restricted discretionary activity. Discretion is restricted to: i. the level of debris run-out hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk (including to people, property and infrastructure, both onsite and off the site); and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the debris run-out hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. can and will be implemented
Assessment Criteria		Explanation	
REr.759.4 a. for any resource consent application under these rules the Council will consider any of the matters of restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property and infrastructure; b. the extent to which the proposed activity could be affected by the hazard; c. the risk to life, property and the environment posed by any hazard, considering the nature of the proposed activity; d. the extent to which the effects of the hazard can be remedied or mitigated.		REr.759.5 The Debris Run-out Susceptibility Area is land outside of Slope Instability Susceptibility Areas 1, 2 and 2.3 that could be affected by the run-out from instability occurring upslope. Some sites in the Debris Run-out Area have been affected by run-out in the past. Therefore, any new residential development or increase in the density of residential units in the Debris Run-out Area requires resource consent for which an assessment of slope instability risk is needed.	
Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.761 Debris Run-out Susceptibility Area Overlay Additions to existing residential units	REr.761.1 In the Debris Run-out Susceptibility Area Overlay an addition to an existing residential unit is a permitted activity provided the gross floor area of the addition does not exceed 40m2.	REr.761.2 Not applicable.	REr.761.3 In Debris Run-out Susceptibility Area Overlay an addition to an existing residential unit that contravenes a permitted condition is a restricted discretionary. Discretion is restricted to: i. the level of debris run-

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			out hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the debris run-out hazard/risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practised in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. can and will be implemented.
Assessment Criteria:		Explanation:	
REr.75T.4 Refer to REr.75S.4.		REr.75T.5 Refer to REr.75S.5.	
Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.75U Debris Run-out Area Overlay Accessory buildings	REr.75U.1 In the Debris Run-out Susceptibility Area Overlay an accessory building is a permitted activity provided that: a. the building does not exceed a gross floor area of 10m2; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that has resource consent granted.	REr.75U.2 not applicable	REr.75U.3 In the Debris Run-out Susceptibility Area Overlay activities that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to: i. the level of debris run-out hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and as detailed in an assessment of the debris run-out hazard/risk provided in a statement

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			issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. can and will be implemented.
Assessment Criteria		Explanation	
REr.75U.4 Refer to REr.75S.4.		REr.75U.5 Refer to REr.75S.4.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.82 **Flood Path and ~~Flood Overlays~~Floodway** Note: Rule REr.82 does not apply to Schedule X (Maitahi Bayview) see Appendix 32	REr.82.1 In any Flood Path ~~or Flood Overlay~~ or ~~any flood path specified in the Flood Path Table at the front of the Planning Maps~~Floodway (with the exception of subdivisions approved after October 25th 1996), the following are ~~not~~ permitted activities: ~~a. erection or extension of any building or structure, except:~~ a. underground network utility lines; ~~and~~or b. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. ~~Thet~~the underside of a bridge superstructure); or c. ~~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); ~~or~~ d. ~~c.~~ the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works ~~is a permitted activity~~ where the work is being undertaken by a	REr.82.2 not applicable	REr.82.3 Activities and buildings that are not listed in SCr.54.1 or otherwise contravene a permitted condition are discretionary.

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	network utility operator		
Assessment Criteria		**Explanation**	
REr.82.4 a. any effects of the development on ~~floodpaths~~any Flood Path or Floodway. b. any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites. c. the ground level or floor level height required to give protection from a 1 in ~~50~~100 year (2130) return period event. 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. e. potential shading of neighbouring properties from development of the site, including fences.		REr.82.5 All buildings and any above ground structures, and any earthworks (other than temporary earthworks for laying underground utilities) in any Flood ~~paths~~Path or Floodway have been made discretionary activities so the degree of risk to life and property can be evaluated in each case. ~~An area in Todds Valley which has recently been rezoned~~ Refer to ~~Residential is subject to~~Chapter 3 Administration for information on the ~~Flood Overlay. This overlay usually applies in the Rural Zone. The Flood Overlay is generally less well defined than the Flood Path Overlay, as a better record~~preparation of ~~floods exist in the urban areas where the Flood Path overlays prevail.~~ ~~Subdivisions have been approved in Todds Valley since 25 October 1996 (the date this resource management plan was first notified). Channel upgrading has been required as part of these subdivisions~~applications and ~~where such work has been undertaken it is unreasonable to require further resource consents to establish buildings.~~ ~~Further work is required in Todds Valley to better define the extent and nature of the flood hazard and to identify channel improvements with the potential to alleviate the flood hazard. Council will consider the use of regional rules to maintain channel capacity and physical works to improve channel capacity or remove channel restrictions such as under capacity culverts. Council will further review the extent~~an outline of the Flood ~~Overlay following consideration~~Areas. Refer to REr.47 - ~~Storage of~~ ~~these measures for~~ hazardous substances ~~use and storage~~ and Appendix 21.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~REr.83 Inundation overlays Low lying ground susceptible to localised stormwater ponding or tidal inundation~~	~~REr.83.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a. erection of any building or extension of the ground floor of the building by more than 20% (the restrictions in this clause do not apply where the ground level on the building site has been filled according to 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 or an underground network utility where the profile~~	~~REr.83.2 In any Inundation Overlay, erection of any building or extension of the ground floor of any building by more than 20%, 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.~~	~~REr.83.3 Activities that contravene a permitted condition or a controlled standard are discretionary.~~

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	of the land is not permanently altered), or c. a change in the use of any accessory building to involve human habitation.		

Assessment Criteria	Explanation
REr.83.4 a. the ground level required to avoid the effects of anticipated flooding. 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. c. the effects on neighbouring properties, especially with respect to stormwater runoff. d. the provision of an adequate secondary flow path for surface flooding. e. the possibility of an overloaded public storm water system overflowing onto private property. f. potential shading of neighbouring properties from development of the site, including fences.	REr.83.5 The Inundation overlays do not show floodpaths 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. The Council is undertaking a long term programme of upgrading stormwater drainage. As part of this programme it is contemplating installation of pump systems in some areas (e.g. parts of the Wood and Golf Road) where the size of the ponding area and its low lying nature makes this solution more cost effective. Where pumped stormwater systems are provided, the Council will review the requirements for minimum site levels and floor levels. Extensions which increase the ground floor area by not more than 20% are provided for as a permitted activity to avoid the need to get a resource consent for a minor alteration. Where an accessory building (such as a garage) is being converted for human occupation, a resource consent is needed to ensure that the building will not be adversely affected by inundation. There are situations within the Inundation Overlay where consents are required under the Building Act for alterations but no resource consent is required. Where areas are subject to inundation, section 72 of the Building Act applies. This section restricts Council's ability to issue a building consent unless adequate provision is made to protect the land or building from inundation. Within a heritage area or other special area, the Building Act requirements may conflict with other values. For example, a building consent to re pile a heritage building may require that floor levels be raised above likely inundation levels. If the proposed building work does not increase the likelihood of inundation on that or adjoining properties, the Council may require that a building consent is issued under section 72(2) of the Building Act. A building consent issued under section 72(2) cannot require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property's title that the property may still be subject to risk (the nature of the risk is then revealed by enquiry to the Council).

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.83A **Flood Areas except Flood Paths or Floodways** Storage of a hazardous substance This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix	REr.83A.1 In Flood Areas, except any Flood Path or Floodway, the storage and use of a hazardous substance is a permitted activity where it is located within the flood plain and located in a manner so as to not be inundated from 1%	REr.83A.2 not applicable	REr.83A.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and

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31	AEP flood flows.		ii. functional and/or operational need to locate within the hazard area; and iii. the location, design and management of facilities where hazardous substances are stored, used or disposed; and iv. the potential risk to people, property and the environment; and v. the potential contamination of water or land; and vi. any additional risk from coastal flooding; and vii. stormwater management.
Assessment Criteria		**Explanation**	
REr.83A.4 For any resource consent application under these rules the Council will consider any of the matters of restricted discretion for flood hazards in this plan relevant to the activity, and any risk to people, property and infrastructure and the environment from the flood hazard.		REr.83A.5 The Flood Areas reflect both historic observed areas of flooding and more recent river flood modelling commissioned by the Council. The recent 2130 river flood mappingmodelling incorporates a 1% AEP storm event, including climate change and sea level rise under the RCP8.5M scenario to 2130. Building activities are regulated in the Flood Areas applicable to these rules so that appropriate floor levels and fill heights can be determined to address the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding. Rules relating to flood mitigation and protection works are included to address the impact of such works in reducing risk and to ensure risk is not transferred to adjoining sites. The storage and use of hazardous substances is regulated to ensure that the location, design and management of these activities in the relevant Flood Areas avoids the potential for contamination of water or land in a flood event. The purpose of these rules is not to avoid development altogether, unless the risk is significant, but to enable development where appropriate mitigation can be provided. Refer to Chapter 3 Administration for information on the preparation of applications and an outline of the Flood Areas. Refer to REr.47 - Storage of hHazardous substances – use and storage and Appendix 21.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.83B **Flood Areas except Flood Paths and Floodways** Building and below ground swimming pools This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.83B.1. In Flood Areas, except any Flood Path or Floodway, a building is a permitted activity provided that it is: a. a below ground swimming pool that is not greater than 1m above the ground level; or b. maintenance, repair or alteration to a building which does not result in any increase to site coverage; or	REr.83B.2 not applicable	REr.83B.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and ii. floor and/or ground levels; and iii. building design and location within the site, including foundations and whether the

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	c. in the Flood Hazard, Inundation or the Flood overlays, additions to an existing building, that: i. is up to 10m2 gross floor area; and ii. all additions are up to 10m2 gross floor area cumulatively over a 10 year period from the date of notification of the Plan Change; or d. in the High Flood Hazard Overlay, an addition to an existing building where: i. it is located above the flood flow levels; or ii. which does not occupy flood storage capacity or impede flood flows, as provided in a statement by an experienced Chartered Professional Engineer practicing in flood hydrology; or e. a tent, marquee and other structure associated with a temporary event; or f. an open structure without a floor.		building is readily relocatable; including the remediation of the site resulting from relocation; and iv. mitigation measures to address risk from the flood hazard; and v. risk to public health, safety and wellbeing and property from the flood hazard; and vi. the resilience to potential damage of the building from the effects of flood hazards (including water and debris); and vii. any exacerbated effects in relation to flooding on or off-site; and viii. the intended use of the building; and ix. access in a flood event, including ingress and egress; and x. ability to take an adaptive management approach; and xi. proposed evacuation plans; and xii. any additional risk from coastal flooding; and xiii. stormwater management; and xiv. any adverse effects of the works on the function and flood carrying capacity of natural systems.
Assessment Criteria		**Explanation**	
REr.83B.4 Refer to REr.83A.4.		REr.83B.5 Refer to REr.83A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.83C **Flood Areas except Flood Paths or Floodways** Fence, wall, retaining wall, outside storage This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.83C.1 In Flood Areas, except any Flood Path or Floodway, a fence, wall, retaining wall, or outside storage is a permitted activity provided that: a. a fence, wall or retaining wall in the 1% AEP flood flow is designed to allow for the passage of flood waters; and b. the fence is constructed with: i. post and wire; or ii. wire mesh	REr.83C.2 not applicable	REr.83C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location, and frequency; and ii. the design of the fence, wall or retaining wall including the resilience to potential damage from the effects of flood hazards (including water and debris); and

