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

8

inner city zone

ICr Rules

ICr.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.

ICr.2 Prohibited activities

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

Use, storage, or disposal of radioactive material with an activity exceeding 1,000 terabecquerels.

ICr.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.

ICr.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 rule ICr.8 regarding further matters of control.)

ICr.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 (restricted discretionary activities). 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 ICr.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”.

ICr.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.

ICr.7 Scheduled sites

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

ICr.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:

ICr.8.a Financial contributions in the form of money, land, works or services, or a combination of these (See Chapter 6), and

ICr.8.b bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and

ICr.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

ICr.8.d the duration of a resource consent, under section 123 of the Resource Management Act, and

ICr.8.e lapsing of a resource consent, under section 125 of the Resource Management Act, and

ICr.8.f change and cancellation of a consent, under sections 126 and 127 of the Resource Management Act, and

ICr.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

ICr.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.

ICr.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.

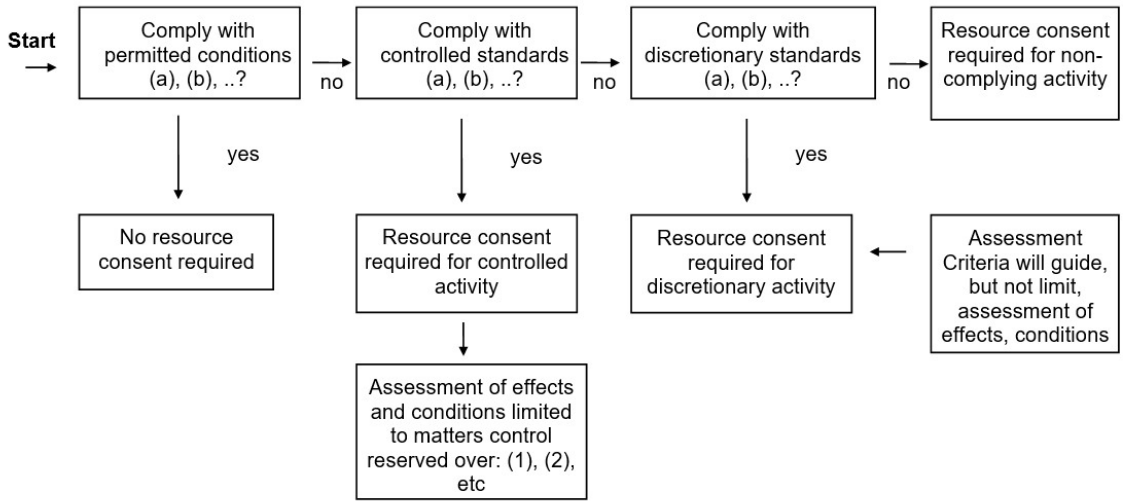
ICr.10 Reading the rule table

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.



ICr.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.

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	activities
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Freshwater Rules	

	(Refer Appendix AP28.9 for freshwater rules)

city centre area only

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.20 **Location of buildings** Road frontage	**ICr.20.1** Any building (when it is erected, or substantially altered), must be built to the road boundary, except: a. any Group A or B Heritage Building listed in Appendix 1, or b. any building on the boundary with the ring road, or Montgomery, Buxton or Wakatū Square.	**ICr.20.2** The set back of any building from a frontage with the ring road, or Montgomery, Buxton or Wakatū Square is controlled. Control reserved over: i. landscaping, and ii. design and appearance of the set back area. Resource consent applications will be considered without notification, or obtaining written approval of affected persons~~, under section 94 of the Resource Management Act~~.	**ICr.20.3** Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.20.4 to ICr.23.4 a. the effects of any setback, building protrusion, change in continuity, or reduced façade height upon the visual impression of the streetscape, the sense of containment of the road, and the continuity and appearance of building façades. b. any proposed public amenity or building design features (including provision of street furniture), to compensate for changes in the setback. c. the effects of any setback or reduced continuity on the flow of pedestrians along the road or to other areas. d. any likely public benefits in terms of use of the setback or other area, including any contribution to the vitality of the locality. e. the relationship of the building with the scale and façade heights of adjoining buildings. f. In the case of an addition or alteration to the street façade of an existing building, the façade height of the existing and adjoining buildings. g. the effects of any building protrusion on views along the road, having regard in particular to Appendix 9 - Landscape components and views. h. the significance of any loss of sunlight or daylight to the road, resulting from any protrusion into the road space, taking account of the use of the area. i. any particular impacts on the amenity of any heritage buildings or public open spaces.	ICr.20.5 Provision for building up to the road edge reflects the historical pattern of development along roads in the City Centre. A continuance of this pattern provides a strong and regular edge to these areas, which is a value the Plan seeks to reinforce. It also helps enhance the setting of the existing buildings, a number of which have significant heritage value. The ability to set back buildings is provided along the ring road, and on the side of the parking squares, where the building line is less important. Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 - Designations, this is considered the road boundary. See rule ICr.60 - Heritage buildings: alterations to Group A or B items.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.21 **Buildings over road reserve**	**ICr.21.1** a. no part of any building may protrude over any road reserve (or beyond any road widening designation), except for a verandah, a sign, or a	**ICr.21.2** not applicable	**ICr.21.3** Activities that contravene a permitted condition are discretionary.

	minor decorative feature, and b. a minor decorative feature may protrude not more than 1m provided there is a minimum 3m clearance above the footpath height.		

Assessment Criteria	Explanation
ICr.21.4 Refer to ICr.20.4.	ICr.21.5 The rule prevents buildings encroaching into the road i.e. public space. However, provision is made for verandahs (which provide public amenity), signs and architectural features. See also rule ICr.36 and ICr.37 - Verandahs. See also rule ICr~~.56 - View Shaft Overlay.~~ ~~See also rule ICr~~.41 - Signs.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.22 **Continuity**	**ICr.22.1** Any building must occupy the full frontage of the site, except: a. any Group A or B Heritage Building listed in Appendix 1, or b. any building on the boundary with the ring road, or Montgomery, Buxton or Wakatū Square, or c. where land is set aside for public pedestrian access.	**ICr.22.2** not applicable	**ICr.22.3** Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.22.4 Refer to ICr.20.4.	ICr.22.5 Occupation by buildings of the full frontage is required for reasons of streetscape appearance, and continuity of buildings to maintain pedestrian interest and flows. An exception is provided on the ring road and the parking squares recognising that maintaining a street wall on these roads is less important than on the main streets within the City Centre. It also recognises that ICr.20 - Road frontage provides for setbacks from the road boundary and that this will affect the street wall in any event. Under ICr.20.2 - Location of buildings, the setback is a controlled activity, providing the opportunity to manage the visual impacts on the streetscape. Heritage buildings are also exempted to help preserve their original character.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.23 **Minimum façade height**	**ICr.23.1** No part of the crest of the façade of any building where it fronts Trafalgar, Bridge or Hardy Streets (within the ring road) may be less than 8m high.	**ICr.23.2** not applicable	**ICr.23.3** Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.20.4 to ICr.23.4 a. the effects of any setback, building protrusion, change in continuity, or reduced façade height upon the visual impression of the streetscape, the sense of containment of the road, and the continuity and appearance of building façades. b. any proposed public amenity or building design features (including provision of street furniture), to compensate for changes in the setback. c. the effects of any setback or reduced continuity on the flow of pedestrians along the road or to other areas. d. any likely public benefits in terms of use of the setback or other area, including any contribution to the vitality of the locality. e. the relationship of the building with the scale and façade heights of adjoining buildings. f. In the case of an addition or alteration to the street façade of an existing building, the façade height of the existing and adjoining buildings. g. the effects of any building protrusion on views along the road, having regard in particular to Appendix 9 - Landscape components and views. h. the significance of any loss of sunlight or daylight to the road, resulting from any protrusion into the road space, taking account of the use of the area. i. any particular impacts on the amenity of any heritage buildings or public open spaces.	ICr.20.5 Provision for building up to the road edge reflects the historical pattern of development along roads in the City Centre. A continuance of this pattern provides a strong and regular edge to these areas, which is a value the Plan seeks to reinforce. It also helps enhance the setting of the existing buildings, a number of which have significant heritage value. The ability to set back buildings is provided along the ring road, and on the side of the parking squares, where the building line is less important. Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 - Designations, this is considered the road boundary. See rule ICr.60 - Heritage buildings: alterations to Group A or B items. ICr~~.23.4~~.21.5 ~~Refer to ICr.20.4~~The rule prevents buildings encroaching into the road i.e. public space. However, provision is made for verandahs (which provide public amenity), signs and architectural features. See also rule ICr.36 and ICr.37 - Verandahs. See also rule ICr.41 - Signs. ICr.22.5 Occupation by buildings of the full frontage is required for reasons of streetscape appearance, and continuity of buildings to maintain pedestrian interest and flows. An exception is provided on the ring road and the parking squares recognising that maintaining a street wall on these roads is less important than on the main streets within the City Centre. It also recognises that ICr.20 - Road frontage provides for setbacks from the road boundary and that this will affect the street wall in any event. Under ICr.20.2 - Location of buildings, the setback is a controlled activity, providing the opportunity to manage the visual impacts on the streetscape. Heritage buildings are also exempted to help preserve their original character. ICr.23.5 Minimum façade heights are required to provide a strong edge to the roads, and a more uniform pattern of building height. Eight metres is the equivalent of two storeys, at least on that part of a building fronting the road. ~~See also Rule ICr.25 - Daylight admission.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~**ICr.24**~~ ~~**Maximum building height**~~	~~ICr.24.1~~ ~~The maximum height (see chimney height requirements in definition) of a building must not exceed 15m, also see definition for height measurement.~~	~~ICr.24.2~~ ~~not applicable~~	~~ICr.24.3~~ ~~Activities that contravene a permitted condition are discretionary, if:~~ ~~a. the height does not exceed 21m.~~

Assessment Criteria	Explanation
~~ICr.24.4~~ ~~a. the height of the building in relation to the scale and height of buildings in the area and the Inner City.~~ ~~b. the scale and bulk of the structure.~~ ~~c. the effects on significant views within or across the City Centre (see Appendix 9 — Landscape components and views).~~	~~ICr.24.5~~ ~~The rule provides for 5-6 storey (15m) buildings to be built as of right. For buildings between 15m and 21m the Council will exercise its discretion, depending on the individual circumstances and the assessment criteria and objectives and policies in the plan. Beyond 21m (the height of the lift tower on the National Mutual Building, Hardy~~

d. any effects of shading on open spaces and pedestrian areas. e. any effects on funnelling wind, particularly where there are other tall buildings in the vicinity.	Street) the activity would be non-complying. Therefore buildings over 15m or averaging over 15m on sloping ground are discretionary. Note: The Council is under no obligation to approve a discretionary application up to the maximum height stated in rule ICr.24.3 - Maximum building height. See also rule ICr.25 and ICr.26 - Daylight admission.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.25 **Daylight admission** Trafalgar, Hardy or Bridge Streets (within the ring road)	ICr.25.1 Except for an aerial, no part of a building may penetrate any recession plane specified below and shown in Appendix 17 - Daylight admission: a. a recession plane originating from the road boundary at ground level on the south side of Bridge Street inclined at 24º towards the north, and b. a recession plane originating from the road boundary at ground level on the south side of Hardy Street inclined at 24º towards the north, and c. a recession plane originating from the road boundary at ground level on the east side of Trafalgar Street inclined at 24º towards the west, and d. a recession plane originating from the road boundary at ground level on the west side of Trafalgar Street inclined at 24º towards the east.	ICr.25.2 not applicable	ICr.25.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.25.4 and ICr.26.4 a. the effects of any shading on the public enjoyment and amenity of roads and public spaces. b. the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (e.g. tall thin shadow compared with shorter, bulky shadow taking longer to pass). c. the nature of the activities undertaken in any area affected.	ICr.25.5 The rule establishes minimum access requirements for midwinter sunlight and daylight to the southern footpaths of Bridge and Hardy Streets. The angle is set to ensure buildings allow entry of 2 hours sunlight on the shortest day (21 June) (from approximately 11.30am - 1.30pm). The recession plane would allow a 9.4m façade at the road edge. This height also fits well with the scale of existing and heritage buildings. For Trafalgar Street, the rule aims to ensure reasonable access of sunlight to the main pedestrian road in the city. The recession planes apply to both sides of the road. They set a midwinter benchmark with access of sunlight to the western footpath at about 9.50am on the shortest day (21 June), leaving the eastern footpath at about 3.20pm. The recession planes would allow 11m façades at the road edge. This height also fits well with the scale of existing and heritage buildings.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~**ICr.26**~~ ~~**Daylight admission**~~ ~~Parking squares~~	~~ICr.26.1~~ ~~Except for an aerial, no part of any building may cast a shadow on the ground in Montgomery, Buxton or Wakatū Square between the hours of 10.10am and 2.50pm beyond the lines AB, BC and CD as shown in Appendix 17 - Daylight admission.~~ ~~Note: the angle of recession is 29º in the east/west planes, and 21º in the north/south plane.~~	~~ICr.26.2~~ ~~not applicable~~	~~ICr.26.3~~ ~~Activities that contravene a permitted condition are discretionary.~~
Assessment Criteria		**Explanation**	
~~ICr.26.4~~ ~~Refer to ICr.25.4.~~		~~ICr.26.5~~ ~~This rule is to preserve a degree of sunlight and daylight amenity to the public parking squares. This recognises the increasing trend for the squares to have multiple functions, and the Council's intention to further enhance the amenity of these areas. The lines allow a façade height at the perimeter of the squares of about 12m. On the northern side, 8m back from the perimeter, buildings could rise to the maximum height permitted in the City Centre, 15m.~~ ~~On the western side of Buxton Square and the eastern side of Montgomery Square, the Trafalgar Street recession planes will also limit the maximum height of buildings. However, on the eastern side of Buxton Square and the western side of Montgomery Square, there is the potential for buildings of the maximum permitted height.~~	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.27 **Buildings in Montgomery, Buxton and Wakatū Squares**	ICr.27.1 Not a permitted activity.	ICr.27.2 Buildings in Montgomery, Buxton, and Wakatū Squares are controlled if: a. the total gross floor area of all buildings within any square does not exceed 200m^2, and b. the height of any building does not exceed 4m. Control reserved over: i. design and external appearance, and design and external appearance, and ii. landscaping.	ICr.27.3 Activities that contravene a controlled standard are discretionary.
Assessment Criteria		**Explanation**	
ICr.27.4 a. the size, design and location of the building in the square. b. whether the building would enhance or detract from the amenity of the square. c. the effects on open space in the City Centre, and any uses of the square, including any proposals to compensate or mitigate these adverse effects.		ICr.27.5 The rule allows toilets and other amenity blocks within the squares as controlled activities. Control is exercised to maintain and enhance the amenity of the squares. Larger scale developments however require a discretionary resource consent, so that their merits or otherwise can be considered on a case by case basis.	