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	fences; or iii. railings where at least 70% of the surface area of the fence is not solid; or iv. solid fences and walls with an opening of sufficient size at flood level that can convey the 1% annual exceedance probability (AEP) flood flow; and c. the storage of goods and materials in the 1% AEP floodplain do not impede flood flows and are contained and secured so as not to move in a flood event.		iii. the effects of potential changes in flood depth, velocity and frequency within the site and on adjoining sites, including upstream and downstream; and iv. the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided; and v. the effects of storage of outdoor goods and materials; and vi. any additional risk from coastal flooding; and vii. stormwater management.
Assessment Criteria		**Explanation**	
REr.83C.4 Refer to REr.83A.4.		REr.83C.5 Refer to REr.83A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.83D **Flood Areas except Flood Paths or Floodways** Network utility This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.83D.1 In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is: a. an aerial; or b. an underground network utility; or a network utility structure, including additions to an existing structure, up to 10m2 gross floor area (and where involving an addition, cumulatively over a 10 year period from the date of the notification of Plan Amendment no. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site, or c. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the	REr.83D.2 not applicable	REr.83D.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location, and frequency; and ii. the functional and/or operational need to locate within the hazard area; and iii. the risk of adverse effects to other people, property, infrastructure and the natural environment including: a. public health and safety; and b. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to

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Commented [SR180R179]: S487.013, S486.013, S488.013, S490.013 and S491.013

	flood hazard to other properties upstream or downstream of the site, or d. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.		protect the utility; and iv. the level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and v. any exacerbation of the hazard as a result of the structure; and vi. access in a flood event, including ability to maintain safe ingress and egress; and vii. proposed evacuation plans; and viii. ability to take an adaptive management approach; and ix. any additional risk from coastal flooding; and x. stormwater management.
Assessment Criteria		**Explanation**	
REr.83D.4 Refer to REr.83A.4.		REr.83D.5 Refer to REr.83A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.83E **Flood Areas except Flood Paths or Floodways** Earthworks This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.83E.1 In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthworks: a. is not more than $3m^3$ in each calendar year of excavation cleanfill material per site; and b. has a maximum cumulative volume of filling and excavation of 25m3 per site, within any continuous period of 10 calendar years; or c. is for the installation of an aerial; or d. the replacement of an above ground car park or accessway (including resealing) which on completion will have a finished contour that is equivalent to the original ground level at the commencement of the works; or e. trenching which on completion will have a finished contour that is equivalent to the original ground level	REr.83E.2 not applicable	REr.83E.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and ii. the displacement of flood waters beyond the site, exacerbation of the flood hazard and impact on the conveyance function of the flood plain; and iii. the nature of the activity associated with the earthworks to be located on any filled areas; and iv. mitigation measures to address risk from the flood hazard; and v. any additional risk from coastal flooding; and vi. stormwater management; and vii. any adverse effects of the works on the function and flood carrying capacity of natural systems.

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Commented [SR182]: S42a Addendum amendments - Flooding Section 5.7, Appendix 7

Commented [SR183R182]: S487.013, S486.013, S488.013, S490.013 and S491.013 - regarding aerials

Commented [SR184R182]: S881.027 regarding d and e

	at the commencement of the works.		
Assessment Criteria		**Explanation**	
REr.83E.4 Refer to REr.83A.4.		REr.83E.5 Refer to REr.83A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.83F **Flood Areas except Flood Paths and Floodways Flood mitigation and protection works** This rule does not apply to the Nelson Airport Natural Hazards Area, see Appendix 31	REr.83F.1 In Flood Areas, except any Flood Path or Floodway, the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works undertaken by a network utility operator is a permitted activity.	REr.83F.2 not applicable	REr.83F.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event including scale, location and frequency; and ii. the function of the device including the design in relation to the river and coastal flood hazards; and iii. the potential mobilisation of accumulated contaminants; and iv. the adverse effects of the works on the function of natural systems, landscape values ecological values and amenity values; and v. social and economic effects including positive effects; and vi. transfer of risk to adjoining sites, and residual risk; and vii. stormwater management.
Assessment Criteria		**Explanation**	
REr.83F.4 Refer to REr.83A.4.		REr.83F.5 Refer to REr.83A.5. As flood mitigation and protection works can have a substantial effect on the natural environment hydrological processes, and infrastructure, new-works are restricted discretionary activities.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~**REr.84**~~ ~~**Wakefield Quay Precinct**~~ ~~For alteration, demolition or removal of listed heritage buildings, or new buildings on the site of a heritage building, REr.85 to REr.88 apply.~~	~~REr.84.1~~ ~~Construction or alteration of any building in the Wakefield Quay Precinct as shown on the Planning Maps is permitted if:~~ ~~a. either:~~ ~~i. the work is not visible from a road or public space within or~~	~~REr.84.2~~ ~~not applicable~~	~~REr.84.3~~ ~~Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity, if:~~ ~~a. the activity complies with rules A, B, C, D, E, F and G in Appendix 23 - Design guide and rules for Wakefield~~

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	adjoining the precinct, or ii. the work is redecoration, restoration or insignificant alteration of existing fabric or detailing and is carried out with materials similar to, or having the same appearance to those originally used, and b. no vegetation clearance occurs above the building height line as defined in Figure 1 of Appendix 23 - Design guide and rules for Wakefield Quay.		Quay, and b. the activity complies with the Residential rules, except REr.23 - Minimum site area, REr.24 - Site coverage, REr.25 - Front yards, REr.27 - Outdoor living court, REr.32 - Maximum building height, REr.35 - Daylight admission, and REr.36 - Decks, terraces, verandahs and balconies. Discretion restricted to: i. building design and external appearance, and ii. size and location of outdoor living courts, and iii. landscaping, and iv. privacy between residential units (including outdoor living areas) and between adjoining sites, and v. the number, location, and width of vehicles crossings, and the direction of access and egress to and from these. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act. Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.
Assessment Criteria		**Explanation**	
REr.84.4 a. compliance with the design guide and rules for Wakefield Quay (Appendix 23). b. in the case of a discretionary activity application, where applicable the assessment criteria for the relevant rule which is contravened will apply, in addition to the Design Guide and rules for Wakefield Quay.		REr.84.5 The Wakefield Quay precinct has been identified on the Planning Maps as an area with special qualities that need protection. It is not a heritage precinct, but it does contain a number of listed Heritage Buildings. It is also recognised that the area is suited to multi-level development if it is done in such a way as to protect these qualities. If the standards and terms set out in the discretionary column are met, the design, appearance, and layout of any redevelopment in the area is a restricted discretionary activity, and will be assessed against the design guide and rules for the area. If the standards and terms are not met (eg. the proposal is overheight, or daylight angles are not complied with), then	

	~~the application is fully discretionary.~~ ~~Note that for alteration, demolition or removal of listed heritage buildings, REr.85, REr.86, REr.87 and REr.88.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.85 **Heritage Buildings, Places and Objects** Alterations to Group A and B items	REr.85.1 Alteration to any Group A or B building, place or object listed in Appendix 1 - Heritage buildings, places and objects is permitted, if: a. either: 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); or c. the work is the installation, maintenance or upgrade of a customer connection from a network utility, and exterior alterations or additions to the heritage item avoid primary elevation and architectural features and detailing that contribute to the item's heritage values.	REr.85.2 Seismic strengthening of a Group A or B building, place or object listed in Appendix 1 - Heritage buildings, places and objects is a controlled activity, if: a. upon completion no element of the seismic strengthening is visible from the exterior; and b. there is no change to the elevation design and scale of the existing heritage item; and c. where an elevated feature is replaced, the replacement feature appears exactly the same as the feature being replace; and d. the materials used are the same as those being repaired or replaced, or those that were in place originally, except: i. components and materials relating directly to earthquake strengthening; and ii. concrete or masonry roofing tiles or similar heavy roofing materials may be replaced with lightweight material of a similar appearance. REr.85.3 Removal of an unreinforced masonry chimney from a Group A or B building, place or object listed in Appendix 1 is a controlled activity, provided that: a. where an elevated feature is replaced (including a lightweight replica chimney), the replacement feature appears exactly the same as the feature being replaced. REr.85.4 Sustainable addition to a Group A or B building, place or object listed in Appendix 1 is a controlled activity if: a. the sustainable addition avoids any primary elevation and architectural features and detailing that contribute to the item's heritage values; and b. there is no change to the elevation design, materials and scale of the existing heritage item, beyond that necessary for	REr.85~~.3~~.5 Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with a condition for a permitted or controlled activity is discretionary. Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with a condition for a permitted or controlled activity is a restricted discretionary activity. Discretion is restricted to: i. location, design and appearance; and ii. effects on heritage values; and iii. materials and finishes; and iv. methods of attachment; and v. health and safety risks posed by earthquakes. Resource consent applications for restricted discretionary activities will be considered without notification~~, or obtaining written approval of affected persons, under section 94 of the Resource Management Act~~.

		the installation of the sustainable addition; and c. methods of attachment are appropriate and avoid damage to the heritage item; and d. where the sustainable addition involves the installation of solar panels and associated equipment on the roof i. the solar panels do not ~~applicable~~ extend over the roof plane and are not located within 300mm if the ridge(s) of the roof; and ii. the solar panels are mounted at the same angle as the roof; and iii. the solar panels are mounted with one edge parallel to the slope of the roof face; and iv. only solar panels and associated fixings and clips are visible from the road, and conduit and other equipment do not protrude from under the panels; and v. mounting rails are trimmed to the extent of the panels and clips; and vi. the solar panels are arranged in orderly rows with consistent offsets from the roof edges; and vii. the solar panels on the roof planes containing parapets, dormer windows, skylights or chimneys are arranged in a symmetrical pattern on the roof plane.	

Assessment Criteria	Explanation
REr.85.~~4.~~6 a. the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b. ~~the extent to which~~whether 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. 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. d. ~~the degree to which~~whether the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, is clearly distinguishable from the original as new work. e. whether the proposed alterations or additions avoid or minimise changes to any primary elevation.	REr.85.~~5.~~7 The rules provide ~~three~~various levels of protection depending on the activity and categorisation of the heritage building, place or object. Minor maintenance is allowed for Group A and B items. Activities ~~More~~that seek to improve a heritage item's sustainability, or reduce the risk to people from earthquakes, are provided for as controlled activities. For more major ~~work requires~~alterations and additions, a discretionary resource consent is required for Group A heritage items and a restricted discretionary consent for Group B items, to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the location, design and appearance of the alteration or addition, effects on the item's heritage values, including materials and finishes, and health and safety risks posed by earthquakes. See separate rules for heritage precincts - REr.89, REr.90, REr.91, REr.92 and REr.113. Note: Buildings must comply with the general rules on bulk and location. See also AP20r.4 in relation to signs on heritage buildings and trees.

f. whether architectural features and detailing that contribute to the heritage values of the item are protected. g. the use of materials and design reflect the heritage values of the item. h. whether the proposed alterations or additions recover or reveal heritage values of the item, or remove features or additions that compromise the heritage values of the item. i. the need to protect the heritage item and people from the risk of earthquake damage. j. whether there is a functional need to attach the equipment to the exterior of the heritage item, and whether the methods of attachment are appropriate and will avoid damage to fabric. k. whether the proposed alterations or additions contribute to the long-term viability, retention or ongoing functional use of the item. l. the ability of the applicant to develop or use the site without the alteration, and the economic effects of this. m. whether the heritage value of the building, place or object has altered since the item was listed in the plan. n. any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole. o. The matters in the Heritage Precinct Design ~~Guide~~Guides and ~~Rules~~rules for ~~Wakefield Quay (Appendix 23)~~heritage precincts where appropriate.			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.86 Heritage Buildings, Places and Objects New buildings on the site of a heritage item	REr.86.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.	REr.86.2 ~~Erection of a new building on the site of a Group A or Group B heritage item is a controlled activity~~not applicable ~~Control reserved over design and appearance in relation to existing heritage item, and distance of new building from, and location and relationship to existing heritage item.~~	REr.86.3 ~~not applicable~~Erection of a new building on the site of a Group A or Group B heritage item is a restricted discretionary activity. Discretion is restricted to: i. design and appearance in relation to existing heritage item, and ii. distance of new building from, and location and relationship to existing heritage item; and iii. effects on heritage values. Resource consent applications for restricted discretionary activities will be considered without notification.
Assessment Criteria		**Explanation**	
REr.86.4 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. b. ~~the degree to which~~whether the new building is compatible with the heritage		REr.86.5 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 - REr.89, REr.90, REr.91, REr.92 and REr.113.	

building or object, including form, size, scale and materials used. 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. d. whether the new building maintains the relationship of the item with its settings and views of the item form adjoining public spaces. e. the matters in the Heritage Precinct Design Guides and rules for heritage precincts where appropriate.			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Discretionary**
REr.87 **Heritage Buildings, Places and Objects** Demolition or removal of Group A and B items	REr.87.1 Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.	REr.87.2 not applicable	REr.87.3 Group B Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary. Group A Whole or partial demolition or removal of any Group A heritage building, place or object listed in Appendix 1 is a non-complying activity.
Assessment Criteria		**Explanation**	
REr.87.4 a. the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b. ~~the extent to which~~whether 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. c. for removal, the degree of heritage loss due to the association of the building with the present site and the physical extent of relocation. d. the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (e.g. the new site is more accessible or visible), and whether the item is to be protected or covenanted on its new site. 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. f. the ability of the applicant to economically develop or use the site without demolition, alteration or removal. 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. h. whether the heritage value of the building, place or object has altered since the item was listed in the Plan. 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.		REr.87.5 Group A buildings, places and objects ~~are the premier~~have a high level of heritage ~~items in~~significance to the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while still recognising that they have heritage significance to the District and their retention is ~~still~~ important. 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 will have a greater adverse effect.	

~~Item~~	~~Permitted~~	~~Controlled~~	~~Discretionary/Non-complying/Prohibited~~
~~REr.88 Heritage Buildings, Places and Objects~~ ~~Demolition or removal of Group C items~~	~~REr.88.1~~ ~~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.~~	~~REr.88.2~~ ~~not applicable~~	~~REr.88.3~~ ~~Activities that contravene a permitted condition are discretionary.~~

~~Assessment Criteria~~	~~Explanation~~
~~REr.88.4~~ ~~a. whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.~~	~~REr.88.5~~ ~~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 voluntary protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.89 Heritage precincts Alterations or additions to any building (~~including~~(excluding listed Heritage Buildings) Refer to REr.85 for alterations and additions to listed Heritage Buildings	REr.89.1 Alterations to the interior of a building within a heritage precinct (unless otherwise specified in Appendix 1) is a permitted activity. REr.89.2 Alteration or addition to any part of a building, visible from a road or public space within the Elliot Street, Fountain Place, Richmond Avenue, Russell Street, Seymour Avenue and South Street heritage precincts, or from a road or public space adjoining ~~a heritage precinct~~the Alton Street and Dear Cottages heritage precincts, is permitted, if: a. either: 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	REr.89~~.2~~.3 ~~not applicable~~Sustainable additions, including installation of solar panels, other than to a Group A or B Heritage Building listed in Appendix 1, is a controlled activity, if it contravenes a permitted condition in this rule. Control is reserved over: i. location, positioning and appearance of the sustainable addition; and ii. materials used; and iii. effects on the heritage values of the precinct; and iv. effects on the cohesiveness of the streetscape of the heritage precinct.	REr.89~~.3~~.4 Alteration or addition to any part of a building (other than for sustainable additions) is a restricted discretionary activity, if: a. it is visible from a road or public space within the Elliot Street, Fountain Place, Richmond Avenue, Russell Street, Seymour Avenue and South Street heritage precincts, or from a road or public space adjoining ~~a heritage precinct~~,the Alton Street and Dear Cottages heritage precincts; and b. the alteration or addition contravenes a permitted condition in this rule~~, and~~ c. ~~it complies with all other Residential rules, except rules REr.23 - Minimum site area, REr.32 - Maximum building height and REr.38 - Parking~~. ~~D~~iscretion is restricted to: i. the location, design and external

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	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 the installation, maintenance or upgrade of a customer connection from a network utility (other than a Group A or B Heritage Building listed in Appendix 1); and i. exterior alterations or additions to the building avoid any primary elevation and architectural features and detailing that contribute to the heritage values of the precinct; or c. the work is the removal of an unreinforced masonry chimney (other than to a Group A and B building, place or object listed in Appendix 1); and i. where the chimney is to be replaced by a lightweight replica, the replacement appears exactly the same as the chimney being replaced; or d. the work is a sustainable addition (other that to a Group A or B Heritage Building listed in Appendix 1); and i. the sustainable addition avoids any primary elevation and architectural features and detailing that contribute to the heritage values of the precinct; and ii. materials used are similar to, or have the same		appearance of the building~~, (including garages)~~alteration or addition, and ii. ~~building height~~,materials used; and iii. ~~degree of coverage~~effects on the heritage values of the ~~front yard~~,precinct, including any cumulative or precedent effects; and iv. ~~minimum site~~ effects on ~~area required per residential unit, and the location~~cohesiveness of ~~parking and garaging~~the streetscape of the heritage precinct. Resource consent applications will be considered without notification~~, or obtaining written approval of affected persons, under section 94 of the Resource Management Act~~.

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	appearance to those originally used, except components and materials relating directly to the sustainable addition; and iii. rainwater tanks are located at the rear of the property; and e. where the sustainable addition involves the installation of solar panels and associated equipment on the roof of a building (other than a Group A or B Heritage Building listed in Appendix 1): i. the solar panels do not extend over the edges of the roof plane and are not located within 300mm of the ridge(s) of the roof; and ii. the solar panels are mounted at the same angle as the roof; and iii. the solar panels are mounted with one edge parallel to the slope of the roof face; and iv. only solar panels and associated fixings and clips are visible from the road, and conduit and other equipment do not protrude from under the panels; and v. mounting rails are trimmed to the extent of the panels and clips; and vi. the solar panels are arranged in orderly rows with consistent offsets from the roof edges; and f. the solar panels on roof planes containing parapets, dormer windows, skylights or chimneys are arranged in a symmetrical pattern on the roof plane.		

Assessment Criteria	Explanation
REr.89.4.5 a. particular regard will be had to compliance with the ~~design guide~~Heritage Precinct Design Guide for the particular residential precinct. In addition regard will be had to: b. whether the height, materials, form, scale and design of the alteration or addition are compatible with the heritage precinct. c. whether the alteration or addition retains or reinstates original features and detailing that are consistent with the precinct's heritage values. d. whether the alteration or addition maintains the cohesiveness of the streetscape. e. the need to protect the heritage item and people from the risk of earthquake damage. f. whether there is a functional need to attach equipment to the exterior of the building. g. whether the proposed alterations or additions contribute to the long-term viability, retention or ongoing functional use of the building. h. any effects (positive and adverse) on the heritage values of the entire heritage precinct. i. any cumulative or precedent effects on the heritage values of the precinct.	REr.89.5.6 The heritage precincts recognise the whole is often greater than the sum of the parts. ~~That is, that~~This means a collection of heritage buildings in context, has a greater impact ~~to~~on the observer and the resident, and has greater heritage value, than the same number of buildings scattered throughout the City. Unsympathetic alteration to even a single heritage building 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. 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. The design criteria to achieve development sympathetic to each precinct, is spelt out in the design guideline for that precinct. The guidelines sit outside the plan, but are given effect as assessment criteria in considering resource consent applications. These consents are restricted discretionary activities, in order to provide flexibility to control matters such as building height, site area etc which can vary between precincts, and where the normal rules may not be appropriate. See also separate rules for listed Heritage Buildings. See also AP20r.4 in relation to signs on heritage buildings and trees.