d. the effects on parking in the City Centre, and traffic and pedestrian movements in the square. e. the effects on access of sunlight and daylight to the square, and therefore amenity.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~ICr.28~~ ~~**External design and appearance**~~ ~~Trafalgar, Hardy and Bridge Streets~~	~~ICr.28.1~~ ~~Alteration to the exterior of the façades of buildings fronting Trafalgar, Hardy or Bridge Streets, (including any façades of the building fronting the ring road) is permitted, if:~~ a. ~~Either:~~ i. ~~the work is redecoration, restoration or insignificant alteration of existing fabric or detailing, and~~ ii. ~~it is carried out with materials similar to, or having the same appearance to those originally used or~~ b. ~~the work is not on a Group A or B Heritage Building (listed in Appendix 1), and is below the verandah, or where there is no verandah it is not above 3m from ground level.~~	~~ICr.28.2~~ ~~Alteration to the exterior of the façades of any existing building that contravenes the permitted conditions, or erection of any new building is controlled, if:~~ a. ~~the building is not a Group A or B Heritage Building (listed in Appendix 1), or~~ b. ~~the building is not in a Heritage Precinct shown on the Planning Maps.~~ ~~Control reserved over:~~ i. ~~design and external appearance.~~ ~~Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.~~	~~ICr.28.3~~ ~~See rule ICr.60 - Heritage buildings, places and objects: alterations to Group A or B items, and rules ICr.64 and ICr.65 - Heritage precincts.~~

Assessment Criteria	Explanation
~~ICr.28.4~~ a. ~~compliance with the Nelson City Centre Design Guide.~~	~~ICr.28.5~~ ~~The City Centre is the heart of the city. Buildings fronting the main pedestrian roads, although mostly in private ownership, present a very public face and have a major influence on the appearance of the city. The rule aims to promote quality building design and appearance, by assessing the external appearance of buildings against a design guide for the City Centre. The activity will be controlled, meaning the application must be granted, but that conditions can be put on with respect to design and appearance.~~ ~~Redecoration and minor alteration are provided for, as is work below verandah level on other than heritage buildings. This enables businesses to adapt building frontages to their changing needs without having to get a resource consent. Such changes have little effect on the overall streetscape. The Nelson City Centre Design Guide seeks to control the height, scale, and modulation of buildings overall, and the appearance above verandah level.~~ ~~Different rules apply to alterations to Group A or B Heritage Buildings, or to alterations to any building within a Heritage Precinct (as shown on the Planning Maps). This is to take additional account of the heritage implications. See rules ICr.60 - Heritage buildings: alterations to Group A and B items, ICr.64 - Heritage precincts: Group A or B heritage buildings, and ICr.65 - Heritage precincts — buildings other than Group A or B heritage buildings listed in Appendix 1.~~

	~~Appendix 1 should be checked to see whether a particular building is protected below verandah level. Many City Centre heritage buildings can be altered below verandah level without a resource consent.~~ ~~Note: The Nelson City Centre Design Guide applies to this rule. Copies of the guide can be obtained from the City Council.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.29 **Display windows**	ICr.29.1 On buildings fronting Trafalgar, Hardy or Bridge Streets (within the ring road): a. the ground floor frontages must contain glazing for the display of goods and services, which gives a clear view into the premises for a depth of at least 0.8m, and which is not obscured during normal business hours by curtains, blinds, screens, paint or other means, and b. the clear glazed area must occupy at least 60% of the frontage area between 0.6 and 2.1m above footpath level.	ICr.29.2 not applicable	ICr.29.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.29.4 The appearance of the building.	ICr.29.5 The rule aims to ensure that the majority of building frontage on the key pedestrian roads is glazed to provide pedestrian interest. This rule replaces the “retail frontage” concept of previous District Schemes, and avoids the need to name particular activities that can locate on these roads. Rather, the approach focuses on maintaining an interesting pedestrian environment, irrespective of the activities within the buildings.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.30 **Security doors and screens**	ICr.30.1 On buildings fronting Trafalgar, Hardy or Bridge Streets (within the ring road): a. display windows, or glazed pedestrian entrances must not be blocked from view from the road by the use of obscure doors, screens, shutters or similar structures (including roller doors). b. transparent or semi-transparent security grills are permitted.	ICr.30.2 not applicable	ICr.30.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.30.4 a. the extent to which pedestrian circulation flows along the road are likely to be affected. b. the appearance of the building, and the impacts on the streetscape, including cumulative impacts. c. the adequacy of transparent devices in protecting the premises.	ICr.30.5 Security devices which block the view of glazed areas of buildings in the main pedestrian areas defeat the purpose of having these windows. They can also detract from the streetscape and atmosphere of the City Centre, conveying a siege appearance. The rule therefore provides for transparent screens, doors or similar structures, as of right. Devices that do not allow a through view will be assessed as a discretionary activity.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.31 **Parking and loading** Including scheduled frontages	ICr.31.1 • Any parking spaces ~~are not required in the City Centre, but:~~ i. ~~any~~ provided on a site must~~:~~: i. meet the design and layout standards in Appendix 10 - Standards and terms for parking and loading including for manoeuvring, queuing, set down areas, and surfacing~~.~~; and ii. ~~must~~ not exceed as a maximum the number calculated for the activity or activities on the site in accordance with AP10~~.3~~.14A in Appendix 10~~.~~; and ii. except on sites with a boundary on any scheduled frontage shown on Planning Maps ~~LH1, RH1~~1 and ~~LH10, RH10~~10, loading must be provided and maintained on each site in accordance with the standards set out in Appendix 10~~.~~; and iii. for sites with a boundary on a scheduled frontage, any loading spaces voluntarily provided must meet the design and layout standards in Appendix 10 including manoeuvring and queuing areas, and iv. no reverse manoeuvring is permitted onto the ring road from any site.	ICr.31.2 not applicable	ICr.31.3 Activities that contravene a permitted condition are discretionary. Where the parking proposed is more than 15 spaces, and exceeds the maximum in ICr.31.1.a.ii by more than 20%, the application must be accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.31.4.h.
Assessment Criteria		**Explanation**	

ICr.31.4 a. refer to Appendix 10. b. the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area. c. the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods. In terms of exceeding the parking maximum: d. the effects of any additional parking on Council's objectives to enhance the appearance and the pleasantness of the City Centre, and to encourage use of public transport, cycling and walking. e. the timing of any planned public transport improvements serving the City Centre. f. evidence from similar developments in comparable circumstances with a similar quality of access by non-car modes, justifying a higher parking provision than permitted by the maximum rate. This should clearly distinguish between long stay/employee parking (if any) and visitor parking. g. the cumulative impacts from a number of activities providing additional parking. h. Where the parking proposed for an activity is more than 15 spaces, and exceeds the maximum by more than 20%, ~~consideration of~~ a Travel Management Plan is required. This Plan shall include (but is not restricted to) the following, taking into account the increase in parking spaces being sought: i. The nature and scale of the activity and associated parking demands from employees and visitors/customers; ii. Proposed means of managing parking demands, such as; ▪ Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies ▪ Sharing parking spaces between complementary uses and spreading peak loads ▪ Encouraging more use of public transport, walking and cycling iii. Proposed means of monitoring outcomes.	ICr.31.5 Refer to Appendix 10. Parking is provided collectively in the City Centre, therefore provision of parking on individual sites is not mandatory. However, if parking is provided it must meet the normal standards for layout and design. Parking must not exceed the maximum level determined from Appendix 10. This is to discourage congestion within the City Centre and on the roads to it, and to enhance the amenity within the City Centre. Note that vehicle crossings are restricted across certain scheduled frontages (generally the inside of the parking squares, and the main pedestrian streets. See Planning Map ~~LH1, RH1~~1 and rule ICr.32 - Access. Loading is not mandatory on scheduled frontages shown on ~~Planning~~ Maps ~~LH1, RH1~~1 and ~~LH10, RH10~~10. This is because frontage continuity, and pedestrian circulation, is more important in this area and because the Parking Squares provide a level of collective loading~~. However, Appendix 10 (AP10.6) limits the time period when loading can be made from certain streets, in order to avoid traffic congestion~~. Reversing onto the ring road is not allowed for safety and efficiency reasons. These are busy roads with higher traffic volumes and vehicle speeds. See also policies IC1.6, DO10.1.6 and DO10.1.6A.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.31A **Private car parking areas**	ICr.31A.1 Private car parking areas are not permitted ~~if~~: a. ~~the parking spaces meet the design and layout standards in Appendix 10 – Standards and terms for parking and loading including for manoeuvring, queuing, set down areas, and surfacing, and~~ b. ~~the number of parking spaces does not exceed 10, and~~ c. ~~the site does not have a boundary fronting a scheduled street as~~	ICr.31A.2 Private car parking areas are controlled if: a. the parking spaces meet the design and layout standards in Appendix 10 - Standards and terms for parking and loading including for manoeuvring, queuing, set down areas, and surfacing~~,~~; and b. the number of parking spaces does not exceed ~~25, or~~10; and c. the site does not have a boundary fronting a scheduled street ~~as~~	ICr.31A.3 Activities that contravene a controlled standard are **discretionary** if~~:~~ a. the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street. Activities that contravene discretionary standard a. are **non-complying**.

	~~shown on Planning Map LH1, RH1 or fronting onto Wakatū Square, except if there is a building along that frontage that screens the car parks from the street or square.~~	~~shown on Planning Map LH1~~or Montgomery, ~~RH1~~Buxton or ~~fronting onto~~ Wakatū ~~Square,~~parking squares except~~:~~ i. if there is a building along ~~that~~a scheduled frontage that screens the car parks from the street~~;~~ or ~~square, and except that~~ ii. private car parks where the number of parking spaces does not exceed ~~10~~5 may front onto Montgomery, Buxton or Wakatū parking squares. Control reserved over: i. the design and appearance of the car park, including any fencing and signage, and the type and appearance of the surfacing~~;~~; and ii. landscaping, including its location~~;~~; and iii. access to and from the site (including reverse manoeuvring onto roads)~~;~~; and iv. conditions relating to the safety of users and the public, and the prevention of crime.	

Assessment Criteria	**Explanation**
ICr.31A.4 a. how visually prominent the site is, and the impact of the parking area on the built environment, having regard to the character and desired character of the area. b. opportunities to enhance the appearance of the site through landscaping, surface texture, control of signage, fencing and other infrastructure. c. the location and the width of vehicle access to and from the site, having regard to pedestrian safety and the appearance of the site. d. the safety of the users of the car park and of members of the public, particularly after dark, and ways to manage this such as lighting, avoidance of entrapment spots, locking the area or other means, while having regard to any potential adverse effects of these methods on the appearance and amenity of the City Centre. e. the effects of the parking area on pedestrian safety, having regard to the level of foot traffic in the area. f. the effects on pedestrian circulation patterns and/or continuity of weather protection for pedestrians. g. the assessment criteria in Appendix 10. h. in terms of parking ~~of more than 25 spaces~~ within any building or a dedicated parking building, the appearance of that building and how it contributes to the amenity objectives and policies for the Inner City	ICr.31A.5 Private car parking areas within the City Centre provide an important service for businesses and for people working in the City Centre. However, some parking areas can be unsightly and detract from the objectives to make the City Centre more attractive and vibrant. Some locations are potentially more sensitive than others, and this is recognised in the rules e.g. in the main retail streets (Bridge, Hardy and Trafalgar Streets), and those accessed off the public parking squares (Montgomery, Buxton and Wakatū). There can be adverse effects on visual amenity, pedestrian safety and amenity, and the continuity of the 'street edge' and verandah protection. The supply of car parking can influence the growth of private vehicle traffic. Limiting car parking can encourage use of other sustainable modes of transport, reduce congestion on the transport network and may also improve the environment of the City Centre. Very large private car parks, or many smaller ones, can have significant visual impacts, break up the continuity of streets, and impact on the pedestrian-friendly objectives that are sought for the City Centre.

Zone, and good urban design principles. i. the effects of additional car parking on vehicle congestion in the Inner City and on roads to and from the Inner City. j. the effects of additional car parking on Council's strategies and objectives to encourage public transport use, cycling and walking. k. the cumulative impacts of additional parking on the City Centre.	

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.31B **Cycle parking**	ICr.31B.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).	ICr.31B.2 not applicable	ICr.31B.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to the matters outlined in Appendix 10.
Assessment Criteria		**Explanation**	
ICr.31B.4 Refer to Appendix 10.		ICr.31B.5 Refer to Appendix 10.	

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.32 **Access** Including scheduled frontages	ICr.32.1 a. ~~Vehicle~~Any vehicle access~~ must be provided and maintained on each site~~ (except for Small Unstaffed Network Utility Buildings) ~~in accordance~~must be formed and maintained to comply with the standards set out in Appendix 11 - Access standards and the mandatory matters detailed at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2020 **except that** no vehicle access may be provided across any scheduled frontage shown on Planning Map ~~LH1, RH1~~1. b. ~~Where~~Micomobility access is required where vehicle access is not ~~required under this rule but voluntarily provided all such~~provided. Micromobility access must be provided and maintained for each site in accordance with the standards set out in	ICr.32.2 not applicable	ICr.32.3 Activities that contravene a permitted condition are discretionary.

	Appendix 11.		

Assessment Criteria	Explanation
ICr.32.4 a. refer to Appendix 11. b. the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods. c. the effects on traffic and pedestrian movement and safety.	ICr.32.5 Refer to Appendix 11. Vehicle crossings are not allowed as of right within the City Centre on the main pedestrian roads, and on the inside of the parking squares, in order to promote a better and safer pedestrian environment. A crossing in these situations may be granted by resource consent, having regard to the impacts on pedestrian traffic, and the appropriateness of the crossings in relation to the operational effects of the activity on the safe and efficient movement of traffic on and off the site and along the roadway.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~**ICr.33**~~ ~~**Residential activity ground floor**~~	~~ICr.33.1~~ ~~Residential activity may not occur on the ground floor of that part of a building with a boundary on any scheduled frontage shown on Planning Map LH1, RH1.~~	~~ICr.33.2~~ ~~not applicable~~	~~ICr.33.3~~ ~~Activities that contravene a permitted condition are discretionary.~~

Assessment Criteria	Explanation
~~ICr.33.4~~ a. ~~the extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the main roads in the City Centre.~~ b. ~~the nature of any neighbouring activity, including in the case of any activity involving hazardous substances, any risk to human health posed by that substance~~	~~ICr.33.5~~ ~~This rule, again, is to maintain pedestrian interest on the ground floor frontage of buildings in the City Centre. The assessment criteria anticipate that ground floor living may be appropriate if pedestrian circulation is unaffected.~~

City ~~centre~~Centre and city fringe areas

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.34 **Building setback** Corner sites	ICr.34.1 The ground floor of any building must be set back at the corner to a diagonal line joining points on each road boundary 3m from the corner of the site (or the point where the road boundaries would meet if extended).	ICr.34.2 not applicable	ICr.34.3 Activities that contravene the conditions for permitted activities are discretionary.

Assessment Criteria	Explanation
ICr.34.4 a. the effects on driver visibility and therefore road safety.	ICr.34.5 The rule improves driver sight lines at intersections and safer pedestrian movements.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.35 **Daylight admission** Boundary with any Residential ~~Zone or Open Space and Recreation~~ Zone	ICr.35.1 Any building on a site adjoining a Residential Zone ~~or an Open Space and Recreation Zone~~ must comply with the daylight	ICr.35.2 not applicable	ICr.35.3 Activities that contravene a permitted condition are discretionary.

	angles ~~in Appendix 15 - Daylight admission — residential~~for the adjoining Residential Zone.		

Assessment Criteria	Explanation
ICr.35.4 a. the effects of any shading on the public enjoyment and amenity of roads and public spaces. b. the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (e.g. tall thin shadow compared with shorter, bulky shadow taking longer to pass). c. the nature of the activities undertaken in any area affected.	ICr.35.5 The rule ensures that a residential level of daylight amenity is maintained on properties in residential zones, ~~and public open space,~~ even from adjoining zones. The rationale for the daylight angles is explained in Appendix 15.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.36 **Verandahs** Trafalgar, Hardy and Bridge Streets and Parking Squares (scheduled frontages)	ICr.36.1 Any building (except any Group A or B Heritage Building listed in Appendix 1), when it is erected, or substantially altered in any way that substantially changes its external appearance: a. must be provided with a verandah along any scheduled frontage shown on Planning Map LH1, RH1 or LH10, RH10, and b. the verandah must comply with the specifications in Appendix 18 - Verandahs.	ICr.36.2 not applicable	ICr.36.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.36.4 a. the extent the footpath may be exposed to adverse weather conditions if a verandah is not provided. b. whether suitable alternative provision for pedestrian cover can be made. c. the volume of pedestrian movement in the vicinity. d. the effect of not providing a verandah on appearance of the building, and the road in the vicinity. e. the effect of departing from the specifications in Appendix 18 in terms of the relationship with adjoining verandahs (e.g. appearance, continuity of weather protection), the appearance of the building and the road, and such things as ensuring adequate head clearance above footpaths. f. the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building. g. ~~the provisions of the Nelson City Centre Design Guide (where relevant).~~	ICr.36.5 The rule is to enhance the attractiveness and convenience of the City Centre as a shopping environment and as a place for visitors. In locations with high pedestrian movements verandahs are compulsory. Certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians. Having a verandah on a listed heritage building is not mandatory. Addition of such a structure may detract from the appearance of the building, and for this reason addition of a verandah to a listed building requires a resource consent. See also rule ICr.60 - Heritage buildings, places and objects: alterations.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.37 **Verandahs**	ICr.37.1 Any building may be	ICr.37.2 not applicable	ICr.37.3 Activities that contravene a

Other roads	provided with a verandah, if: a. the building is not a Heritage building listed in Appendix 1, and b. the verandah complies with the specifications in Appendix 18 - Verandahs.		permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.37.4 a. the effect of departing from the specifications in Appendix 18 in terms of the relationship with adjoining verandahs (e.g. appearance, continuity of weather protection), the appearance of the building and the road. b. the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building. c. ~~the provisions of the Nelson City Centre Design Guide.~~	ICr.37.5 Verandahs are optional on other than the scheduled frontages. However, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians. See also rule ICr.60 - Heritage buildings, places and objects: alterations.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.37A **Maximum building height**	ICr.37A.1 The maximum permitted height for buildings is 24m. See definition of 'height' (including chimneys) and 'Height measurement').	ICr.37A.2 not applicable	ICr.37A.3 Buildings in the Inner City Centre that contravene a permitted condition are a **restricted discretionary** activity. Discretion is restricted to: i. the scale, form, design and appearance of the building; and ii. effects on the character and quality of the City Centre; and iii. effects on the public realm and the amenity values of the pedestrian environment; and iv. effects on the amenity values of neighbouring residential properties, or open space and recreation areas; and v. effects on the heritage values of adjacent heritage precinct or scheduled buildings; and vi. the extent to which (if any) contravention of the standard results from the raising of the building's floor level relative to ground level (and therefore the building overall) in response to flood hazard risks. Buildings in the Inner City Fringe that contravene a permitted condition are **discretionary**.

Assessment Criteria	**Explanation**

ICr.37A.4 a. the scale and bulk of the structure and whether the building and its design makes a positive contribution to the amenity, vitality and legibility of the City Centre and City Fringe. b. the effects on significant views within or across the City Centre and City Fringe. c. any effects of shading on open spaces and pedestrian d. any effects on funnelling wind, particularly where there are other tall buildings in the vicinity. e. take into account the benefits of urban development in the City Centre and City Fringe to achieve a well-functioning urban environment. f. additional height on key gateways or corner sites may be appropriate to physically and visually define key entrances to the City Centre and City Fringe or prominent corner sites.	ICr.37A.5 The rule provides for 24m buildings to be built as of right in the City Centre and City Fringe. This enables land to be used efficiently in the most accessible part of Nelson. Infringements to building height may be appropriate in some circumstances, having regard to the context of the site and whether effects on pedestrian amenity can be appropriately managed.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.37B **New buildings and alterations and additions to buildings**	ICr.37B.1 Minor alterations and additions to a building that does not change its external design and appearance of the building are permitted.	ICr.37B.2 not applicable	ICr.37B.3 A new building, or any alterations and additions to existing buildings that are not otherwise permitted by ICr.37B.1 are a restricted discretionary activity. Discretion is restricted over: i. effects of the building design and development layout on the visual quality and interest of streets and public open spaces; and ii. effects on amenity values for building occupants, including access to the street and provision for waste; and iii. effects on the heritage values of adjacent heritage precincts or scheduled buildings; and iv. effects on residential amenity values for building occupants, including outlook, privacy and storage. Resource consent applications will be considered without notification, or obtaining written approval of affected persons.

Assessment Criteria	**Explanation**
ICr.37B.4 a. The effects of the building or addition/alteration on the visual quality and of streets and public open spaces, in particular: i. Outside of Trafalgar, Hardy and Bridge Streets: i. whether the street facing facades maximise opportunities for glazing and active uses, having regard to the function of the street	ICr.37B.5 This rule allows for the qualitative assessment of new buildings or alternations/additions to existing buildings to ensure that a quality City Centre environment for people is achieved. The matters of discretion and assessment criteria complement rather the duplicate the effects that the rules seek to manage.

within the City Centre and City Fringe; and

ii. whether pedestrian shelter is provided in appropriate locations to provide weather protection, particularly over building or tenancy entrances, and having regard to the function of the street.

b. In all locations:

i. whether the development minimises long expanses of blank walls and visually breaks up the mass of the building into distinct elements. Techniques to achieve this include, the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and façade modulation and articulation; and

ii. whether the building has well proportioned windows and openings that relate to the shape and size of the building; and

iii. whether tenancies are visually expressed as separate entities within a building's form and façade; and

iv. whether a variety of architectural detail is provided at ground and middle levels, including maximising doors, windows and balconies overlooking the street or public open space; and

v. whether mechanical plant for heating and ventilation will be screened from public view.

c. The effects on amenity values for building occupants, in particular:

i. whether clearly defined and convenient pedestrian access is provided from building entrances and tenancies from the street; and

ii. whether adequate provision is made for on-site rubbish storage and sorting of recyclable materials, that is sufficiently sized to cater for the rubbish generated by the development, and is in an accessible location. For new buildings, rubbish areas should be located within the building. Where a building is being altered and this is not possible, the rubbish area should not be visible from the street or public open space and should be appropriately screened.

d. The effects on the heritage values of adjacent historic heritage buildings, 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.

e. The effects on residential amenity values, in particular:

a. whether residential units are located, proportioned and orientated to provide a good standard of amenity for future residents, including by maximising passive solar access, while balancing the need for buildings to front the street, and encouraging natural cross ventilation and the

provision of communal open space; and b. whether adequate space for the storage of bulky goods, including for bicycles, is included within the residential unit, or within a secure and conveniently located part of the building.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.37C Residential unit - minimum size	ICr.37C.1 Residential units are permitted if a minimum net internal floor area is provided as follows: a. studio unit - 35m^2; or b. 1 bedroom unit - 45m^2.	ICr.37C.2 not applicable	ICr.37C.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.37C.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.	ICr.37C.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
ICr.37D Residential activity	ICr.37D.1 A residential activity is a permitted activity provided that: a. it is located above the ground floor of any building; and b. habitable buildings used for the activity must be connected to a community water supply and the wastewater network; and c. stormwater from the site used for the activity must not drain to any public road, except for secondary flow purposes.	ICr.37D.2 not applicable	ICr.37D.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.37D.4 a. the extent to which residential activity can occur on the ground floor without affecting the pedestrian circulation and interest along the main roads in the City Centre and City Fringe. b. the nature of any neighbouring activity, including in the case of any activity involving hazardous substances, any risk to human health posed by that substance. c. the extent to which the design provides privacy for residents. d. mitigation measures to address risk from any flood hazard. e. the extent to which the ground floor is preserved for commercial uses.	ICr.37D.5 The rule is intended to protect the ground floor for commercial uses as well as provide residential amenity and privacy for residential activity above the ground floor.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.38 **Activities near the coast**	ICr.38.1 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. Earthworks near coastal water or water bodies are regulated under other rules.	ICr.38.2 Extension of a utility service line or structure is controlled. Control reserved over: i. damage to indigenous vegetation, and damage to indigenous vegetation, and ii. discharge of contaminants and iii. discharge of contaminants, and iv. maintenance of access, and maintenance of access, and v. remedial measures.	ICr.38.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.38.4 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 - Marine ASCV Overlay and Appendix 6 - Riparian and coastal margin overlays.	ICr.38.5 Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.39 **Building over or alongside drains (piped or open) and water mains**	ICr.39.1 Structures ~~3m~~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 ~~3m~~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: • any structure must be located outside of the top of a bank or swale for open drains; and • 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	ICr.39.2 ~~Structures:~~not applicable ~~That contravene ICr.39.1.c. ii. to 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.~~	ICr.39.3 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 a bank of an open drain is a **discretionary** activity. All other activities are **discretionary**.

(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 or watermains ~~less~~greater than 150mm in diameter or ~~equal~~any drains or watermains deeper that 1.2m to ~~300mm diameter~~invert:

c. any structure must be located no closer than ~~1m~~1.5m plus the depth of the drain or watermain measured horizontally from the near side of any public ~~unsleeved~~sewer or stormwater pipe; and

d. there is no structure overhanging/cantilevered for the full width as identified in ICr.39.1.c. (1.5m plus the depth of the drain or watermain measured horizontally from the rear of any public or common private water main, or common private or public sewer or stormwater ~~drain, or~~pipe); and

For the drains or watermains ~~greater~~less than ~~300mm in~~or equal to 150mm diameter and less than 1.2m depth to invert:

e. any ~~structure~~ 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

~~For drains 150mm or less in diameter~~

c. any ~~structure~~ structure may be located within ~~1m~~1.5m or directly over a common private or public piped drain ~~if the diameter of the pipe is 150mm or less~~; providing that:

i. ~~The~~the length of pipe ~~or drain~~ built over is no more than 6m in length; and

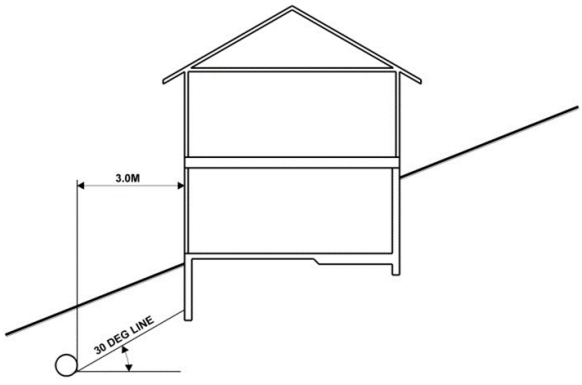
ii. ~~There~~there are no changes in direction or junctions in the portion of the drain built over; and

iii. ~~The~~the length of drain built over ~~is~~it relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and

iv. ~~There~~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~~the pipes are not ~~water mains or pressurised pipelines~~;pressurised; and ~~and in all cases~~ g. any structure may overhang ~~the~~a line of the pipe or drain that is less than or equal to 150mm 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 ~~where the required pipe or drain is greater than 150mm in diameter or width; and~~ h. ~~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 30º from the horizontal from the invert (bottom) of the pipe or drain (or between 30º and 45º if the design has been certified by a suitably qualified engineer) (see diagram)~~.		