Item	Permitted	Controlled	Discretionary/Non-complying/Discretionary
REr.90 Heritage precincts Erection of new buildings	REr.90.1 Erection of new buildings is not a permitted activity within a heritage precinct.	REr.90.2 not applicable	REr.90.3 Erection of any new building is a restricted discretionary activity ~~provided it complies with all other Residential rules except rules REr.23 - Minimum site area, REr.32 - Maximum building height and REr.38 - Parking~~. Discretion is restricted to: i. the location, design and external appearance of the parts of the building (including garages) visible from a road or public space within the Elliot Street, Fountain Place, Russell Street, Seymour Avenue and South Street heritage precincts or from a road or public space adjoining ~~a heritage precinct,~~the Alton Street and Dear Cottages heritage precincts; and ii. building ~~height~~ materials used; and iii. ~~degree of coverage~~effects on the heritage values of the ~~front yard (within 4m~~precinct, including

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			any cumulative or precedent effects; and iv. effects on the cohesiveness of the road boundary), and v. minimum site area required per residential unit, and vi. the locationstreetscape of parking and garagingthe heritage precinct. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.

Assessment Criteria	Explanation
REr.90.4 a. particular regard will be had to compliance with the design guideHeritage Precinct Design Guide for the particular residential precinct. In addition, regard will be had to: b. whether the new building's height, materials, form and scale are compatible with the heritage precinct. c. whether the new building's location maintains views of the property from the road. d. whether the new building's location maintains the cohesiveness of the streetscape. e. any effects (positive and adverse) on the heritage values of the entire heritage precinct. f. Any cumulative effects on the heritage values of the precinct or any effects which may establish a precedenceprecedent within the precinct.	REr.90.5 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 item 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. This does not mean that new buildings have to be replicas of heritage buildings (except in South Street), but rather that they have design features which fit with the charactercharacteristics of the precinct. As with the previous rule, the aim is to get a gradual enhancement of the precinct. Note: Subdivision in a Heritage Precinct is a discretionary activity - See REr.113 - Heritage precincts: subdivision.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.91 **Heritage precincts** Removal or demolition of listedin a heritagebuildingsprecinct	REr.91.1 Whole or partial demolition or removal of anya building is permitted, if: a. the building is not a Group A or B heritage building listed in Appendix 1;, and b. for any Group C heritagethe building listed in Appendix 1, 2 months written notice is given tonot the Council prior to the work being doneprimary residential unit on-site.	REr.91.2 not applicable	REr.91.3 Activities that contravene a. Group A or B buildingsbuilding - REr.87 - Demolition or removal of Group A and B items applies. b. Group C - REr.88 - DemolitionWhole or partial demolition or removal of a primary residential unit in a heritage precinct (other than a Group C items appliesA or B heritage building listed in Appendix 1) is a restricted discretionary activity. Discretion is restricted to: i. effects on the heritage values of

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			the precinct, including any cumulative or precedent effects; and ii. the reasons for demolition or removal; and iii. location, design and appearance of any replacement building.

Assessment Criteria	Explanation
REr.91.4 The assessment criteria for Rules REr.85 - Alterations to Group A and B items and REr.87 - Demolition or removal of Group A or B items ~~and REr.88 – Demolition or removal of Group C items apply as appropriate:~~ In addition, particular regard will be had to: a. compliance with the design guide for the particular residential precinct. b. any effects (positive and negative) on the heritage values of the entire heritage precinct. c. any cumulative or precedent effects on the heritage values of the precinct. d. whether the residential unit proposed for demolition or removal contributes to the heritage values of the precinct. e. the reasons for demolition or removal and whether reasonable alternatives have been considered. f. where a replacement residential unit is proposed, whether it would maintain or enhance the precinct's heritage values. g. where the residential unit is proposed to be relocated within the same site, ~~the extent to~~ which the new location would maintain or enhance the precinct's heritage values.	REr.91.5 As noted earlier, the buildings in a Heritage Precinct have a particular collective value. The loss of even a single building 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 buildings, and primary residential units that are not listed heritage buildings but nonetheless contribute to a precinct's heritage values 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~~where any replacement building is more sympathetic to the streetscape. (See REr.90 - Heritage precincts: erection of new buildings). Buildings 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.92 **Heritage precincts** Front fences	REr.92.1 Any fence located between the residential unit and the road boundary of the site is permitted, if: All precincts (excluding South Street and Dear Cottages): a. the maximum height is 900mm, and it is constructed of timber pickets or wrought iron. b. alternatively, fences may be a maximum height of 1.8m, provided at least the top	REr.92.2 not applicable	REr.92.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. location, design and appearance; and ii. effects on the heritage values of the precinct, including any cumulative or precedent effects.

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	600mm is of open construction such as trellis, picket or wrought iron. South Street and Dear Cottages: c. the maximum height is 900mm, and d. it is constructed of timber pickets.		

Assessment Criteria	Explanation
REr.92.4 a. particular regard will be had to compliance with the design guide for the particular residential precinct. b. any effects (positive and adverse) on the heritage values of the entire heritage precinct. c. any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct. d. any effects on the outlook of the adjoining property. e. any impacts on the streetscape, or traffic and pedestrian safety. f. the design and appearance of the fence. g. whether the fence blocks all visibility or allows some visibility through it. h. any positive effects on or off the site, including improved privacy or security, improved appearance, or the ability to screen unsightly activities or objects.	REr.92.5 Front fences are an important element of the heritage precincts, including providing an intimacy of the houses with the street, and an opportunity to appreciate the heritage buildings.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.93 **Heritage Trees** Trimming of a Heritage Tree identified in Appendix 2	REr.93.1 Trimming of a heritage tree is permitted if: a. either: i. it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown;, or ii. it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve;, and b. the work is done in accordance with accepted arboricultural practice.	REr.93.2 not applicable	REr.93.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.93.4 - REr.97.4 a. the condition of the tree, including any significant potential hazard to people or property. b. the extent to which the tree or trees contribute to the amenity of the neighbourhood. 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. d. whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property. e. the extent to which the tree would seriously restrict the development potential of the site. f. any hardship or significant nuisance the tree causes to any person. g. any substitute or compensating tree planting or landscaping proposed. h. 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 (e.g. erection of a physical barrier). i. in the case of a tree in the road reserve, in addition to the above: i. whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic. ii. whether alternatives to removing or damaging the tree have been adequately explored. 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: i. whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river ii. whether alternatives to removing or damaging the tree have been adequately explored.	REr.93.5 Very limited trimming of Heritage Trees is allowed without a resource consent. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees. 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.94 **Landscape Trees** Trimming of a Landscape Tree identified in Appendix 2	REr.94.1 Trimming of a Landscape tree is permitted if: a. it is crown thinning.; and b. the work is done in accordance with accepted arboricultural practice.	REr.94.2 Activities that contravene a permitted condition are controlled. Control is reserved over: i. amount, timing and manner in which the trimming is carried out. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.	REr.94.3 not applicable

Assessment Criteria	Explanation
REr.94.4 Refer to REr.93.4.	REr.94.5 Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognise 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.95 **Heritage and Landscape Trees** Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2	REr.95.1 Activities within the root protection zone of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if: a. parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface;; and b. it does not involve compaction, sealing, removal or addition of soil;; and c. there is no discharge of a toxic substance;; and d. there is no excavation or construction of structures. except where the tree is on Road Reserve, where activities are permitted if: i. excavation is no deeper than 200mm and no less than 2m from the tree trunk;; and ii. sealing is within the existing formed carriageway or footpath.	REr.95.2 Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled. Control reserved over: i. location, proximity to tree trunk, timing and manner in which the activity is carried out;; and ii. remedial measures. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.	REr.95.3 Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.95.4 Refer to REr.93.4.	REr.95.5 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. See also AP20r.4 in relation to signs on heritage buildings and trees.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.96 **Heritage and Landscape Trees** Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	REr.96.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.	REr.96.2 not applicable	REr.96.3 a. Landscape Trees - removing or destroying a Landscape Tree is a discretionary activity. b. Heritage Trees - removing or destroying a Heritage Tree is a non-complying activity.
Assessment Criteria		**Explanation**	
REr.96.4 Refer to REr.93.4.		REr.96.5 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 Resource Management Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.97 **Local trees** Removing a Local Tree identified in Appendix 2	REr.97.1 Removing a Local Tree is permitted if~~:~~ ~~a.~~ written notice is given to Council at least 1 week prior to work being done.	REr.97.2 not applicable	REr.97.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
REr.97.4 Refer to REr.93.4.		REr.97.5 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.98 **Archaeological sites** 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	REr.98.1 On any site containing an Archaeological Site listed in Appendix 3 - Archaeological sites and identified on the Planning Maps, erection or extension of any building or other structure, any soil disturbance, or any earthworks is permitted if: a. written advice that the proposed activity will	REr.98.2 not applicable	REr.98.3 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