Assessment Criteria	Explanation
ICr.39.4 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.39.5 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.39.1.b: 

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~ICr.40~~	~~ICr.40.1~~	~~ICr.40.2~~	~~ICr.40.3~~

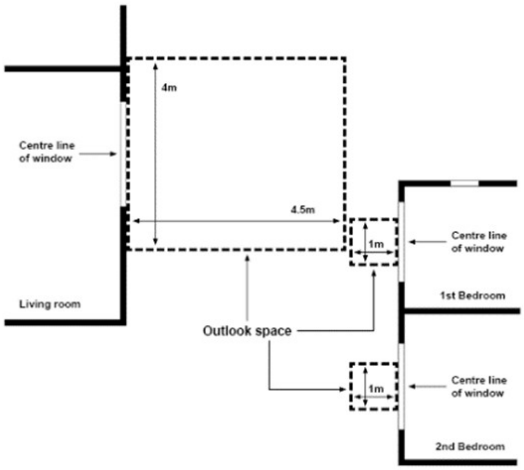
~~**Outdoor living court**~~ ~~Residential activity~~	~~Every residential unit must be provided with an outdoor living court:~~ ~~a. minimum area:~~ ~~1 and 2 bedrooms 25m^2~~ ~~3 or more bedrooms 40m^2; and~~ ~~b. minimum dimension 4m, and~~ ~~c. units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m^2, minimum dimension for any required balcony of 2.4m), and~~ ~~d. the outdoor living court must not be located on a side of the residential unit facing within 45º either side of due South, and must be readily accessible from a living area of the unit.~~	~~not applicable~~	~~Activities that contravene a permitted condition are discretionary.~~

Assessment Criteria	**Explanation**
~~ICr.40.4~~ ~~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 needs of the current or likely future occupants of the residential unit.~~ ~~d. the nature of the building and the practicality of providing a living court of the dimensions and location specified in the rule.~~	~~ICr.40.5~~ ~~A requirement for a minimum outdoor living area is included, as, apart from this rule, in the Inner City Zone there are no controls on maximum building coverage or minimum lot size requirements. In other words there is otherwise no requirement to leave some space free of buildings.~~ ~~The living court requirements are not as high as in the Residential Zone, recognising that the amenity requirements of the two zones differ.~~ ~~The rule recognises that residential use may occur above shops or other premises which are not specifically designed for residential living. The rule therefore provides for a small balcony as an alternative to ground floor open space.~~ ~~Consent may be granted to further reduce or waive the living court requirement in certain circumstances e.g. if the development fronted onto a public park, or if providing the specified living court is impractical.~~

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.40A **Outlook Space**	ICr.40A.1 Residential units are permitted if: a. where building contains windows on the wall of a living room and/or bedroom of a residential unit, an outlook space is must be provided from the windows in accordance with the diagram and below; and b. where the room has two or more external walls	ICr.40A.2 not applicable	ICr.40A.3 Activities that contravene a permitted condition are discretionary.

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 the living area room: 4m in depth x 4m in width; and
    ii. for all other habitable spaces bedrooms: 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 ICr.40A.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. Where outlook is provided within the site it must be clear and unobstructed by buildings, and must not extend over a neighbouring site, or an outlook space required by another residential unit on the same site.
g. Outlook spaces may overlap where they are on the same plane in the case of a multi-storey building.
h. Outlook spaces may be under or over a balcony.
i. Outlook spaces required from different rooms within the same building may overlap.



Assessment Criteria	Explanation
ICr.40A.4 a. effects on the quality of on-site living environments. b. privacy effects on neighbouring sites. c. with an existing building, whether provision of outlook space is impracticable. d. any special or unusual characteristics of the site or the proposal that are relevant to the infringement. e. 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.	ICr.40A.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
ICr.41 **Signs**	ICr.41.1 Any sign must be designed and constructed in accordance with Appendix 20 - Signs and outdoor advertising.	ICr.41.2 not applicable	ICr.41.3 See Appendix 20.

Assessment Criteria	Explanation
ICr.41.4 Refer to the assessment criteria in Appendix 20.	ICr.41.5 Refer to Appendix 20.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.42 **Night Time Noise Limits**	ICr.42.1 The sound level assessed 1m from any external wall of any Residential Unit or Short Term Living Accommodation Unit shall not exceed the following noise limit during the hours 10:00pm to 7:00am: 75 dB LAFmax. All measurements and assessment shall be in accordance with NZS 6801:2008 and NZS	ICr.42.2 not applicable	ICr.42.3 Activities that contravene a permitted condition are discretionary.

	6802:2008.		

Assessment Criteria	Explanation
ICr.42.4 a. the length of time, number of times, or the level by which, the noise standards will be exceeded 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 occupants of Residential Units and Short Term Living Accommodation within the Inner City and neighbouring zones. c. whether the noise is likely to detract from the amenity sought for the Inner City and Residential Zones.	ICr.42.5 LAFmax control at night time provides an upper limit to single noise events which provides a level of certainty around the limits to a single 'spike' of sound. Note the LAFmax control is not an appropriate limit that a more continuous source of noise can generally operate to and be deemed to be reasonable and not excessive. In addition to controls on maximum noise; noise will be controlled by Council officers under the relevant sections of the Resource Management Act for unreasonable and excessive noise. See AP13 - Inner City Zone: Noise Management Plans and assessment of unreasonable and excessive noise for information and guidance on this process. As a pro-active measure, Council officers will also offer information and advice to noise producers on ways in which they can reduce and control their emission of noise.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.42A Noise-Generating Activities	ICr.42A.1 The establishment or extension of a 'noise generating activity' is not a permitted activity. For the purposes of this rule 'extension' is defined as any alteration of change which: a. results in a 10% or greater increase in permitted patrons, or b. any increase in operating hours or hours amplified music is played at, or c. results in an outdoor area accessible to patrons which is new, has a different location, or is increased in size by 10% or more.	ICr.42A.2 not applicable	ICr.42A.3 The establishment or extension of a 'noise-generating activity' is a restricted discretionary activity, provided that the following condition is met: a. a noise management plan shall be provided in accordance with the provisions of Appendix 13.1 - Noise-Generating Activities. Discretion restricted to: i. Noise effects, and ii. Mitigation measures, including any Noise Management Plan, and iii. hours of operation, and iv. proposed location of activity, and v. volume and type of noise expected to be generated, and vi. cumulative effects. Any activity subject to this rule that does not comply with condition ICr.42A.3.a. shall be a Non-Complying activity.

Assessment Criteria	Explanation
ICr.42A.4 a. the suitability of the site, the activity on the site and in any outdoor areas, having regard to its location, and the proximity of residential or other noise-sensitive activities. b. expected hours of operation, volume and type of noise expected to be generated. c. the adequacy of measures to manage or reduce noise at source, including the provisions of a Noise Management Plan in accordance with Appendix 13. d. the effectiveness of measures proposed to avoid or mitigate nuisance effects, including from low	ICr.42A.5 Before a Noise Generating Activity establishes or extends in the Inner City Zone a resource consent is required to assess the suitability of the site and specific proposal in terms of management and reduction of noise at source. Conditions can be imposed as appropriate to maintain an acceptable level of noise generation for the Inner City (see policies IC4.2~~, IC4.3~~ and IC5.2 in particular). In addition to this rule, rule ICr.42 and the relevant sections of the Resource Management Act 1991 apply to the ongoing operation of the activity and to existing activities already established.

frequency noise.	The permitted activity standard includes a definition of extension based on there being a 10% or greater increase in permitted patrons. The number of permitted patrons in a building is determined through the Building Codes fire safety provisions (Clause 'C'). Any changes which will result in a 'change of use' must be advised to the Territorial Authority for consideration under the Building Code.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.43 **Noise received at sites in ~~the Residential Zone~~any residential zone**	ICr.43.1 a. Noise levels measured at any site within ~~a Residential Zone~~any residential zone must not exceed: **Daytime** 53 dB LAeq **Other times** 43 dB LAeq 75 dB LAFmax (Daytime means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays). b. All measurements and assessment in accordance with NZS 6801:2008 and NZS 6802:2008. c. Parts a. and b. of this rule do not apply to construction activities, which, when assessed at, or within, any site within ~~the Residential Zone~~any residential zone, must comply with NZS 6803:1999 'Acoustics - Construction Noise'.	ICr.43.2 not applicable	ICr.43.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
ICr.43.4 a. the length of time, number of times, time of day or night, or the level by which, the noise standards will be exceeded, 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 occupants of residential units and Short Term Living Accommodation within the Inner City and neighbouring zones. c. whether the noise is likely to detract from the amenity sought for the Residential Zone or result in a nuisance effect, including as a result of low frequency noise.	ICr.43.5 This rule is to prevent unreasonable levels of noise affecting properties in the Residential Zone. When compared to the Inner City Zone it is expected there will be a higher standard of residential amenity, and particularly a night time environment conducive to sleeping. This recognises the greater sensitivity of the Residential Zone, the generally lower ambient sound levels, and that noise has a major influence on residential amenity. For this reason any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity where it affects the Residential Zone.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.43A **Acoustic Insulation of Buildings**	ICr.43A.1 Construction of any new Bedroom is permitted if:	ICr.43A.2 not applicable	ICr.43A.3 Activities that contravene a permitted condition are a

	a. the new Bedroom is acoustically insulated in accordance with Appendix 19 - AP19.3 Inner City Zone, Table 3, or b. the new Bedroom is acoustically insulated to achieve a façade sound level difference of not less than 30 dB D2m,nT+Ctr, and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 - AP19.3 Inner City Zone, and c. If option b. is used then prior to commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with option b. above. For the purposes of this rule, the 'construction of any new Bedroom' shall also include the conversion of any existing room to a Bedroom.		restricted discretionary activity. Discretion restricted to: i. Location and orientation of Bedrooms in relation to noise sources, and ii. Insulation or other measures required for noise mitigation purposes for Bedrooms, and iii. Health and well-being effects for residents, and iv. Potential reverse sensitivity effects on other activities.

Assessment Criteria	**Explanation**
ICr.43A.4 a. the location and orientation of the new Bedrooms in relation to noise sources. b. the likely exposure to the noise, the type of noise (volume, tone and audio frequency), and the duration. c. the time of day or night the noise is likely to be experienced. d. the measures proposed to be undertaken to ensure an appropriate sleeping noise environment is achieved. e. the effectiveness of any noise barriers. f. the presence of any balconies.	ICr.43A.5 This rule proactively ensures that the new Bedrooms in the Inner City Zone have acoustic insulation features designed into the building from the start to create reasonable sleeping environments. The rule operates in conjunction with other rules to manage noise in the city centre. It recognises that new Bedrooms in the Inner City Zone, which is inherently a noisier environment than that generally experienced in the Residential Zone, should undertake some measures to protect against the adverse effects of noise. Two methods of achieving compliance with the rule are possible; one allows a developer or owner to select from a list of specified materials, and construction methods to use, whilst the second allows any material or construction style to be used (subject to the Building Code) but it must be certified by a suitably qualified acoustic engineer to achieve a specified level of noise reduction.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.44 **Vibration**	ICr.44.1 No vibration created on a site may be discernible at any other site.	ICr.44.2 not applicable	ICr.44.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	**Explanation**

ICr.44.4 a. the length of 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 being proposed for the City Fringe or City Centre, or the amenity of any Residential Zone.	ICr.44.5 Vibration can have a major impact on people's enjoyment of their property.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.45 **Light Spill**	ICr.45.1 Artificial lighting is permitted if: a. the spill of light onto any other site within the zone does not exceed 30 lux (horizontal and vertical) measured at the boundary of the other site, and b. the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c. the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or d. the light is a street light, navigation light or traffic signal.	ICr.45.2 not applicable	ICr.45.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.45.4 a. effects on adjacent and adjoining uses. b. the extent to which additional light may adversely affect occupation of residential properties. c. the effect on traffic safety. d. the positive effects of improved pedestrian safety and security. e. the type of light, including its strength, and hours of operation.	ICr.45.5 The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.46 **Closing times** Services to the public	ICr.46.1 a. Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm	ICr.46.2 not applicable	ICr.46.3 Activities that contravene a permitted condition are discretionary.

	Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b. Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c. Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.		

Assessment Criteria	Explanation
ICr.46.4 a. the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b. the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c. the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d. the topography of the site and the neighbouring areas. e. the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f. the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g. whether the activity is temporary, and the frequency of such events (where applicable).	ICr.46.5 Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities. Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities. Rule ICr.42A - Noise-Generating Activities may also be applicable to activities considered under rule ICr.46. See definition of 'Noise-Generating Activity' and rule ICr.42A.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.47 **Hazardous substances use and storage**	ICr.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.	ICr.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 - Hazardous substances.	ICr.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
ICr.47.4 Refer to the Assessment criteria in Appendix 21.	ICr.47.5 Refer to Appendix 21.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.48 **Radioactive material**	ICr.48.1 Permitted if: a. used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography, or b. the radioactivity does not exceed 0.1 terabecquerel.	ICr.48.2 not applicable	ICr.48.3 Activities that contravene the permitted condition are discretionary, if the amount does not exceed: a. 1 terabecquerel in the City Centre, or b. 10 terabecquerels in the City Fringe.

Assessment Criteria	Explanation
ICr.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.	ICr.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 medical laboratories or dentists in the City Centre, and X ray centres or hospitals in the City Fringe. The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants. 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 1000 terabecquerels of radioactivity (see ICr.2).

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.49 **Aerials**	ICr.49.1 Aerials are permitted if: a. any dish antenna does not exceed a diameter of: i. 3m in the City Centre, and ii. 5m in the City Fringe, and b. on the site of any Group A or B Heritage Building there are not more that 3 aerials per site, 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) or on any site fronting Trafalgar, Hardy and Bridge Streets within the ring road, and d. aerials attached to a building do not exceed the height of the building by more than	ICr.49.2 not applicable	ICr.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 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., and vii. effects on heritage values.

	7m, and e. aerials that are not attached to a building do not exceed 18m in height, and f. the supporting mast does not exceed 450mm diameter when the aerial is attached to a building.		**Discretionary Activity** Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.

Assessment Criteria	**Explanation**
ICr.49.4 a. the visual impacts of the structure on the streetscape and the general public. b. any shading posed by the structure. c. how prominent the site is, taking account of any significant public or private views or any significant landscapes. d. the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. e. the height and bulk of the structure. f. the extent to which design, colour scheme or screening (e.g. locating it below the parapet) might mitigate the adverse effects of the structure. g. the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.	ICr.49.5 The height controls for the Inner City are generous and there should be little reason to breach these standards. Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence special controls relate to their location on heritage buildings and main shopping streets to ensure they do not affect the public enjoyment of these buildings and areas. ~~Dish antennas are also subject to rule ICr.56 which relates to protection of views from the Church Steps.~~ Heritage buildings are also protected from multiple aerial installations because aerials can detract from the values of these special buildings. Note the definition of aerial which allows for a support mast with several antenna mounted on it. Within the Inner City Zone therefore, rule ICr.49 provides for a maximum of 3 support masts with multiple antenna/aerials.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.50 **Radiofrequency exposure levels**	ICr.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	ICr.50.2 not applicable	ICr.50.3 Activities that contravene permitted condition a. are non-complying. Activities that contravene any other permitted condition are discretionary.

	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 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**
ICr.50.4 a. the potential effects of any increase of radiofrequency 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 electro magnetic radiation from existing facilities in the area.	ICr.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 percent 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
ICr.51 **Network utility** Above ground and underground utilities	ICr.51.1 a. Any underground network utility is permitted except: i. any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b. any above ground network utility is not permitted except: i. maintenance and operation of existing utilities, or ii. network utility buildings and substations, or iii. small above ground parts of an underground utility (e.g. Junction boxes), or iv. as explicitly provided for elsewhere in this rule table.	ICr.51.2 not applicable	ICr.51.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.51.4 a. any hazard presented by the utility. 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. 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.	ICr.51.5 Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities. The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition.

f. any constraints on placing the utility underground.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.52 **Structures on the road reserve**	ICr.52.1 Structures on the road reserve are permitted if: a. they are part of the road infrastructure (e.g. bridges, culverts, street lighting, traffic signals, masts), or relate to the safe use of the road or walkway, or b. structures (including equipment shelters and bus shelters) do not exceed $6m^2$.	ICr.52.2 not applicable	ICr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.52.4 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.	ICr.52.5 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 in order to regulate bus shelters, street vendors, and the use of the road reserve for pavement cafes. 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 those Acts, by the matters contemplated in these rules.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.53 **Network utility** Roads	ICr.53.1 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 Nelson Tasman Land Development Manual 2020 are complied with.	ICr.53.2 not applicable	ICr.53.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.53.4 a. the mandatory 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.	ICr.53.5 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

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.	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
ICr.54 **Building on low lying sites**	ICr.54.1 ~~Building~~A building is permitted if: a. the ground level (excluding water bodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: i. in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development) and ii. such that stormwater runoff from the site is not directed onto other sites or into any river or stream, 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.	ICr.54.2 not applicable	ICr.54.3 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.

Assessment Criteria	Explanation
ICr.54.4 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.	ICr.54.5 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 rule ICr.55 - Earthworks where a site is to be filled.

	Note: This low lying site rule does not apply within the ~~Inundation Overlay - see ICr.59 - Inundation overlays~~Flood Area. Refer to Chapter 3 Administration for information on the preparation of applications and an outline of the Flood Areas.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.55 **Earthworks** Note this rule is a regional and a district rule	ICr.55.1 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, 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 banks 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 a State Highway and other roads, or ii. forming or	ICr.55.2 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 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 fill is cleanfill material. Control reserved over: i. loss of topsoil or movement of soil down slope, and	ICr.55.3 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 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 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,

	constructing a fire break, fence line, 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 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	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 compaction methods, and xv. visual effects, and xvi. control of noise, and xvii. control of dust, and xviii. traffic and access issues.	and xvi. visual effects, and xvii. the impact 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. control of noise, and xxi. control of dust, and xxii. traffic and access issues.	

	no adverse effects on adjoining properties or any waterbodies.		

Assessment Criteria	Explanation
ICr.55.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in ICr.55.2, and restrict its discretion to the matters listed in ICr.55.3.	ICr.55.5 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. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation. 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. 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 and coastal erosion), or sedimentation effects. Most rivers are included in Appendix 6. 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. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy, and access to daylight and sunlight. Some confusion may arise as to whether an activity constitutes earthworks, landfill, or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste. Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (e.g. a spring), even if they are permitted or controlled activities under this rule. Note that Earthworks are regulated in other rules, particularly in overlays, which may impose additional regulation on particular activities.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.55A **Landfill** Note this rule is a regional and district rule	ICr.55A.1 Landfills are not a permitted activity.	ICr.55A.2 not applicable	ICr.55A.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 ICr.55.3 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**
ICr.55A.4 In considering applications for landfills, Council will restrict its discretion to the matters identified in ICr.55A.3 provided that the application does not contravene a restricted discretionary condition.	ICr.55A.5 Landfill development and operation are restricted discretionary activities, provided conditions in ICr.55A.3 are met. 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**
ICr.55B Papakāinga development	ICr.55B.1 Papakāinga development on land held under Te Ture Whenua Māori Act 1993 and on general title land is permitted if: a. buildings and structures comply with the following rules: i. ICr.21 - Buildings	ICr.55B.2 not applicable	ICr.55B.3 Papakāinga development on land held under Te Ture Whenua Māori Act 1993 or on general title land that contravenes permitted activity condition a. is a restricted discretionary activity. Discretion is restricted to:

	over road reserve; and ii. ICr.22 - Continuity; and iii. ICr.35 - Daylight admission - Boundary with the Residential Zone; and iv. ICr.37A - Maximum building height; and v. ICr.37D - Residential activity; and vi. ICr.39 - Building over or alongside drains (piped or open) and watermains; and vii. ICr.41 - Signs; and viii. ICr.42, ICr.42A and ICr.43 Noise; and ix. ICr.43A - Acoustic insulation of buildings; and x. ICr.45 - Light Spill; and xi. ICr.46 - Closing times - services to the public; and xii. ICr.48 - Radioactive material; and xiii. ICr.49 - Aerial; and xiv. ICr.54 - Building on low lying sites. b. on general title land: i. the land is owned by a member, or members of, Ngati Kuia, Rangitāne, Ngāti Apa Ki te Rā Tō, Ngāti Koata, Ngāti Rārua, Ngāti Toa Rangatira, Ngāti Tama or Te Ātiawa, who can demonstrate their whakapapa or ancestral connection to the land.		i. where condition a. is not met, for any rule that is not compiled with, the assessment criteria for that rule; and ii. the matters in the Nelson Tasman Land Development Manual 2020. Resource consent for a restricted discretionary activity under this rule will be considered without public notification. Papakāinga development on general title land that contravenes permitted activity condition b. is a discretionary activity.
Assessment Criteria		**Explanation**	
ICr.55B.4 a. in considering applications for papakāinga development on land held under Te Ture Whenua Māori Act 1993 or on general title land, Council will restrict its discretion to the matters identified in ICr.55B.3. b. refer to DO1A - Papakāinga in the General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Inner City Zones and Suburban Commercial Zone, for objectives and policies specific to papakāinga. c. for resource consent applications under ICr.55B.3, the Council will seek advice from any relevant iwi authority and will rely on this advice. The matters that Council		ICr.55B.5 Refer to the explanation provided in Chapter 5 District wide objectives and policies, under DO1A.i of DO1A - Papakāinga in the General Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Inner City Zones and Suburban Commercial Zone, for objectives and policies specific to papakāinga.	

will seek advice from iwi authorities on include any matter related to tikanga Māori. d. for resource consent applications under ICr.55B.3, where the adverse effects of a proposal are required to be considered, Council will focus on the effects on adjoining properties and the environment.	

Rules relating to overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~ICr.56~~ ~~View Shaft Overlay~~	~~ICr.56.1~~ ~~Buildings or other structures are permitted if:~~ ~~a. no part (other than a chimney, mast, pole, or aerial attached to a building, including any dish antenna up to 1m in diameter) penetrates the View Shaft Overlay as shown on the Planning Maps, and defined in Appendix 8 - Church hill view shaft.~~	~~ICr.56.2~~ ~~not applicable~~	~~ICr.56.3~~ ~~Activities that contravene a permitted condition are discretionary.~~
Assessment Criteria		**Explanation**	
~~ICr.56.4~~ ~~a. whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.~~ ~~b. the extent of intrusion into the view shaft, and the elements of the view affected.~~ ~~c. the extent to which the core of the view is impinged upon.~~ ~~d. whether the building removes existing intrusions or increases the quality of the view.~~		~~ICr.56.5~~ ~~The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea beyond. Any proposed building or structure that would impinge on the defined view shaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft.~~ ~~The view up Trafalgar Street is an important part of the view shaft. Rule ICr.21 - Buildings over road reserve controls the intrusion of structures that might block this view e.g. walkways connecting buildings, enclosed verandahs.~~	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.57 **Riparian Overlay** Activities on land identified with riparian values	ICr.57.1 On land adjoining a Riparian Overlay listed in Table 6.2 - Riparian or coastal areas with priority values 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.	ICr.57.2 On land located within a Riparian Overlay listed in Table 6.2 - Riparian or coastal areas with priority values of Appendix 6, extension of a utility service line or structure is controlled. Control reserved over: i. protection of indigenous vegetation, and ii. disturbance of riverbanks, and iii. maintenance of access, and iv. remedial measures.	ICr.57.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
ICr.57.4		ICr.57.5	

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.	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 Riparian overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent, e.g. 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
ICr.58 **Flood Path,** **~~overlays~~Floodway**	ICr.58.1 In any Flood Path ~~Overlay,~~or Floodway the following are ~~not~~ a permitted activity: a. ~~erection or extension of any building, or structure, except:~~ i. underground network utility lines~~, and~~; or ii. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. ~~The~~the underside of a bridge superstructure)~~.~~; or b. earthworks ~~(except~~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 c. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works by a network utility operator.	ICr.58.2 not applicable	ICr.58.3 Activities and buildings that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.58.4 a. any effects of the development on ~~floodpaths~~floodpath	ICr.58.5 All buildings and any above ground structures and any

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.	earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~**ICr.59**~~ ~~**Inundation overlays**~~ ~~Low lying ground susceptible to localised stormwater ponding or tidal inundation~~	~~ICr.59.1~~ ~~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 by more than 20% (Note: the restrictions in this clause do not apply where the ground level of 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 of an underground network utility where the profile of the land is not permanently altered).~~	~~ICr.59.2~~ ~~In any Inundation Overlay, erection of any building or extension of the ground floor 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 in so far as it relates to the avoidance of flooding, and~~ ~~iv. stormwater management.~~	~~ICr.59.3~~ ~~Activities that contravene a permitted condition or a controlled standard are discretionary.~~

Assessment Criteria	Explanation
~~ICr.59.4~~ ~~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.~~	~~ICr.59.5~~ ~~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.~~ ~~Extensions which increase the ground floor area by not more than 20% are provided for as a permitted activity to avoid the need to obtain a resource consent for a minor alteration.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited

ICr.59A **Flood Areas except Flood Paths or Floodways** Storage of a hazardous substance	ICr.59A.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% AEP flood flows.	ICr.59A.2 not applicable	ICr.59A.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. 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**
ICr.59A.4 to ICr.59F.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, infrastructure and the environment from the flood hazard.	ICr.59A to ICr.59F.5 The Flood Areas reflect both historic observed areas of flooding and more recent flood modelling commissioned by the Council. The recent modelling 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 this rule 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 hazardous substances and Appendix 21.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.59B **Flood Areas except Flood Paths and Floodways** Building and below ground	ICr.59B.1 In Flood Areas, except any Flood Path or Floodway**, a building** is a permitted	ICr.59B.2 not applicable	ICr.59B.3 Activities that contravene a permitted condition are restricted discretionary.

swimming pools	activity provided that it is: a. a below ground swimming pool that is not greater than 1m above ground level; or b. maintenance, repair or alteration to a building which does not result in any increase to site coverage; or c. in the Flood Hazard Overlay or the Inundation Overlay, additions to an existing building that: i. up to 10m^2 gross floor area; and ii. all additions are up to 10m^2 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 issued by an experienced Professional Engineer practicing in flood hydrology and who meets the definition of Experienced in this Plan; or e. a tent, marquee and other structure associated with a temporary event; or f. an open structure without a floor.		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 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; xii. any additional risk from coastal flooding; and xiii. stormwater management. xiv. the adverse effects of the works on the function and flood carrying capacity of natural systems.

Assessment Criteria	**Explanation**
ICr.59B.4 Refer to ICr.59A.4.	ICr.59B.5 Refer to ICr.59A.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.59C **Flood Areas except Flood Paths or Floodways** Fence, wall, retaining wall, outside storage	ICr.59C.1 In Flood Areas, except any Flood Path or Floodway, a fence, wall, retaining wall, or outside storage is a permitted activity provided	ICr.59C.2 not applicable	ICr.59C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood

	that: a. a fence, wall or retaining wall in the1% 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 and mesh 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 th e1% AEP floodplain do not impede flood flows, and are contained and secured so as not to move in a flood event.		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 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; vi. any additional risk from coastal flooding; and vii. stormwater management.

Assessment Criteria	**Explanation**
ICr.59C.4 Refer to ICr.59A.4.	ICr.59C.5 Refer to ICr.59A.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.59D **Flood Areas except Flood Paths or Floodways** Network Utility	ICr.59D.1 In Flood Areas, except any Flood Path or Floodway, a network utility is a permitted activity provided that it is: a. an underground network utility; or b. 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	ICr.59D.2 not applicable	ICr.59D.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 level of existing investment (including supporting infrastructure) and ability to readily relocate uses; and iv. any exacerbation of the hazard as a result of the structure; and v. access in a flood event, including ability to maintain safe ingress and egress; and

	private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the 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.		vi. proposed evacuation plans; and vii. ability to take an adaptive management approach; and viii. any additional risk from coastal flooding; and ix. stormwater management.
Assessment Criteria		**Explanation**	
ICr.59D.4 Refer to ICr.59A.4.		ICr.59D.5 Refer to ICr.59A.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.59E **Flood Areas except Flood Paths or Floodways** Earthworks	ICr.59E.1 In Flood Areas, except any Flood Path or Floodway, earthworks are a permitted activity provided that the earthwork: a. is not more than $3m^3$ in each calendar year of cleanfill material per site; and b. has a maximum cumulative volume of filling and excavation of $25m^3$ per site, within any continuous period of 10 calendar years.	ICr.59E.2 not applicable	ICr.59E.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. the adverse effects of the works on the function and flood carrying capacity of natural systems.
Assessment Criteria		**Explanation**	
ICr.59E.4 Refer to ICr.59A.4.		ICr.59E.5 Refer to ICr.59A.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited

ICr.59F **Flood Areas except Flood Paths and Floodways** Flood mitigation and protection works	ICr.59F.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.	ICr.59F.2 not applicable	ICr.59F.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 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**
ICr.59F.4 Refer to ICr.59A.4.	ICr.59F.5 Refer to ICr.59A.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.60 **Heritage Buildings, Places and Objects** Alterations to Group A and B items	ICr.60.1 Alteration to any Group A or B building, place or object listed in Appendix 1 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	ICr.60.2 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 replaced, and d. the materials used are the same as those being repaired or replaced, or those that were in place originally,	ICr.60~~.3~~.5 a. Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted or controlled activity is **discretionary**. b. Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted or controlled activity is a **restricted discretionary** activity. Discretion restricted to: i. design and appearance; and ii. effects on heritage values; and iii. materials and finishes; and iv. methods of attachment; and

	(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 elevations and architectural features and detailing that contribute to the item's heritage values.	except: i. components and materials relating directly to earthquake strengthening; and ii. concrete or masonry roofing tiles or similar heavy roofing material may be replaced with lightweight material of a similar appearance. ICr.60.3 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 where an elevated feature is replaced (including a lightweight replica chimney), the replacement feature appears exactly the same as the feature being replaced. ICr.60.4 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 elevations and architectural features and detailing that contribute to the item's heritage values; and b. there is no change to the elevations design, materials and scale of the existing heritage item, beyond that necessary for 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 edges of the roof plane and are not located within 300mm of the ridge(s) of the roof;	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~~.	