that are different from those dealt with by the permitted activity conditions of the NESPF.	not adversely affect the values of the archaeological site is obtained from: i. in the case of a Māori archaeological site, the relevant iwi~~.~~; or ii. in the case of other sites, a suitably qualified and experienced archaeologist.		suitably qualified and experienced in archaeological survey).
Assessment Criteria		**Explanation**	
REr.98.4 a. the nature, form and extent of the proposed activity and its effects on the site. b. the impacts on the integrity or heritage value of the site. 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. d. where the application relates to a Māori archaeological site, the response of the tāngata whenua. e. if the site is to be modified, whether there is sufficient time and expertise to record the site. f. the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.		REr.98.5 Archaeological sites are sites of human activity before 1900. In this Plan the majority are Māori sites, with most non-Māori sites being on the Heritage Buildings, Places and Objects list (Appendix 1). 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 where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site. Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.99 **Bishopdale Pottery** Scheduled Site - Sch.B	REr.99.1 Activities are permitted if: they comply with Schedule Sch.B.	REr.99.2 Schedule Sch.B applies.	REr.99.3 Schedule Sch.B applies.
Assessment Criteria		**Explanation**	
REr.99.4 Refer to Schedule Sch.B.		REr.99.5 Refer to Schedule Sch.B.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.100 **Nelson Marlborough Health Services** Scheduled Site - Sch.C	REr.100.1 Activities are permitted if~~:~~ ~~a.~~ they comply with Schedule Sch.C.	REr.100.2 Schedule Sch.C applies.	REr.100.3 Schedule Sch.C applies.
Assessment Criteria		**Explanation**	
REr.100.4 Refer to Schedule Sch.C.		REr.100.5 Refer to Schedule Sch.C.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.101 BP Annesbrook Scheduled Site - Sch.D	REr.101.1 Activities are permitted if: ~~a.~~ they comply with Schedule Sch.D.	REr.101.2 Schedule Sch.D applies.	REr.101.3 Schedule Sch.D applies.
Assessment Criteria		**Explanation**	
REr.101.4 Refer to Schedule Sch.D.		REr.101.5 Refer to Schedule Sch.D.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.102 Ngawhatu Residential Area Scheduled. Site - Sch.E	REr.102.1 Activities are permitted if: ~~a.~~ they comply with Schedule Sch.E.	REr.102.2 Schedule Sch.E applies.	REr.102.3 Schedule Sch.E applies.
Assessment Criteria		**Explanation**	
REr.102.4 Refer to Schedule Sch.E.		REr.102.5 Refer to Schedule Sch.E.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.103 Polytechnic Scheduled Site - Sch.F	REr.103.1 Activities are permitted if: ~~a.~~ they comply with Schedule Sch.F.	REr.103.2 Schedule Sch.F applies.	REr.103.3 Schedule Sch.F applies.
Assessment Criteria		**Explanation**	
REr.103.4 Refer to Schedule Sch.F.		REr.103.5 Refer to Schedule Sch.F.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.104 Trafalgar Street/Hathaway Court Scheduled Site - Sch.G	REr.104.1 Activities are permitted if: ~~a.~~ they comply with Schedule Sch.G.	REr.104.2 Schedule Sch.G applies.	REr.104.3 Schedule Sch.G applies.
Assessment Criteria		**Explanation**	
REr.104.4 Refer to Schedule Sch.G.		REr.104.5 Refer to Schedule Sch.G.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
~~**REr.105 Bishopdale Subdivision Area**~~ ~~Scheduled Site – Sch.H~~	~~REr.105.1 Schedule Sch.H applies.~~	~~REr.105.2 Schedule Sch.H applies.~~	~~REr.105.3 Schedule Sch.H applies.~~
Assessment Criteria		**Explanation**	
~~REr.105.4 Refer to Schedule Sch H.~~		~~REr.105.5 Refer to Schedule Sch H.~~	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.106 Marsden Valley Scheduled Site – Sch.I	REr.106.1 Schedule Sch.I applies.	REr.106.2 Schedule Sch.I applies.	REr.106.3 Schedule Sch.I applies.
Assessment Criteria		**Explanation**	
REr.106.4 Refer to Schedule Sch.I.		REr.106.5 Refer to Schedule Sch.I.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.106A Marsden Plateau Landscape Area Scheduled Site – Sch.U	REr.106A.1 Schedule Sch.U applies.	REr.106A.2 Schedule Sch.U applies.	REr.106A.3 Schedule Sch.U applies.
Assessment Criteria		**Explanation**	
REr.106A.4 Refer to Schedule Sch.U.		REr.106A.5 Refer to Schedule Sch.U.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.106B Marsden Hills Scheduled Site – Sch.V	REr.106B.1 Schedule Sch.V applies.	REr.106B.2 Schedule Sch.V applies.	REr.106B.3 Schedule Sch.V applies.
Assessment Criteria		**Explanation**	
REr.106B.4 Refer to Schedule Sch.V.		REr.106B.5 Refer to Schedule Sch.V.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.106C Enner Glynn and Upper Brook Structure Plan Scheduled Site - Sch.W (Refer to Rural Zone Chapter 12)	REr.106C.1 Schedule Sch.W applies.	REr.106C.2 Schedule Sch.W applies.	REr.106C.3 Schedule Sch.W applies.
Assessment Criteria		**Explanation**	
REr.106C.4 Refer to Schedule Sch.W.		REr.106C.5 Refer to Schedule Sch.W.	
Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.106E Manuka Street Hospital Schedule Site – Sch.Y	REr.106E.1 Schedule Sch.Y applies.	REr.106E.2 Schedule Sch.Y applies.	REr.106E.3 Schedule Sch.Y applies.
Assessment Criteria		Explanation	
REr.106E.4 Refer to Schedule Sch.Y.		REr.106E.5 Refer to Schedule Sch.Y.	
Subdivision rules			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.107 Subdivision - General Except for subdivision located	REr.107.1 Not a permitted activity.	REr.107.2 Subdivision ~~not located in the Services~~Fault Deformation.	REr.107.3 Subdivision ~~not located in the Services~~Fault Deformation.

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in the ~~Services~~Fault Deformation, ~~Natural~~Fault Awareness, ~~Slope Instability Susceptibility Area 1 (Tāhunanui Slump)~~Tāhunanui Slump and Slump Fringe Overlay, Slope ~~Instability Susceptibility Area 2(Management)~~, Slope ~~Instability **Susceptibility** Area 3~~, Debris Run-out ~~Susceptibility Area~~, Liquefaction Hazard, ~~Landscape~~Heritage Overlays, any Flood Area, or ~~Heritage overlays~~the Services or Landscape Overlay ~~except for the Services and Landscape Overlays where they cover land zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone.~~		~~Natural~~Fault Awareness, ~~Liquefaction Hazard, Slope Instability **Susceptibility** Area 1, Slope Instability **Susceptibility** Area 2, Slope Instability **Susceptibility** Area 3, Debris Run-out **Susceptibility** Area, Heritage Overlays, any Flood Area, or the Landscape or Heritage~~Services Overlay ~~(except for the Services or Landscape overlays (excluding Wakefield Quay~~where they cover land ~~zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone) shown on the Planning Maps~~ is controlled, if: a. it complies in all respects with all the relevant standards in Appendix 10, Appendix 11 and Appendix 12; and b. it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020, except where micromobility access standards are provided for ~~as~~ as required in Appendix 11.; and c. esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Table 6.2 of Appendix 6, are created and vested in the Council.; and d. the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC ~~Datum~~.; and. e. the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained.; and f. the net area of every allotment is at least: Lower Density Area: 600m^2 Port Effects Control Overlay: 600m^2 Airport Effects Control Overlay 600m^2 ~~Lower Density~~Standard	~~Natural~~Fault Awareness, ~~Liquefaction Hazard, Landscape~~Slope Instability ~~**Susceptibility** Area 1, Slope Instability **Susceptibility** Area 2, Slope Instability **Susceptibility** Area 3, Debris Run-out **Susceptibility** Area, Heritage Overlays any Flood Area, or Heritage~~Services or ~~Landscape Overlay (except for the Services and Landscape overlays (excluding Wakefield Quay where they cover land zoned General Residential Zone, and Medium Density Residential Zone and High Density Residential Zone) shown on the Planning Maps~~ that contravenes a controlled standard is a restricted discretionary activity, if: a. it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14.; and b. it complies with controlled activity terms REr.107.2 b. to h..; and c. in relation to Comprehensive Housing Developments in the Comprehensive Area, compliance with REr.107.2 f. is not required provided it meets the restricted discretionary standards and terms of REr.22.3. Discretion is restricted to: i. the matters of control under REr.107.2.; and ii. the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought.; and iii. the matters in the Nelson Tasman Land Development Manual 2020.; and iv. the matters in Appendix 10, Appendix 11 and Appendix12 of the Plan.; and the design and layout	

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This comment is for all the changes in REr.107, REr.107.2 and REr.107.3

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		Area ~~(Stoke):~~ ~~1,000m~~400m2 ~~average with a minimum of 850m2~~ ~~Higher Density~~Comprehensive Area: 300m^2, and ~~Remainder~~the net area of every vacant allotment is at least: General Residential Zone: ~~400m~~200m^2 Medium Density Residential Zone: 200m2 ~~High Density Residential Zone: 200m2~~ except for allotments created solely for access or utility services~~.~~; and g. other than in the General Residential Zone~~,~~ and Medium Density Residential Zone ~~and High Density Residential Zone~~, a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services~~.~~; and i. in the General Residential Zone, and Medium Density Residential Zone ~~and High Density Residential Zone~~, a rectangle, measuring 8m by 15m, is capable of being located within the boundaries of any vacant allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is	of roads, access, cycle ways, walkways, reserves and biodiversity corridors~~.~~; and vi. the staging of development and associated roading and reserves~~.~~; and vii. for Comprehensive Housing Developments the matters in REr.22.3. Resource consent for restricted discretionary activities will be considered without notification or service of notice. **Discretionary Activity** Activities that contravene a standard for a restricted discretionary activity are discretionary. Subdivision in the Port Effects Control Overlay or Airport Effects Control Overlay where any allotment has a net area of less than 600m^2 is discretionary.

		within 5m of the road boundary, except for allotments created solely for access or utility services.; and h. any existing buildings or proposed buildings approved by a resource consent comply with the conditions for permitted activities, or a resource consent.; and i. for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council.; and j. in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule. Control reserved over: i. the mandatory matters in the Nelson Tasman Land Development Manual 2020.; and ii. the effects of natural and other hazards.; and iii. design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages.; and iv. protection of natural features, landscapes, heritage items, vegetation and Māori values.; and v. riparian management.; and. vi. public access, and adverse effects likely to arise from the	

		subdivision, associated development or subsequent use of the land~~.~~; and viii. development of the subdivision and sites having regard to: a. appropriate vehicle or micromobility access~~.~~; and b. the intensity of residential units to be erected on each lot and the siting of such buildings~~.~~; and c. provision of services, including evidence of consultation with telecommunication companies~~.~~; and d. future public and active transport patterns~~.~~; and ix. stormwater management~~.~~; and x. the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation~~.~~; and xi. financial contributions in accordance with Chapter 6~~.~~; and xii. the future of land subdivided for the purposes of public utilities and no longer required for the purpose~~.~~; and xiii. for areas subject to a Structure Plan, the matters contained on those including: • the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the	

		Structure Plan or within the Planning Maps; • any specific rules, schedules or other notations shown on the Structure Plan as applying to that land.	