		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 roof planes containing parapets, dormer windows, skylights or chimneys are arranged in a symmetrical pattern on the roof plane.	

Assessment Criteria	Explanation
ICr.60~~.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 alterations or additions proposed 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 heritage significance and how visible the change will be. ~~For the City Centre area, the degree of compliance with the Nelson City Centre Design Guide.~~ 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 elevations. f. whether architectural features and detailing that contribute to the heritage values of the item are protected. g. whether the use of materials and design reflect the	ICr.60.5 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. ~~More~~Activities 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~~alterations and additions, a discretionary requires a 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. Features of particular heritage significance for Group A buildings are listed in Appendix 1. Protection is not confined to these features~~, but it is anticipated that where additions or alterations will not affect these features, a consent application will be considered favourably~~. 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. Note: Buildings must comply with the general rules on bulk and location.

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 equipment t 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. rules for Heritage Precincts where appropriate. p. the effect of the alterations or additions on any feature of heritage significance listed in Appendix 1.	See also AP20r.4 in relation to signs on heritage buildings and trees.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.61 **Heritage Buildings, Places and Objects** New Buildings on the site of a Heritage Item	ICr.61.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.	ICr.61.2 ~~Erection of a new building on the site of a Group A or Group B heritage item is controlled.~~not applicable ~~Control reserved over:~~ • ~~design and appearance in relation to existing heritage item, and design and appearance in relation to existing heritage item, and~~ • ~~distance of new building from, and location and relationship to existing heritage item distance of new building from, and location and relationship to existing heritage item~~	ICr.61.3 ~~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 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
ICr.61.4 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 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 setting and views of the item form adjoining public spaces.	ICr.61.5 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.

e. rules for Heritage Precincts where appropriate.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.62 **Heritage Buildings, Places and Objects** Demolition or removal of Group A and B items	ICr.62.1 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.	ICr.62.2 not applicable	ICr.62.3 **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
ICr.62.4 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 or object 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 ~~(for the City Centre area, the degree of compliance with the Nelson City Centre Design Guide)~~. 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.	ICr.62.5 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 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 location. 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
~~**ICr.63**~~ ~~**Heritage Buildings, Places and Objects**~~ ~~Demolition or removal of Group C items~~	~~ICr.63.1~~ ~~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~~	~~ICr.63.2~~ ~~not applicable~~	~~ICr.63.3~~ ~~Activities that contravene a permitted condition are discretionary.~~

	prior to the work being done.		

Assessment Criteria	Explanation
ICr.63.4 a. whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.	ICr.63.5 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
ICr.64 **Heritage Precincts** Group ARemoval or Bdemolition in a Heritage Buildings, Places and ObjectsPrecinct	ICr.64.1 Whole or partial demolition or removal of a building is permitted if: a. Alteration to anythe building is not a Group A or B heritage building, place or object listed in Appendix 1 – see rule ICr.60 - Alterations to Group A; and B items. b. Demolition or removal of Group A and B items – see rule ICr.62 - Demolition or removal of Group A and B itemsthe building is not a primary residential unit on the site.	ICr.64.2 not applicable	ICr.64.3 See rule ICr.60 - Alterations to a. Whole of partial demolition or removal of a Group A andor B items and rulebuilding - Rule ICr.62 - Demolition or removal of Group A and B items applies. b. Whole or partial demolition or removal of a primary residential unit in a heritage precinct (other than a Group A or B heritage building listed in Appendix 1) is a restricted discretionary activity. Discretion is restricted to: i. effects on the heritage values of 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
ICr.64.4 The Assessment Criteria in rules ICr.60 - Alterations to Group A and B items and ICr.62 - Heritage Buildings, PlacesDemolition or removal of Group A and Objects willB items apply as appropriate. In addition, particular regard will be had to: a. for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide. b. the degree of compliance with the Design Guide for South Street Heritage Precinct Design Guide. c. any effects (positive and negative) on the heritage values of the entire heritage precinct. d. any cumulative or precedent effects on the heritage values of the precinct.	ICr.64.5 TheBuildings in a Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, thatPrecinct have a collection of heritage buildings in context, has a greater impact to the observer and the resident, and has greater heritageparticular collective value, than the same number of buildings scattered throughout the City. The loss or the unsympathetic alteration toof even a single building canmay have major impactssignificant adverse effects on the entirehistoric heritage values of the precinct – rather likeas a missing tooth from a smilewhole. The controls therefore focus on retaining Group A and B listed heritage buildings, and ensuringprimary residential units that any significant

e. whether the residential unit is proposed for demolition or removal contributes to the heritage values of the precinct. f. the reasons for the demolition or removal and whether reasonable alternatives have been considered. g. where a replacement residential unit ifs proposed, whether it would maintain or enhance the precincts' heritage values. h. where the residential unit is proposed to be relocated within the same site, whether the new location would maintain or enhance the precinct's heritage values.	~~alterations~~ are ~~in keeping with the~~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. Removal of non-listed buildings may enhance the precinct, particularly where any replacement building is more sympathetic to the streetscape. 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. Note: The ~~Nelson City Centre Design Guide, and the Design Guide for~~ South Street Heritage Precinct ~~apply~~Design Guide applies. See also AP20r.4 - Signs on heritage items or listed trees in relation to signs on heritage buildings and trees.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.65 **Heritage Precincts** ~~Buildings other than Group A or B~~Alterations to any building (excluding listed Heritage Buildings) and new buildings	ICr.65.1 a. ~~Alteration~~ Alterations to the ~~external appearance~~interior of ~~any~~a building ~~(other than a Group A or B Heritage Building)~~ within a heritage precinct ~~as defined on the Planning Maps~~(unless otherwise specified in Appendix 1) is a permittee activity. ICr.65.2 Alteration or addition to any part of a building, visible form a road or public square within or adjoining Albion Square and South Street 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 the original, including window scale, and with materials and details similar to, or having the same appearance to those	ICr.65~~.2~~.3 not applicable	ICr.65~~.3~~.4 a. ~~The design~~Alteration or addition to any part of a building (other than for sustainable additions) is a restricted discretionary activity, if: i. it is visible from a road or public space within or adjoining Albion Square and ~~external appearance of any~~South Street Heritage Precincts; and ii. the alteration or addition contravenes a permitted condition in this rule. b. Any new building~~, or~~ c. ~~any alteration to the~~ in a heritage precinct ~~external appearance of any existing building which does not comply with the permitted conditions,~~ is a restricted discretionary activity. Discretion is restricted to: i. location, design and external appearance; and ii. materials used; and iii. effects on the heritage values of the precinct, including any cumulative or precedent effects; and iv. effects on the cohesiveness of the streetscape of the

originally used~~.~~; or

b. the work is the installation, maintenance or upgrade of a customer connection from a network utility (other than to 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 or 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 than 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

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~~.

ii. materials used are similar to, or have the same 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 ~~within~~(other than a Group A or B Heritage Building listed in Appendix 1):

i. the solar panels do not extend over the ~~City~~ ~~Centre~~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 the solar panels are mounted with one edge parallel to the slope of the roof face; and

iii. only solar panels and associated fixings and clips are visible from the road, and ~~is below~~conduit and other equipment do not protrude

	from under the ~~verandah~~panels; and iv. mounting rails are trimmed to the extent of the panels and clips; and the solar panels are arranged in orderly rows with consistent offsets from the roof edges; and v. the solar panels on roof planes containing parapets, dormer windows, skylights or ~~where there is no verandah it is not above 3m from ground level~~chimneys are arranged in a symmetrical pattern on the roof plane. ~~Erection of new buildings is not a permitted activity.~~			

Assessment Criteria	**Explanation**
ICr.65~~.4~~.5 a. ~~for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide.~~ b. ~~the degree of~~particular regard till be had to compliance with the Design Guide for South Street Heritage Precinct. In addition regard will be had to: b. whether the height, materials, form, scale and design of the alteration or addition, or new building, 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, or new building, 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 alteration 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 effects on the heritage values of the precinct or any effects which may establish a	ICr.65~~.5~~.6 Buildings in a Heritage Precinct have a particular collective value. The loss of even a single building may have significant adverse effects on the historic heritage values of the precinct as a whole. 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 rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building in the precincts - the design and appearance is compatible with the values of the precinct. This does not mean that new buildings have to be replicas of heritage buildings, but rather that they have design features which fit with the ~~character~~values of the precinct. ~~Similarly, there are~~ The design ~~controls on significant alterations~~criteria to ~~existing non-listed buildings within the heritage precinct. The purpose of this is~~achieve development sympathetic to ~~promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is~~

precedence within the precinct.	~~practicable. As with rule ICr.28 - External design and appearance, work below verandah level is permitted on buildings in the City Centre heritage precincts (i.e. the main commercial streets). This enables businesses to adapt building frontages to their changing needs without having to get a resource consent. Such changes have little effect on the overall streetscape.~~ The ~~Nelson City Centre Design Guide seeks to control the height, scale, and modulation of buildings overall, and the appearance at and above verandah level.~~ ~~See also rule ICr.63 - Heritage Buildings, Places and Objects demolition or removal of Group C items.~~ ~~Note: The Nelson City Centre Design Guide, and the Design Guide for~~ South Street Heritage Precinct ~~apply~~is described 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/Prohibited
ICr.65A **South Street Heritage Precinct** Front fences	ICr.65A.1 Any fence located between the residential unit and the road boundary of the site is permitted, if: a. the maximum height is 900mm; and b. it is constructed of timber pickets.	ICr.65A.2 not applicable	ICr.65A.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.

Assessment Criteria	Explanation
ICr.65A.4 a. particular regard will be had to compliance with the South Street Heritage Precinct Design Guide. 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.	ICr.65A.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
ICr.66 **Heritage Trees**	ICr.66.1 Trimming of a heritage tree	ICr.66.2 not applicable	ICr.66.3 Activities that contravene a

Trimming of a Heritage Tree identified in Appendix 2	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.		permitted condition are discretionary.

Assessment Criteria	**Explanation**
ICr.66.4 - ICr.70.4 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.	ICr.66.5 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**
ICr.67 **Landscape Trees**	ICr.67.1 Trimming of a Landscape	ICr.67.2 Activities that contravene a	ICr.67.3 not applicable

Trimming of a Landscape Tree identified in Appendix 2	tree is permitted if: a. it is crown thinning, and b. the work is done in accordance with accepted arboricultural practice.	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.	

Assessment Criteria	**Explanation**
ICr.67.4 Refer to ICr.66.4.	ICr.67.5 Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important. Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs. Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration. Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.68 **Heritage and Landscape Trees** Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2	ICr.68.1 Activities within the root protection zone (as defined) 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.	ICr.68.2 Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled. Control is 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 Act.	ICr.68.3 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**

ICr.68.4 Refer to ICr.66.4.	ICr.68.5 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
ICr.69 **Heritage and Landscape Trees** Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	ICr.69.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.	ICr.69.2 not applicable	ICr.69.3 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
ICr.69.4 Refer to ICr.66.4.	ICr.69.5 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
ICr.70 **Local Trees** Removing a Local Tree identified in Appendix 2	ICr.70.1 Removing a Local Tree is permitted if written notice is given to Council at least 1 week prior to work being done.	ICr.70.2 not applicable	ICr.70.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.70.4 Refer to ICr.66.4.	ICr.70.5 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
ICr.71	ICr.71.1	ICr.71.2	ICr.71.3

Archaeological Sites	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 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.	not applicable	Activities that contravene a permitted condition are discretionary. (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably qualified and experienced in archaeological survey).

Assessment Criteria	**Explanation**
ICr.71.4 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.	ICr.71.5 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**
ICr.71A **Slope Instability Area 2 Overlay** Stormwater and wastewater	ICr.71A.1 In the Slope Instability Area 2 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	ICr.71A.2 not applicable	ICr.71A.3 In Slope Instability Area 2 activities that contravene a permitted condition are discretionary activities.

	an approved stormwater system. c. discharge of wastewater is a permitted activity, provided it is piped into an approved wastewater system.		

Assessment Criteria	Explanation
ICr.71A.4 to ICr.71F.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 the effects of the activity 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 ICr.55 - Earthworks. h. the nature of any fill and its effects on the stability of the site.	ICr.71A.5 to ICr.71F.5 Slope Instability Area 2 consists of areas with elevated potential for slope instability. While the risk of failure is not as high as Slope Instability Area 1, careful management of activities is appropriate to manage risk to people, property and infrastructure. Therefore, any new residential or commercial development in Slope Instability Area 2 requires resource consent for which an assessment of slope instability risk is needed. Conditions have been placed on disposal of stormwater and other water 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
ICr.71B **Slope Instability Area 2 Overlay** Earthworks	ICr.71B.1 In the Slope Instability Area 2 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 $3m^3$ in total volume, and is spread over a minimum area of $30m^2$.	ICr.71B.2 not applicable	ICr.71B.3 In Slope Instability Area 2 activities that contravene a permitted condition are discretionary activities.

Assessment Criteria	Explanation
ICr.71B.4 Refer to ICr.71A.4.	ICr.71B.5 Refer to Cr.71A.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.71C **Slope Instability Area 2 Overlay** Structures	ICr.71C.1 In the Slope Instability Area 2 Overlay structures are permitted provided that the structure does not increase the loading on the site by	ICr.71C.2 not applicable	ICr.71C.3 In Slope Instability Area 2 Overlay activities that contravene a permitted condition are restricted discretionary activities.

	more than 5,000kg (including 5,000 litres of liquid).		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**
ICr.71C.4 Refer to ICr.71A.4.	ICR.71C.5 Refer to ICr.71A.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.71D **Slope instability Area 2 Overlay** New buildings for residential and/or commercial activities	ICr.71D.1 In the Slope Instability Area 2 Overlay new buildings for residential and/or commercial activities are not permitted activities.	ICr.71D.2 not applicable	ICr.71D.3 In Slope Instability Area 2 Overlay new buildings for residential and/or commercial activities are 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; 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.71E **Slope instability Area 2 Overlay** Additions to existing buildings used for residential and/or commercial activities	ICr.71E.1 In the Slope Instability Area 2 Overlay an addition to an existing building used for residential and/or commercial activities is a permitted activity provided the gross floor area of the addition does not exceed 10m^2.	ICr.71E.2 not applicable	ICr.71E.3 In Slope Instability 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; 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
ICr.71E.4 Refer to ICr.71A.4.	ICr.71E.5 Refer to ICr.71A.5.