Assessment Criteria	Explanation
REr.107.4 a. the matters in the Nelson Tasman Land Development Manual 2020. b. the extent of compliance with Appendix 10, Appendix 11 and Appendix 12. c. for Comprehensive Housing Developments~~, or subdivision within the Wakefield Quay precinct~~, the degree to which the subdivision achieves the outcomes contained in Appendix 22 ~~and~~ Appendix 23 ~~respectively~~. d. the extent to which the design response for the proposal ensures that the design and appearance of the subdivision will achieve the urban design outcomes sought in the objectives and policies of the NRMP (refer particularly to DO13A Urban Design and the Residential Zone Objectives and Policies). e. the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary. f. the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure. g. effects on traffic, road network, access, parking, stormwater management, water supply wastewater reticulation, and power and telecommunication services. h. effects of allotment size and shape, including on amenities of neighbourhood, on private to public space relationships, function and amenity, and on the potential efficiency and range of uses of the land. i. the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other water bodies on the land to be subdivided. j. the extent to which the land is subject to natural hazards~~, or included in inundation, floodpaths, fault areas and slope risk overlays~~, and whether any risks can be remedied or mitigated. k. the assessment criteria contained in REr.61.4 - Earthworks. l. the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 – Landscape components and views). m. the extent to which the proposal has regard to Māori values, particularly in traditional, cultural, or spiritual aspect relating to the land. n. any consultation, including with tāngata whenua as appropriate, and the outcome of that consultation. o. avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. p. financial contributions (see Chapter 6).	REr.107.5 Specific rules apply to subdivision activities proposed within the Services, Natural Hazard, Landscape or Heritage overlays (see REr.108 to REr.114). Resource consent is required for all subdivision so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced. The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on the wastewater network and other services, to avoid the need for costly and disruptive upgrading later. Refer to DO14.3.1 - Roading and DO14.3.2 - Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer. The shape factor for land parcels is specified to ensure that sites are of a shape that will maximise the range and efficiency of potential uses of the land i.e. such that complying buildings can be reasonably placed on them at a later stage. There is an extra provision regarding the position of the shape factor in relation to the front boundary of a front site. This ensures reasonable widths of section are presented to the street, and that the streetscape is not just a series of narrow frontages comprised of driveways. It also helps clarify the difference between a front and rear site. This is important, since on rear sites, the area occupied by accesses up to a certain width is deducted to determine net area of a site. A restricted discretionary activity category is provided in recognition that it is difficult to achieve the better urban design outcomes sought by the NRMP and the Nelson Tasman Land Development Manual 2020 through a prescriptive set of mandatory standards. The restricted discretionary category is therefore provided for applicants who can demonstrate, through compliance with Appendix 14, that the proposed design solution is compatible with the urban design outcomes sought by the Plan and the good practice guidance in the Nelson Tasman Land Development Manual 2020. This category also includes Comprehensive Housing Developments in the restricted discretionary subdivision category. In order to achieve high quality urban design outcomes it is considered that the design and construction of local neighbourhood reserves should be undertaken in conjunction with the residential subdivision. The process and design criteria to achieve this are outlined in Chapter 10 'Parks and Reserves' of the Nelson Tasman Land Development Manual 2020. Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued

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q. the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans. r. the ground level required to avoid the effects of flooding. s. 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. t. effects on neighbouring properties, especially stormwater runoff. u. provision of adequate flow paths for surface flooding. v. the possibility of an overloaded public storm water system overflowing onto private property. w. the values for esplanade purposes outlined in Table 6.1 or Table 6.2 of Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Resource Management Act. x. any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Table 6.2 of Appendix 6) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.; y. an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants. z. alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants. aa. the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. bb. in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 - Minimum site area. cc. the matters contained in any Schedules or shown on the Structure Plan as applying to that land. dd. the density of planting, mature height and species of plant proposed in any required landscaping. ee. potential shading of neighbouring properties from development of the site, including fences. ff. the extent to which the proposed public reserves achieve the outcomes sought in Chapter 10 Parks and Reserves of the Nelson Tasman Land Development Manual 2020. gg. in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendix 10, Appendix 11 and Appendix 12 allow, except where these are necessary to mitigate adverse effects arising from the conversion. hh. the matters contained in any schedules or shown on the Structure Plan as applying to that land.	development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i. The Resource Management Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of Esplanade Reserves and Strips. The river and coastal margins on the Planning Maps and in Table 6.2 of Appendix 6, have been identified as containing riparian values in accord with section 229 of the Resource Management Act . In some cases riparian protection already exists, or special circumstances exist, which make the taking of Esplanade Reserves or Strip unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision. Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Table 6.1 of Appendix 6. 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 consequential effects on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there. Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation. See REr.61 - Earthworks for earthworks associated with the subdivision layout and creation of future building sites. ~~Where~~For land in the Residential Zone - Comprehensive, Standard and Lower Density areas only where the allotment is to be less than the minimum net area stated in REr.107.2 - Subdivision, see REr.23.

Subdivision rules relating to overlays on the Planning Maps			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.108 Services Overlay (this rule does not apply to the General Residential Zone, or Medium Density Residential Zone ~~or High Density Residential Zone~~) Subdivision	REr.108.1 Subdivision is not a permitted activity.	REr.108.2 not applicable	REr.108.3 ~~Subdivision in~~In either the Comprehensive Area, Standard Area or Lower Density Area and the Services Overlay, subdivision is a **restricted discretionary** activity, if: it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14.; and a. it complies with all other controlled activity terms RER.107.2 b. to h.~~.~~; or b. in relation to RER.107.2 f. - Minimum Site Area it is the subdivision component of a Comprehensive Housing Development meeting the restricted discretionary standards and terms of RER.22.3. Discretion is restricted to: i. ensuring the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites in the Services Overlay as provided for by zone standards~~.~~; and ii. ensuring the proposal provides for future roading and servicing connections to adjoining land in Services Overlay~~.~~; and iii. the matters in the Nelson Tasman Land Development Manual 2020~~.~~; and iv. the extent of consistency with the Councils strategic planning for the servicing of sites within the district as identified in the LTP, and the timing of the development in relation to the availability of roading and service connections~~.~~; and v. the matters of restricted discretion in RER.107.3 - Subdivision general. Resource consent for

			restricted discretionary activities will be considered without notification. **Discretionary Activity** Activities that contravene a standard for the restricted discretionary activity are discretionary.

Assessment Criteria	Explanation
REr.108.4 a. whether the disposal of stormwater or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties. b. the mandatory matters and good practice guidance in the Nelson Tasman Land Development Manual 2020. c. the assessment matters in REr.107 - Subdivision: General. d. the timing of the development in relation to the availability of roading and servicing connections. e. the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites. f. the financial costs to the Council (including operation and maintenance costs) of providing water and wastewater services to the development. g. the assessment matters in REr.107.4. Subdivision: General.	REr.108.5 Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - Subdivision: General. For subdivision in the Services Overlay, subdivision consent is only required under REr.108, unless any other overlays also apply to the site. Subdivision in the Services Overlay is a restricted discretionary activity rather than a controlled activity. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered unsustainable for Council. The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems. The area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land. In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important. There are also areas where services can be supplied, but where additional conditions may apply e.g. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed. Refer to DO14.3.1 - Roading and DO14.3.2 - Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer. The Council holds copies of maps which define the servicing constraints in more detail. Note: The capacity of the 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.109 **Landscape Overlay** (this rule does not apply to the General Residential Zone, or Medium Density Residential Zone ~~or High Density Residential Zone~~) Subdivision	REr.109.1 Subdivision is not a permitted activity.	REr.109.2 not applicable	REr.109.3 ~~Subdivision in~~In either the Comprehensive Area, Standard Area or Lower Density Area and the Landscape Overlay, subdivision is a restricted **discretionary activity**, if: a. it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14,; and b. is accompanied by a landscape assessment by an appropriately qualified person,; and c. it complies with all other controlled activity terms REr.107.2 b. to h.,; and d. in relation to Comprehensive Housing Developments compliance with REr.107.2 f. is not required provided it meets the restricted discretionary standards and terms of REr.22.3. Discretion is restricted to: i. the matters of restricted discretion in REr.107.3 - Subdivision: General, with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land,; and ii. the location of building sites,; and iii. the matters in the Nelson Tasman Land Development Manual 2020 with particular regard to the alignment and location of roads, the width of carriageways and planting of berms,; and iv. retention of existing vegetation and other site features,; and v. location and design of utilities,; and vi. extent and form of earthworks and the matters in RER.61.3,; and vii. size, shape and orientation of allotments,;

			and viii. the location and types of planting for amenity and restoration-; and ix. the extent of compliance with Appendix 7 - Guide for Subdivision and Structures in the Landscape Overlay. **Discretionary Activity** Activities that contravene a standard for the restricted discretionary activity are discretionary.
Assessment Criteria		**Explanation**	
REr.109.4 a. compliance with the Guide for Subdivision and Structures in the Landscape Overlay (Appendix 7). b. the assessment matters for REr.107.4 - Subdivision:- General.		REr.109.5 Subdivision in the Landscape Overlay, where it falls within the Comprehensive Area, Standard Area or Lower Density Area only, provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Landscape Overlay, subdivision consent is only required under REr.109, unless any other overlays also apply to the site. The areas in the Landscape Overlay are sensitive to development. Rather than controlling subdivision and the resulting development of residential housing separately, the plan controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development. In Ngawhatu, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows. In the Lower Density (Marsden Hill Schedule V) Residential Zone, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows (see Schedule U for the relevant subdivision rules for the Marsden Plateau Landscape Area).	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.110 **Fault ~~Hazard~~Deformation Overlay** Subdivision	REr.110.1 Subdivision is not a permitted activity.	REr.110.2 not applicable	REr.110.3 Subdivision in the Fault ~~Hazard~~Deformation Overlay is a discretionary~~, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if~~activity. a. ~~the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or~~ b. ~~the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.~~

Assessment Criteria	Explanation
REr.110.4 a. for any resource consent application under these rules the Council will require a site-specific geotechnical assessment of the fault hazard, identifying the location of the fault zone (if it is able to be located), and the likely frequency and magnitude of movement of the fault. b. geotechnical assessments must include an appropriate setback for building platforms from the fault zone where it is able to be located, or any other recommended measures to mitigate the effects if it is not able to be identified. c. the extent to which the proposed land use or activities could be affected by fault rupture and ground deformation. d. the risk to life, property and the environment posed by fault deformation hazard, considering the ~~natural hazard~~nature of the proposed land use and activities. e. the ~~risk identified fault line may pose~~extent to ~~services~~ which ~~and any likely buildings.~~ f. the ~~anticipated useeff~~fects of the ~~site.~~ g. ~~the ability to arrange the site so that the~~ fault ~~line avoids building sites.~~ h. ~~whether the subdivision would create a site that was unusable~~deformation hazard can be mitigated. i. the assessment matters in REr.107.4 - Subdivision: General.	REr.110.5 ~~Subdivision in~~Fault rupture and deformation of land can cause significant damage to buildings and infrastructure, and harm to people. The Fault Deformation Overlay indicates where deformation of the ~~Fault Hazard Overlay provides specific hazard related assessment matters in addition~~ground may occur due to ~~those that would be applied~~fault rupture. It is therefore considered appropriate to ~~a subdivision consent application under REr.107 - General. For~~control all subdivision in the Fault ~~Hazard~~Deformation Overlay, and to require a site-specific geotechnical assessment to confirm the location of the fault for each new lot created, and to recommend mitigation including an appropriate setback for all building platforms from the fault zone. The Fault Awareness Overlay also indicates where deformation of the ground may occur due to fault rupture, however in this area the fault is poorly defined and there is significant uncertainty regarding the specific fault location. It is appropriate to control subdivision in the Fault Awareness Overlay, and to require a site-specific geotechnical assessment as part of the resource consent process. The site-specific assessment must recommend mitigation including an appropriate setback from the fault zone (if its location is ~~only required under REr.110a~~ble to be identified), ~~unless~~or any other ~~overlays also apply~~recommended measures to mitigate the ~~site~~effects if it is not able to be identified. ~~The rule requires identification of any fault line so the subdivision can be aligned to minimise risk to people and property, and also to ensure that any proposed allotments are usable.~~ ~~Note: subdivision of land in the overlay between Cambria Avenue and Seymour Street is controlled under REr.107 –~~