Item	Permitted	Controlled	Discretionary/Non-

			complying/Prohibited
ICr.71F Slope instability Area 2 Overlay Accessory buildings	ICr.71F.1 In the Slope Instability Area 2 Overlay an accessory building is a permitted activity provided that: a. the building does not exceed a gross floor area of 10m^2; and b. the building is accessory to an existing residential 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.	ICr.71F.2 not applicable	ICr.71F.3 In Slope Instability 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**	
ICr.71F.4 Refer to ICr.71A.4.		ICr.71F.5 Refer to ICr.71A.5.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.71G Slope Instability Area 3 Overlay Stormwater and wastewater	ICr.71G.1 In the Slope Instability Area 3 Overlay: a. 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. b. discharge of wastewater is a permitted activity, provided it is piped into	ICr.71G.2 not applicable	ICr.71G.3 In Slope Instability Area 3 activities that contravene a permitted condition are discretionary activities.

	an approved wastewater system.		

Assessment Criteria	Explanation
ICr.71G.4 to ICr.71L.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.55 - Earthworks. h. the nature of any fill and its effects on the stability of the site.	ICr.71G.5 to ICr.71L.5 Slope Instability 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 Areas 1 and 2, it is appropriate to manage activities to manage risk to people, property and infrastructure. Therefore, any new commercial or residential development 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 (eg. 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
ICr.71H **Slope Instability Area 3 Overlay** Earthworks	ICr.71H.1 In the Slope Instability 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 $20m^3$ in total volume, and is spread over a minimum area of $10m^2$.	ICr.71H.2 not applicable	ICr.71H.3 In Slope Instability Area 3 activities that contravene a permitted condition are discretionary activities.

Assessment Criteria	Explanation
ICr.71H.4 Refer to ICr.71G.4.	ICr.71H.5 Refer to ICr.71G.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.71I **Slope Instability Area 3 Overlay** Structures	ICr.71I.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).	ICr.71I.2 not applicable	ICr.71I.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**
ICr.71I.4 Refer to ICr.71G.4.	ICr.71I.5 Refer to ICr.71G.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.71J **Slope instability Area 3 Overlay** New buildings for residential and/or commercial activities	REr.71J.1 In the Slope Instability Area 3 Overlay new buildings for residential and/or commercial activities are not permitted activities.	REr.71J.2 not applicable	REr.71J.3. In Slope Instability Area 3 Overlay new buildings for residential and/or commercial activities are 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 measures recommended under iv. will be implemented.

Assessment Criteria	Explanation
ICr.71J.4 Refer to ICr.71G.4.	ICr.71J.5 Refer to ICr.71G.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr71K **Slope instability Area 3 Overlay** Additions to existing buildings used for residential and/or commercial activities	REr.71K.1 In the Slope Instability Area 3 Overlay additions to existing buildings used for residential and/or commercial activities are a permitted activity provided the gross floor area of the addition does not exceed 10m^2.	REr.71K.2 not applicable	REr.71K.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
ICr.71K.4 Refer to ICr.71G.4.	ICr.71K.5 Refer to ICr.71G.5.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.71L	ICr.71L.1	ICr.71L.2	ICr.71L.3

Slope instability Area 3 Overlay Accessory buildings	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 10m^2; and b. the building is accessory to an existing residential 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.	not applicable	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**
ICr.71L.4 Refer to ICr.71G.4.	ICr.71L.5 Refer to ICr.71G.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.71M Debris Run-out Area Overlay New buildings for residential and/or commercial activities	ICr.71M.1 In the Debris Run-out Area Overlay new buildings for residential and/or commercial activities are not permitted activities.	ICr.71M.2 not applicable	ICr.71M.3 In the Debris Run-out Area Overlay new buildings for residential and/or commercial activities are 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**
ICr.71M.4 to ICr.71O.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.	ICr.71M.5 to ICr.71O.5 The Debris Run-out Area is land outside of Slope Instability Areas 1,2 and 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**
ICr.71N **Debris Run-out Area Overlay** Additions to existing buildings used for residential and/or commercial activities	ICr.71N.1 In the Debris Run-out Area Overlay an addition to an existing building used for residential and/or commercial activities is a permitted activity provided the gross floor area of the addition does not exceed 10m^2.	ICr.71N.2 not applicable	ICr.71N.2 In the Debris Run-out 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 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**
ICr.71N.4 Refer to ICr.71M.4.	ICr.71N.5 Refer to ICr.71M.5.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.71O **Debris Run-out Area Overlay** Accessory buildings	ICr.71O.1 In the Debris Run-out Area Overlay an accessory building is a permitted activity provided that: a. the building does not exceed a gross floor area of 10m^2; and b. the building is accessory to an existing residential unit on the site or accessory to a residential unit on the site that can occur as a permitted activity or has resource consent granted.	ICr.71O.2 not applicable	ICr.71O.3 In Debris Run-out 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 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**
ICr.71O.4	ICr.71O.5

Refer to ICr.71M.4.		Refer to ICr.71O.5.	
ICr.71P Liquefaction Hazard Overlay Building or network utility	ICr.71P.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 36m^2 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 lot prepared by a suitably qualified and experienced professional Geotechnical Engineer or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard.	ICr.71P.2 not applicable	ICr.71P.3 In 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; 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.
ICr.71P.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 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.		ICr.71P.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.	
City fringe area only			

Item	Permitted	Controlled	Discretionary/Non-

			complying/Prohibited
ICr.72 **Maximum building height** Intense Development Area	ICr.72.1 a. 20m - Intense Development Area (as shown on Planning Maps), or b. 12m - rest of City Fringe. (see definitions of 'Height' [including chimneys] and 'Height measurement').	ICr.72.2 not applicable	ICr.72.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.72.4 a. the height of the building in relation to the scale and height of buildings in the area and the Inner City Zone as a whole. b. the scale and bulk of the structure. c. the effects on significant views within or across the Inner City Zone (see Appendix 9 — Landscape components and views). d. any effects of shading on open spaces, pedestrian areas, and residential zones. e. the extent to which the building is likely to have an overbearing effect on properties in adjoining residential zones.	ICr.72.5 Building height over the majority of the area provides for 4 storey buildings. This meets most needs, and is slightly less than the maximum height in the City Centre, reinforcing the importance of the Centre as the focal point for the city. Buildings over the height limits in ICr.72.1.a. and ICr.72.1.b., or buildings averaging over those height limits on sloping ground, are discretionary. An exception is provided for in the block housing the Polytechnic, where taller buildings are allowed. The preference is to allow the Polytech to build up, rather than to intrude further into residential areas. Refer also to rules for daylight angles.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.73 **External appearance** Large buildings	ICr.73.1 The erection or substantial alteration of a building is a permitted activity if: a. the gross ground floor area of the building does not exceed 2,500m^2.	ICr.73.2 The erection or substantial alteration of a building where the proposed gross floor area of the building is in excess of 2,500m^2, is controlled. Control reserved over: i. the visual appearance of the site and buildings (including advertising and landscaping), and ii. the layout of the site. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.	ICr.73.3 not applicable

Assessment Criteria	Explanation
ICr.73.4 a. the extent to which expansive walls can be softened through the use of architectural features including form or surface treatment and landscaping. b. the degree to which building appearance and site layout including advertising is harmonious with other development in the surrounding area. c. the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare. d. the efficient use of the site.	ICr.73.5 Large buildings can detract from amenity values. The rule allows control over the visual aspects of the site where the 'footprint' of the building exceeds 2,500m^2.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.73A Design and External Appearance Area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St	ICr.73A.1 The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is not a permitted activity.	ICr.73A.2 The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is a controlled activity if: a. the building is, or when altered will be, setback no more than 3m from the road boundary, and b. no car parking or loading is located between the road boundary and building frontage (or a line extended from the building frontage to the side boundaries of the site). Control reserved over: i. the design and external appearance of the building, and ii. the width and location of access to and from the site, and the direction of traffic flow (including the control of reverse manoeuvring onto roads), and iii. landscaping and maintenance of the site.	ICr.73A.3 Activities that contravene a controlled standard are discretionary.

Assessment Criteria	Explanation
ICr.73A.4 a. the extent to which the building relates positively to the street. b. the maintenance of an existing pattern of setback from the street, or the need to establish a new pattern which is more consistent with good urban design principles. c. the ability through planting or other landscaping to enhance the appearance of the site as seen from the street, having regard to the effectiveness of this in the longer term with respect to enforcement, maintenance, durability, and potential vandalism. d. the safety of vehicles entering or leaving the site, and potential impacts on pedestrian and other road users. e. the width of the vehicle access and potential impacts on the continuity of building façades and on the streetscape. f. whether the configuration of the site, existing buildings, or other significant factors limit the ability to develop the site in a way that makes the greatest contribution to the streetscape. g. the extent to which the building design and site layout promotes public safety by avoiding entrapment spots or areas with the potential to be used for anti-social behaviour (i.e. Crime Prevention Through Environmental Design).	ICr.73A.5 The area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is signalled in the Heart of Nelson Strategy to become part of the City Centre. As an interim measure ahead of a more comprehensive review of the zoning to apply to the area, and the design rules and controls that are to apply to the City Centre, some design control has been reserved over the external appearance of new or significantly altered buildings, and layout of the site. In the past rules required significant levels of parking to be provided in this area (see ICr.76.5). This, coupled with a lack of control over building location and design, was resulting in buildings that often did not contribute positively to the streetscape, and that would affect this area long term. Sometimes buildings were setback a long way from the street with parking dominating the frontage, and in other cases the required parking was accommodated under the building. This can provide a poor, and sometimes unsafe, frontage to the street. Resource consent applications, where considered necessary, will be referred to the Council's Urban Design Panel for consideration and advice.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited

~~ICr.74~~ ~~Landscaping~~	~~ICr.74.1~~ ~~Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and~~ a. ~~The landscaped area must be located along the road frontage (except for any rear site), and~~ b. ~~The landscaped area must be maintained in good condition.~~	~~ICr.74.2~~ ~~not applicable~~	~~ICr.74.3~~ ~~Activities that contravene a permitted condition (excluding condition b.) are discretionary.~~

Assessment Criteria	Explanation
~~ICr.74.4~~ a. ~~the visibility of the site and any building from any adjoining site, particularly in a Residential Zone.~~ b. ~~the visibility of the site and any building from any road, having regard to the nature and volume of traffic carried.~~ c. ~~the contribution of the landscaping to noise reduction, maintenance of privacy, or other aspects of amenity on any site.~~ d. ~~the nature and appearance of the activity and any building, and desirability of providing screening or softening.~~ e. ~~where landscaping is to be reduced, the effect on the amenity of adjoining sites, or the visibility from the road.~~	~~ICr.74.5~~ ~~Sites in the City Fringe can be rather utilitarian in appearance. The landscaping requirement is to screen the public view of such sites. It is not intended that non-compliance with condition ICr.74.4.b. will result in requiring a resource consent, because a judgement is involved in condition ICr.74.4.b. Condition ICr.74.4.b. is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned.~~

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.75 **Setback** From ~~Residential Zone~~any residential zone boundary	ICr.75.1 a. Buildings must be set back at least 3m from a ~~Residential Zone~~residential zone boundary, and b. Provision must be made for landscaping, fences, walls, or for a combination, to at least 1.8m in height along the length of the zone boundary, and c. Where landscaping is provided it must have an average depth of 1.5m along the boundary.	ICr.75.2 not applicable	ICr.75.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.75.4 a. the effects on the amenity of the neighbouring property(ies). b. any provision for compensating landscaping or screening. c. the scale and height of the buildings within the reduced setback. d. the ability to better use the site and provide better environmental quality elsewhere on the site. e. any aspects of the proposal which may compensate	ICr.75.5 This provision ensures a degree of outlook is maintained from residential properties, and provides opportunity to "soften" that outlook by planting or other site treatments. Landscaping along the boundary can be to an average depth, to provide for variability in depth, thus increasing the visual interest.

for reduced landscaping or screening, such as the nature of planting or materials used, the location of parking, manoeuvring or storage areas, and offices.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.76 **Parking and loading**	ICr.76.1 ~~Parking~~Any parking, loading, manoeuvring, and queuing areas provided 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, except: a. for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St where rules ICr.31 and ICr.31A apply as if the area were City Centre, and b. no reverse manoeuvring is permitted onto the ring road from any site.	~~ICr.76.2~~ *Rule ICr.76.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020*	ICr.76.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.76.4 a. refer to Appendix 10. b. for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St the assessment criteria for rules ICr.31and ICr.31A apply. c. where a Travel Management Plan is required under ICr.76.3, it shall include the following, taking into account the reduction in parking spaces being sought: i. The nature and scale of the activity and associated parking demands from employees and visitors/customers; ii. Proposed means of reducing parking demands, such as; ▪ Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies ▪ Sharing parking spaces between complementary uses and spreading peak loads ▪ Encouraging more use of public transport, walking and cycling iii. Proposed means of monitoring outcomes.	ICr.76.5 Refer to Appendix 10.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.76A **Cycle parking**	ICr.76A.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	ICr.76A.2 not applicable	ICr.76A.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to the matters outlined in Appendix 10.

	loading.		

Assessment Criteria	Explanation
ICr.76A.4 Refer to Appendix 10.	ICr.76A.5 Refer to Appendix 10.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.77 **Access**	ICr.77.1 ~~Vehicle~~ a. Where provided, vehicle access must be ~~provided~~formed and maintained on each site in accordance with the standards set out in Appendix 11 - Access standards and the mandatory matters detailed at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2020. b. Micromobility access is required where vehicle access is not provided. Micormobility access must be provided and maintained for each site in accordance with the standards set out in Appendix 11.	ICr.77.2 not applicable	ICr.77.3 a. Micromobility access that contravenes a permitted condition is a restricted discretionary activity. b. Shared private vehicle access for 4 or more residential units is a restricted discretionary activity. ~~Activities~~Discretion is restricted to the matters outlined in Appendix 11. Any other activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
ICr.77.4 Refer to Appendix 11.	ICr.77.5 Refer to Appendix 11.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
~~**ICr.78**~~ ~~**Retail activity**~~	~~ICr.78.1~~ ~~Retail activity (including display) is permitted, if:~~ ~~a. it is a single business, and the site is occupied by no more than one other retail business under any lease, sublease, licence or concession. (For the purposes of this rule, retail activities ancillary to the normal activities of the Polytechnic are considered a single business, and are exempt from b. and c. below), and~~ ~~b. the retail activity involves one or more of the following:~~ ~~i. the sale of goods manufactured or processed on-site.~~	~~ICr.78.2~~ ~~Retail activity that does not comply with the permitted conditions, is controlled, if:~~ ~~a. it is a single business occupying the entire site, with no part of the site occupied by any other retail business under any lease, sublease, licence or concession, and~~ ~~b. the retail activity and display is indoors, and the activity and display occupies a gross floor area in excess of 2,500m^2, and~~ ~~c. the site has vehicle access either directly onto the ring road, or onto a road at a point within 50m of the intersection of that road~~	~~ICr.78.3~~ ~~Any retail activity that does not comply with a permitted condition or a controlled standard is discretionary.~~

	ii. the sale of goods which is ancillary to retail services, or trade sales, or sale of motor fuel and vehicle accessories. iii. sale of food, groceries and related consumables. iv. sale of goods by auction. v. the outside storage and display of large bulky items such as building materials, heavy equipment, boat and vehicle sales (but excluding vehicle wrecking yards), or wood and concrete products, or landscape supplies (provided the outside retail and display area is not less than 60% of the total retailing area of the activity), and c. the area for retailing in b.i., ii., or iii. (including display) does not exceed 160m².	with the ring road. Control reserved over: i. the visual appearance of the site and buildings (including advertising), including the layout of the site and landscaping, and ii. the number and position of vehicle entrances, and iii. the impacts on traffic safety and movement, and iv. the provision of adequate loading and manoeuvring space for delivery vehicles.	

Assessment Criteria	Explanation
ICr.78.4 a. the extent to which the scale or type of retailing proposed would adversely affect the strength and vitality of the City Centre. b. the extent to which any retailing outside the scope of the standards would, or is likely to, create an aggregation of retail activity in the vicinity e.g. is likely to attract other retail activities to join them on the site or nearby (e.g. large "anchor" tenant type activity). c. the extent to which any aggregation of retailing in the area, or any cumulative effects of additional retailing in the City Fringe, would weaken rather than support or complement the role of the City Centre as the retail, cultural and visitor focal point for the District. d. whether the retail activity is, or would be, unreasonably constrained by a City Centre location eg. in terms of the size of the site needed, servicing and access, or the existing or likely customer base. e. the likely impacts of the activity on traffic congestion, access, and the safety and efficiency of the road network. f. the extent to which expansive walls can be softened through the use of architectural features including form or surface treatment and landscaping. g. the degree to which building appearance and site layout including advertising is harmonious with other development in the surrounding area. h. the extent to which the site layout will minimise potential effects on the neighbouring area including	ICr.78.5 The rule aims to control retailing activity in the City Fringe that might be to the detriment of the vitality of the City Centre. The permitted standards set out the situations where retailing activity is not considered detrimental, or indeed is suited to the environment sought in the City Fringe. Sale of goods associated with a retail service could include such things as the sale of pharmaceuticals associated with a health facility. Larger floor space outlets can consist of dominant and rather utilitarian buildings with large expanses of car parking. They are to be dealt with as controlled activities so that control can be exercised over aspects such as appearance, landscaping and traffic safety, as each of these factors will be different in particular circumstances. These larger activities are required to be either on the ring road, or on a suitable road that joins the ring road, because of their traffic demands. A maximum distance from the ring road is stated to keep these activities relatively close to the City Centre. The maximum distance, however, needs to be sufficient to allow for the location of a complying vehicle access as set out in Appendix 11, Table 11.1 - Minimum distance of vehicle crossing from intersections. Single retail operations are specified in the controlled rule that deals with large stores to avoid malls or shopping complexes which might detract from the City Centre. Up to two retail outlets per site are allowed in the permitted rule. This allows such things as drive through food outlets and service stations to co-locate.

noise, appearance and glare. i. the proximity and linkages of the site to the City Centre. j. the ability to locate a safe vehicle access to the site. k. for a controlled activity, the assessment criteria in ICr.73, ICr.74, ICr.76 and ICr.77 as appropriate.	Provision is made for activities that do not fit the permitted or controlled standards, to be considered on their merits as a discretionary activity, on a case by case basis. The Polytechnic operates as one activity comprised of many parts which potentially creates the need for a range of retailing activity ancillary to the various courses operated. In addition activities such as the retail of stationery, banking facilities, food retailing and the like are common on the campus of tertiary education facilities. Because of this, specific acknowledgement of the special nature and need for such activities on the Polytechnic site is considered appropriate. Note: With respect to a controlled activity application under ICr.78.2, rules ICr.73, ICr.74, ICr.77, and the locational matters in ICr.76 do not apply. This is because the subject matter of these rules, is a matter over which control is reserved in ICr.78.2.

Rules relating to overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.79 **Retail Activity** **St Vincent St and Haven Road** Scheduled Site - Sch.J	ICr.79.1 Retailing permitted if: a. it complies with Scheduled Site - Sch.J.	ICr.79.2 Scheduled Site - Sch.J applies.	ICr.79.3 Scheduled Site - Sch.J applies.
Assessment Criteria		**Explanation**	
ICr.79.4 Refer to ICr.78.4.		ICr.79.5 Refer to Schedule Sch.J.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.80 **Ajax Avenue Special Amenity Area** Scheduled Site - Sch.K	ICr.80.1 Scheduled Site - Sch.K applies.	ICr.80.2 Scheduled Site - Sch.K applies.	ICr.80.3 Scheduled Site - Sch.K applies.
Assessment Criteria		**Explanation**	
ICr.80.4 Refer to Schedule Sch.K.		ICr.80.5 Refer to Schedule Sch.K.	

Subdivision rules - city centre and city fringe areas

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.81 **Subdivision - General** Except for subdivision located in theany Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage Overlayoverlays or Heritage Precinct	ICr.81.1 Not a permitted activity.	ICr.81.2 Any subdivision not located in theany Flood Area, Liquefaction, Slope Instability Area 2, Slope Instability Area 3, Debris Run-out and Heritage Overlayoverlays or Heritage Precinct 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	ICr.81.3 Any subdivision not located in the Heritage Overlay or Heritage Precinct that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a. every allotment (other than an access lot) complies with mandatory matters relating to storm water

		mandatory matters in the Nelson Tasman Land Development Manual 2020, and c. esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Table 6.2 - Riparian or coastal areas with priority values 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, except in the Inundation Overlay, 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, except in the Inundation Overlay, and f. every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and g. any existing buildings comply with the conditions for permitted activities, or a resource consent. Control reserved over: i. the matters contained 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, and iv. protection of natural features, landscapes, heritage items and trees and Māori values, and v. riparian management, and. vi. public access, and vii. 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 pedestrian, cycle,	and sewerage in Chapters 5 & 6 of the Nelson Tasman Land Development Manual 2020, and b. every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.	

		active transport, micromobility, and vehicle access, and b. the intensity of buildings to be erected on each lot and the siting of such buildings, and c. provision of services, 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. in the Inundation Overlay, in addition to the matters listed above, control is reserved over: a. finished ground level, and b. the nature of infill, its compaction and placement.		

Assessment Criteria	Explanation
ICr.81.4 a. the matters in the Nelson Tasman Land Development Manual 2020, and b. the extent of compliance with Appendix 10, Appendix 11, Appendix 12, and c. ~~The~~the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided. d. effects on ~~traffic~~all modes of transport (including pedestrians, cycles, active transport, micro mobility, and motor vehicles), pedestrian, cycle, active transport, micro mobility and road ~~network~~networks, access, parking (including cycle, active transport, micro mobility, motor vehicle and accessibility parking), stormwater management, water supply, sewage reticulation, and power and telecommunication services. e. 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. 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. the actual and legal protection of significant natural	ICr.81.5 Specific rules apply to subdivision activities proposed within the Heritage Overlay or Heritage Precinct (see rules ICr.82 and ICr.83). Subdivision is a controlled activity 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. There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this zone. 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 sewers and other services, to avoid the need for costly and disruptive upgrading later. 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

features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area. h. the extent to which the proposal has regard to Māori values, particularly any traditional, cultural, or spiritual aspect relating to the land. i. any consultation, including with Tāngata Whenua as appropriate, and the outcome of that consultation. j. avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. k. financial contributions (see Chapter 6). l. the development potential of other adjacent land. m. the ground level required to avoid the effects of flooding. n. 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. o. effects on neighbouring properties, especially stormwater runoff. p. provision of adequate flow paths for surface flooding. q. the possibility of an overloaded public storm water system overflowing onto private property. r. effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land. s. 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. t. 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. u. an existing protection of the area including any existing esplanade reserves or strips or any protective covenants. v. 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. w. the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.	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 - Riparian or coastal areas with priority values 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 strips 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 1 - Riparian and coastal margins with identified riparian values 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 consequent effects on stormwater ponding. 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 Rule ICr.55 - Earthworks where a site is being filled.

~~Rules~~Subdivision rules relating to ~~overlays~~Overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.82 **Heritage Precinct**	ICr.82.1 Subdivision is not a permitted activity.	ICr.82.2 not applicable	ICr.82.3 Subdivision in any Heritage Precinct is discretionary.

Assessment Criteria	Explanation
ICr.82.4 a. the application will be assessed for compatibility with the Design Guide for that precinct. b. the assessment criteria for ICr.81.4 - Subdivision - general.	ICr.82.5 Subdivision in the Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under ICr.81 - General. For subdivision in the Heritage Precinct, subdivision consent is only required under ICr.82, 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
ICr.83 **Heritage overlays** Excluding Heritage Precincts	ICr.83.1 Subdivision is not a permitted activity.	ICr.83.2 not applicable	ICr.83.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay (excluding a Heritage Precinct) is discretionary.

Assessment Criteria	Explanation
ICr.83.4 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. 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 criteria for ICr.81 - Subdivision - General.	ICr.83.5 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 ICr.81 - General. For subdivision in the Heritage Overlay, subdivision consent is only required under ICr.83, 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 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**
ICr.84 **Subdivision in any Flood Area**	ICr.84.1 Subdivision is not a permitted activity.	ICr.84.2 not applicable	ICr.84.3 Subdivision in the Flood Hazard Overlay or the Inundation Overlay of this Plan is **restricted discretionary**. 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 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 relevant matters of control and restricted discretion in ICr.81 Subdivision - General. ICr.84A.3A Subdivision in the High Flood Hazard Overlay or any Flood Path or Floodway is a **restricted discretionary** activity if it: 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 relevant matters of control and restricted discretion in ICr 81 Subdivision - General. ICr.81A.4 Subdivision in the High

			Flood Hazard Overlay, or in any Flood Path or Floodway that: a. that creates an additional vacant allotment that locates any part of an identified building platform or access within the High Flood Hazard Overlay, any Flood Path or Floodway is a **non-complying activity**.

Assessment Criteria	**Explanation**
ICr.84.5 a. for any resource consent application under these rules the Council will consider any matters of restricted discretion for flood hazards in this plan relevant to the activity, and any risk to people, property, infrastructure and the environment from the flood hazard.	ICr.84.6 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. The non-complying activity status applied to locating building platforms in the 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 avoided where possible. Refer to Chapter 3 Administration for information on the preparation of applications and an explanation of the Flood Areas.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.85 **Slope Instability Area 2 Overlay** Subdivision	ICr.85.1 Subdivision is not a permitted activity.	ICr.85.2 not applicable	ICr.85.3 In Slope Instability Area 2 Overlay, subdivision is a discretionary activity.

Assessment Criteria	**Explanation**
ICr.85.4 a. see Rules ICr.71A, ICr.71B, ICr.71C, ICr.71D and ICr.71E relating to activities in Slope Instability Area 2 Overlay. b. see the assessment matters in Rule ICr.81.4 - 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.	ICr.85.5 Slope Instability Area 2 consists of areas with elevated potential for slope instability. While the risk of failure is not as high as Slope Instability Area 1, careful management of subdivision is appropriate to manage risk to people, property and infrastructure.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
ICr.86 **Slope Instability Area 3 Overlay** Subdivision	ICr.86.1 Subdivision is not a permitted activity.	ICr.86.2 not applicable	ICr.86.3 In Slope Instability Area 3 Overlay, subdivision is a discretionary activity.

Assessment Criteria	**Explanation**
ICr.86.4 a. see Rules ICr.71F, ICr.71G, ICr.71H, ICr.71I and ICr.71J relating to activities in Slope Instability Area 3 Overlay. b. see the assessment matters in Rule ICr.81.4 -	ICr.86.5 Slope Instability 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.

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.	While the risk of slope failure is not as high as Slope Instability 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
ICr.87 Debris Run-out Area Overlay Subdivision	ICr.87.1 Subdivision is not a permitted activity.	ICr.87.2 not applicable	ICr.87.3 In the Debris Run-out Area Overlay, subdivision is a discretionary activity.

Assessment Criteria	Explanation
ICr.87.4 a. see Rules ICr.71K and ICr.71L relating to activities in the Debris Run-out Area Overlay. b. see the assessment matters in Rule ICr.81.4 - Subdivision - General}. c. for 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 Area Overlay, that are relevant to the proposed activity, and in particular, any risk to people, property and infrastructure.	ICr.87.5 The Debris Run-out Area is land outside of Slope Instability Areas 1,2 and 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, it is appropriate to manage subdivision in the Debris Run-out Area to manage risk to people, property and infrastructure.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
ICr.88 Liquefaction Hazard Overlay Subdivision	ICr.88.1 Subdivision is not a permitted activity.	ICr.88.2 not applicable	ICr.88.3 Subdivision within the Liquefaction Hazard Overlay 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. imitigation 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; and vi. the matters of control and restricted discretion in ICr 81 Subdivision - General.

Assessment Criteria	**Explanation**
ICr.88.4 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 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.	ICr.88.5 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 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.

Freshwater rules
Refer Appendix AP28.9 for freshwater rules.