		~~Subdivision: General.~~	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.110A Fault Awareness Overlay Subdivision	REr.110A.1 Subdivision is not a permitted activity.	REr.110A.2 not applicable	REr.110A.3 Subdivision in the Fault Awareness Overlay is a restricted discretionary activity. Discretion is restricted to: i. the ~~l~~ level of fault hazard on the site; and ii. the location, scale and nature of activities proposed for the sites created; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk including setback of platforms for buildings from the fault or fault zone if the fault or fault zone can be determined; and as detailed in an assessment of the ~~l~~ fault hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented; and vi. the relevant matters of control and restricted discretion in REr 107 - Subdivision General.
Assessment Criteria		**Explanation**	
REr.110A.4 Refer to REr.110.4.		REr.110A.4 Refer to REr.110.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.110B Liquefaction Hazard Overlay Subdivision	REr.110B.1 Subdivision is not a permitted activity.	REr.110B.2 not applicable	REr.110B.3 Subdivision within the Liquefaction Hazard Overlay that is a restricted discretionary activity. Discretion is restricted to: i. the level of liquefaction hazard on the site; and ii. the location, scale and nature of the activities proposed for the sites created; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk including, but not limited to, location, size and design of allotments, proposed building platforms, foundations, services and network utilities; and as detailed in an assessment of the liquefaction hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented vi. the relevant matters of control and restricted discretion in REr 107 - Subdivision General.

Assessment Criteria	Explanation
REr.110B.4 a. for any resource consent application under these rules the Council will require a site-specific geotechnical assessment of the liquefaction hazard. b. the extent to which the proposed activity could be affected by liquefaction. c. the risk to people, property, infrastructure and the environment posed by liquefaction hazard, considering the nature of the proposed activity. d. the extent to which the effects of liquefaction hazard can be mitigated.	REr.110B.5 Liquefaction occurs when strong ground shaking, such as during an earthquake, causes loose and saturated sediments to lose strength and behave as a fluid. Liquefaction may cause ejection of liquefied material and groundwater, differential settlement of the ground surface and cracking of the ground surface associated with lateral spread. The Liquefaction Hazard Overlay indicates areas where liquefaction-induced ground damage is possible in a strong earthquake. Controls have been included for subdivision of land within the Liquefaction Hazard Overlay to ensure that subdivision site

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		layout, foundation and building design appropriately consider the potential for liquefaction damage to occur, and to ensure that a site-specific geotechnical assessment is undertaken to confirm the land is suitable for the intended use, and to ensure that appropriate mitigation of the liquefaction hazard is identified and implemented.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.111 **Flood ~~Path Overlay, Flood Overlay and Inundation Overlay~~Areas** Subdivision ~~Note: Rule REr.111 does not apply to Schedule X (Maitahi Bayview) see Appendix 32~~	REr.111.1 Subdivision is not a permitted activity.	REr.111.2 not applicable	REr.111.3 Subdivision in ~~Flood Path Overlay,~~the Flood Overlay, Inundation Overlay or ~~any~~the Flood Hazard Overlay of this Plan is restricted discretionary. Discretion is restricted to: i. the nature of the flood ~~path specified~~event, including scale, location and frequency; and ii. future use and development of the site; and iii. floor levels for future buildings and access to all buildings within the site; and iv. potential risk to life, property and the environment from the flood hazard; and v. demand for and ability to provide flood hazard mitigation measures; and vi. ability to access the site in a flood event; and vii. any effects on other sites, including in relation to flooding or character and amenity of the surrounding environment; and viii. provision of and requirement for infrastructure for the site; and ix. the matters of control and restricted discretion in REr 107 - Subdivision General. REr.111.3A - Subdivision in the ~~flood path table~~High Flood Hazard Overlay, and Flood Path or Floodway is a restricted discretionary activity if it:

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			a. does not create a vacant allotment; or b. creates a vacant allotment where a building platform and access are located outside the High Flood Hazard Overlay, or any Flood Path or Floodway. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and ii. future use and development of the site and future buildings; and iii. location of the building platform; and iv. ability to access the site in a flood event; and v. potential risk to life, property and the environment from the flood hazard; and vi. any effects on other sites, including in relation to flooding or character and amenity of the neighbouring and surrounding environment; and vii. flood hazard mitigation measures; and viii. supporting infrastructure; and ix. the conveyance function of the flood plain; and x. the matters of control and restricted discretion as relevant in REr.107 - Subdivision General. REr.111.4 Subdivision in the High Flood Hazard Overlay, or in any Flood Path or Floodway that creates an additional vacant allotment that locates any part of an identified building platform or access within the High Flood Hazard Overlay, and Flood Path or Floodway is a non-complying activity.
Assessment Criteria		**Explanation**	
REr.111.~~4~~.5 a. For any resource consent application under these rules the Council will consider any of the matters of control or restricted discretion for flood hazards in this plan relevant to the activity, and any risk to ~~life~~people, property, infrastructure and the environment ~~posed by~~		REr.111.~~5~~6 ~~Subdivision in the Flood Path, Flood Overlay and Inundation Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - General. For subdivision in the Flood Path and Flood Overlay, subdivision consent is~~	

the natural hazard. b. the anticipated use of the site. c. whether the subdivision would create a site that was unusable. d. any fences and other structures that might accompany the subdivision, and their likely effect onfrom the flood hazard. e. the assessment matters in REr.107.4 - Subdivision: General. f. Whether a site can be created at a level that avoids inundation, and g. the nature of infill, its compaction and placement.		only required under REr.111, unless any other overlays also apply to the site..6 The rule seeks to ensure that allotments created are usable, and that the activities that may accompany subdivision do not worsen the flood hazard or expose additional people or property to risk. Note: The Residential zoned landnon-complying activity status applied to locating building platforms in Todds Valley surrounded by Rural zoned landthe High Flood Hazard Overlay, on any Flood Path or on a Floodway reflects the significant flood risk in these areas and aims to ensure that locating building platforms in these areas is subjectavoided where possible. Refer to Chapter 3 Administration for information on the preparation of applications and an explanation of the Flood OverlayAreas.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.112 **Tahunanui Slump Core Slope Risk Overlay** Tahunanui Slump Fringe Slope Risk Overlay Subdivision	REr.112.1 Subdivision is not a permitted activity.	REr.112.2 not applicable	REr.112.3 Discretionary Subdivision is discretionary, if it is: a. a boundary adjustment, and does not create a new allotment, or b. for a network utility or public open space, or c. in the Tahunanui Slump Fringe Slope Risk Overlay, and the application is accompanied by a geotechnical assessment from suitably qualified engineer or geologist, that addresses issues raised in section 106 of the Resource Management Act. Prohibited Subdivision is a prohibited activity, if: a. it contravenes a standard for a discretionary activity.
Assessment Criteria		**Explanation**	
REr.112.4 a. see REr.74 to REr.79 - Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays. b. the assessment matters in REr.107.4 - Subdivision: General.		REr.112.5 Subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - General. For subdivision in the Tahunanui Core Slope Risk and Fringe Slope Risk Overlay, subdivision consent is only required under REr.112, unless any other overlays also apply to the site. See REr.74 to REr.79 - Tahunanui Slump Core and Tahunanui Slump Fringe slope risk overlays.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
REr.112A Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe **Overlay** Subdivision	REr.112A.1 Subdivision is not a permitted activity.	REr.112A.2 not applicable	REr.112A.3 In Slope Instability Susceptibility Area 1 (Tāhunanui Slump)the Tāhunanui Slump and Slump Fringe Overlay subdivision is a discretionary activity if it: a. does not create a new vacant allotment; or b. creates a vacant allotment solely for the purposes of a network utility or public open space. REr.112A.4 In Slope Instability Susceptibility Area 1 (Tāhunanui Slump)the Tāhunanui Slump and Slump Fringe Overlay subdivision that contravenes a discretionary condition is prohibited.

Assessment Criteria	Explanation
REr.112A.5 a. see Rules REr.75A, REr.75B, REr.75C, REr.75D, REr.75E and REr.75F relating to activities in the Slope Instability Susceptibility Area 1 (Tāhunanui Slump)Tāhunanui Slump and Slump Fringe Overlay. b. see the assessment matters in Rule REr.107.4 - Subdivision General). c. for any resource consent application under these rules the Council will consider any of the matters of control or restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property or infrastructure or the environment from the slope instability hazard.	REr.112A.6 Slope Instability Susceptibility Area 1 (Tāhunanui Slump)The Tāhunanui Slump and Slump Fringe Overlay is commonly known as the Tahunanui Slump and consists of an area of well-known previous active slipping. The risks associated with development on the Tahunanui Slump are known to be high. Any subdivision providing for an increase in the number allotments, unless for a network utility or public open space, is prohibited.

Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.112B **Slope** Instability Susceptibility Area 2Management(Nelson Hills) **Overlay** Subdivision	REr.112B.1 Subdivision is not a permitted activity.	REr.112B.2 not applicable	REr.112B.3 In the Slope Instability Susceptibility Area 2Management Overlay, subdivision is a restricted discretionary activity if it complies with all other [relevant] controlled and restricted discretionary terms in REr.107.2.a. to [and REr.107.3.a and c. Discretion is restricted to: i. Ito be determined plus reference back to REr.107] i. the level of slope instability hazard on the site; ii. the location, scale and nature of activities;

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			proposed for the sites created; iii. the level of risk, including to people, property and infrastructure, both onsite and off the site; iv. mitigation measures recommended to reduce the risk and as detailed in an assessment of the slope instability hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering geologist practicing in geotechnical hazards that is submitted with the subdivision consent application; v. the extent to which the proposed demonstrated that mitigation measures recommended under iv. will be implemented; and vi. the relevant matters of control, restricted discretion, and assessment criteria in REr.107 – Subdivision General. **Discretionary Activity** Activities that contravene a standard for a controlled or restricted discretionary activity are discretionary.

Assessment Criteria	**Explanation**
REr.112B.4 a. see Rules REr.75G, REr.75H, ~~REr.75I, REr.75J, REr.75K, to REr.75L~~ relating to activities in the Slope ~~Instability Susceptibility Area 2~~Management Overlay. b. see the assessment matters in Rule REr.107.4 - Subdivision General. c. for any resource consent application under these rules the Council will consider any of the matters of control or restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property or infrastructure or the environment from the slope instability hazard.	REr.112B.5 The Slope ~~Instability Susceptibility Area 2~~Management Overlay consists of areas with ~~elevated~~ potential for slope instability. While the risk of failure is not as high as ~~Slope Instability Susceptibility Area 1 (Tahunanui Slump,~~the ~~Tahunanui Slump and Slump Fringe~~ Overlay, careful management of subdivision is appropriate to manage risk to people, property and infrastructure.

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Item	Permitted	Controlled	Discretionary/Non-complying/ Prohibited
REr.112C Slope Instability Susceptibility Area 3 Overlay Subdivision	REr.112C.1 Subdivision is not a permitted activity.	REr.112C.2 not applicable	REr.112C.3 In Slope Instability **Susceptibility** Area 3 Overlay subdivision is a discretionary activity.
Assessment Criteria		**Explanation**	
REr.112C.4 a. see Rules REr.75M, REr.75N, REr.75O, REr.75P, b. REr.75Q, and REr.75R relating to activities in Slope Instability **Susceptibility** Area 3 Overlay, see the assessment matters in Rule REr.107.4 - Subdivision General. c. for any resource consent application under these rules the Council will consider any of the matters of restricted discretion for slope instability hazard in this plan relevant to the activity, and in particular, any risk to people, property or infrastructure or the environment from the slope instability hazard.		REr.112C.5 Slope Instability **Susceptibility** Area 3 consists of broader areas with some potential for slope instability because of either steepness or geological composition, or a combination of these factors. While the risks associated with slope failure are not as high as Slope Instability **Susceptibility** Areas 1 and 2, it is appropriate to manage subdivision to manage risk to people, property and infrastructure.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.112DO Debris Run-out Susceptibility Area Overlay Subdivision	REr.112DO.1 Subdivision is not a permitted activity.	REr.112DO.2 not applicable	REr.112DO.3 In the Debris run-out Susceptibility Area Overlay, subdivision is a restricted discretionary activity if it complies with all other [relevant] controlled and restricted discretionary terms in Rer.107.2 a. to j. and REr.107.3 a. and c. Discretion is restricted to: i. the level of debris run-out risk on the site; ii. the location, scale and nature of activities proposed for the sites created; iii. the level of risk including to people, property and infrastructure, both onsite and off the site; iv. mitigation measures recommended to reduce the risk, and as detailed in an assessment of the debris run-out risk provided in a statement issued by an experienced, Chartered Professional engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the subdivision consent application; v. the extent to which the proposed demonstrates that mitigation measures recommended under iv. Will be implemented, and vi. the relevant matters of

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			control, restricted discretion, and assessment criteria in Rer.107 – Subdivison General. **Discretionary Activity** Activities that contravene a standard for a restricted discretionary activity are discretionary.
Assessment Criteria		**Explanation**	
REr.112.DC.4 ~~a. see Rules REr.75S, REr.75T and REr.75U relating to activities in the Debris Run-out Susceptibility Area Overlay.~~ a. Bsee the assessment matters in Rule REr.107.4 - Subdivision General. b. Ffor any resource consent application under these rules the Council will consider any of the matters of restricted discretion in this plan for activities within the Debris Run-out ~~Susceptibility Area~~ Overlay, that are relevant to the proposed activity, and in particular, any risk to people, property and infrastructure.		REr.112.DC.5 The Debris Run-out ~~Susceptibility Area~~Overlay is land outside of the Tāhunanui Slump and Slump Fringe Overlay1,2 and the ~~Slope Instability Susceptibility Area 2~~Management Overlay 32 that could be affected by the run-out from instability occurring upslope. Some sites in the Debris Run-out ~~Susceptibility Area~~Overlay have been affected by run-out in the past. Therefore, it is appropriate to manage subdivision in the Debris Run-out ~~Susceptibility Area~~Overlay to manage risk to people, property and infrastructure.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/ Prohibited**
REr.113 **Heritage precincts** Subdivision	REr.113.1 Subdivision is not a permitted activity.	REr.113.2 not applicable	REr.113.3 Subdivision in any Heritage Precinct is discretionary.
Assessment Criteria		**Explanation**	
REr.113.4 a. the application will be assessed for compatibility with the Design Guide for that precinct. b. the assessment matters in REr.107.4 - Subdivision: General.		REr.113.5 Subdivision in a Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - General. For subdivision in a Heritage Precinct, subdivision consent is only required under REr.113, unless any other overlays also apply to the site. Changes in the subdivision pattern and lot size can affect the heritage values of a precinct. Small lots and close settlement are characteristic of areas such as South and Elliott Streets.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
REr.114 **Heritage ~~overlays~~Overlays** (excluding heritage precincts ~~and Wakefield Quay Precinct~~) Subdivision	REr.114.1 Subdivision is not a permitted activity.	REr.114.2 not applicable	REr.114.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.
Assessment Criteria		**Explanation**	
REr.114.4 a. the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that these have minor environmental effects, or are not contrary to the Objectives and Policies of this Plan, and any effects are on the public rather than the private environment (i.e. people's private property rights). e.g. allowing averaging of the minimum site requirements, or an overall reduction in the size of some sites, to ensure sufficient land was retained around a heritage building or protected tree.		REr.114.5 Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - General. For subdivision in the Heritage Overlay, subdivision consent is only required under REr.114, unless any other overlays also apply to the site. Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the section, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's	

e.g. allow flexibility in the shape factor requirements to ensure a heritage item or tree was not compromised, while allowing reasonable use of the land concerned. e.g. protecting the item in common or public reserve in lieu of reserve contributions. b. the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this. c. the assessment matters in REr.107.4 - Subdivision: General.		needs to use the site, and the needs of the wider community to preserve the item in question. If a controlled activity procedure were used, these options would be much more limited by the minimum site and other requirements set out in those rules. The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~**REr.115 Bishopdale Subdivision Area**~~ ~~Scheduled Site – Sch.H~~	~~REr.115.1~~ ~~Schedule Sch.H applies.~~	~~REr.115.2~~ ~~Schedule Sch.H applies.~~	~~REr.115.3~~ ~~Schedule Sch.H applies.~~
~~**Assessment Criteria**~~		~~**Explanation**~~	
~~REr.115.4~~ ~~a. See Schedule Sch.H.~~ ~~b. the assessment matters in rule REr.107.4 - Subdivision: General.~~		~~REr.115.5~~ ~~See Schedule Sch.H.~~ ~~Subdivision in Schedule H Bishopdale Subdivision Area has specific servicing and financial contribution provisions in addition to those that are applied to a subdivision consent application under REr.107 - General. For subdivision in the Bishopdale Subdivision Area both REr.107 and REr.115 rules apply.~~	
~~**Item**~~	~~**Permitted**~~	~~**Controlled**~~	~~**Discretionary/Non-complying/Prohibited**~~
~~REr.116~~ ~~Grampian Slope Risk Overlay Subdivision~~	~~REr.116.1~~ ~~Subdivision is not a permitted activity.~~	~~REr.116.2~~ ~~not applicable~~	~~REr.116.3~~ ~~Subdivision in the Grampian Slope Risk Overlay is discretionary.~~
~~**Assessment Criteria**~~		~~**Explanation**~~	
~~REr.116.4~~ ~~a. the risk to life, property and the environment posed by the natural hazard.~~ ~~b. the anticipated use of the site.~~ ~~c. whether the subdivision would create a site that was unusable.~~ ~~d. the assessment matters in REr.107.4 - Subdivision: General.~~		~~REr.116.5~~ ~~Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 - General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under REr.116, unless any other overlays also apply to the site.~~ ~~See REr.80 and REr.81 - Grampian Slope Risk Overlay – Stormwater and Wastewater, and Earthworks.~~	
REr.117 National Grid Subdivision Corridor Subdivision	REr.117.1 Subdivision is not a permitted activity.	REr.117.2 not applicable	REr.117.3 Subdivision within the National Grid Subdivision Corridor, ~~other than subdivision to provide for a network utility,~~ is a restricted discretionary activity, provided that: a. all resulting allotments, except allotments for access or a public work, demonstrate that they are able to

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			accommodate ~~identify~~ a building platform for the likely ~~any residential unit~~ principal building(s) and any residential unit or sensitive activity ~~that is~~ located entirely outside the National Grid ~~Corridor~~ Yard~~.~~; and b. existing vehicle access to National Gird assets is maintained. Discretion is restricted to: i. ~~impacts on the operation, maintenance, upgrade and development to comply with~~ subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the NZECP 34:2001; and ii. technical details of the characteristics and risk on and from National Grid infrastructure; and iii. ~~location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line~~ the extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity effects on and amenity and nuisance effects of the National Grid asset; and iv. the risk of electrical hazards affecting public or individual safety, and the risk of property damage~~; and~~ v. the extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated.

			for example, through the location of roads and reserves under the transmission lines; and vi. the provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading; and vii. the nature and location of any proposed vegetation to be planted in the vicinity of National Grid assets, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid; and viii. the outcome of any consultation with Transpower; and ix. the risk to the structural integrity of the National Grid. REr.117.4 Subdivision within the National Grid Subdivision Corridor, other than subdivision to provide for a network utility, that contravenes a restricted discretionary activity is a non-complying activity. Any application under rules REr.117.3 and REr.117.4 will not be publicly or limited notified except that limited notification must be given to Transpower (New Zealand Limited) unless it provides its written approval.
Assessment Criteria		**Explanation**	
REr.117.5 a. any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area; b. any effects to and from structures and lines including noise, visual impact and physical risk; c. access to the structures and lines.		REr.117.6 A limited number of high voltage transmission lines traverse The National Grid traverses parts of the Residential Zone. These locations are shown on the Planning Maps. A separation distance between lines, support structures and housing sensitive activities is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This reflects a precautionary approach to electromagnetic fields and other	

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	~~effects of major overhead transmission lines.~~ This ~~also~~ recognises that the safe and efficient operation, maintenance, repair, upgrading, removal or development of the National Grid must not be compromised by the potential adverse effects created by sensitive activities, new development and the subdivision of land near the National Grid~~e~~. The rule provides an opportunity for evaluation of such effects when subdivision is proposed in proximity to ~~these lines~~ the National Grid (see also REr.51A for new buildings).
Freshwater rules	
Refer Appendix AP28.9 for freshwater rules.	

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