10

industrial zone

INr rules

INr.1 Rule table – rules

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

Note 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.

Note also that the Industrial Zone extends over part of the Coastal Marine Area to include wharves, berthage areas, and areas for the manoeuvring of vessels within the Port Operational Area. Within this area the provisions of both Chapter 10 - Industrial Zone and Chapter 13 - Coastal Marine Area apply. Where there is any conflict, the Coastal Marine Area provisions shall take precedence.

INr.2 Prohibited activities

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

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

INr.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.

INr.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 INr.8 regarding further matters of control.)

INr.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 Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

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

INr.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 Act (including financial contributions underChapter 6) may be imposed on non-complying activities.

INr.7 Scheduled sites

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

INr.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:

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

INr.8.b Bonds or covenants or both, to ensure performance or compliance with any conditions imposed; and

INr.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 Act; and

INr.8.d The duration of a resource consent, under section 123 of the Act; and

INr.8.e Lapsing of a resource consent, under section 125 of the Act; and

INr.8.f Change and cancellation of a consent, under sections 126 and 127 of the Act; and

INr.8.g Notice that some or all conditions may be reviewed at some time in the future under section 128 of the Act; and

INr.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 Act.

INr.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.

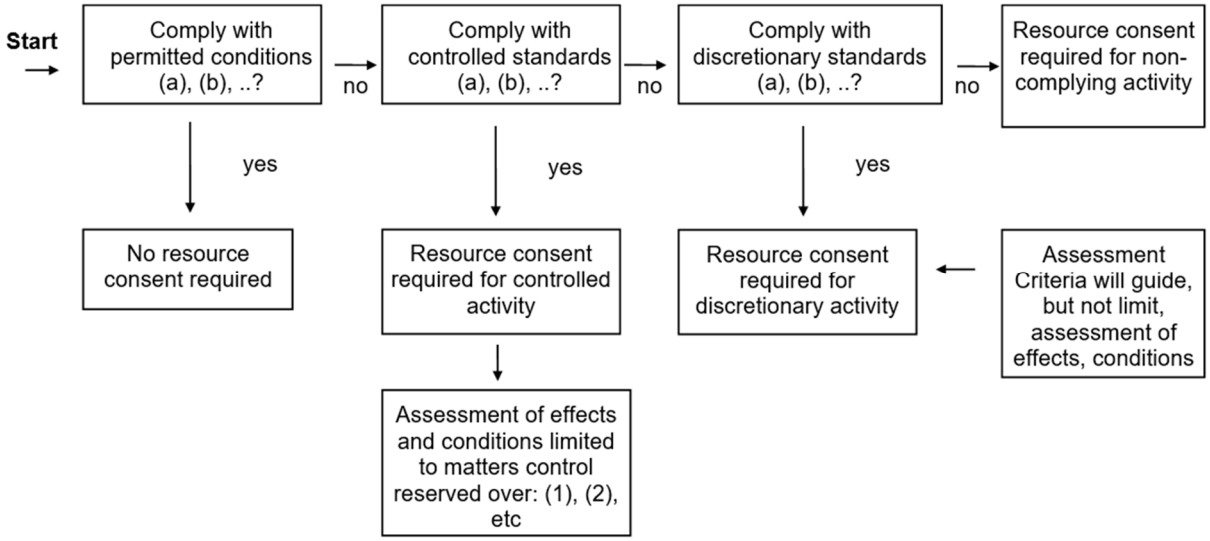
INr.10 Reading the rule table

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.



INr.10.1 Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a resource consent. Where relevant, this is indicated in the explanation to those rules.

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

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

Contents of industrial zone rule table

INr.20	Residential units
INr.21	Retail activities
INr.22	Office facilities
INr.23	Port Industrial Area exceptions
INr.24	Airport area exceptions
INr.25	Airport - Aircraft engine testing
INr.26	Nayland Road South restrictions
INr.27	Buildings and structures - Height
INr.28	Set back a. From State Highway, arterial, principal or collector roads b. Trent Drive (access to airport terminal)
INr.29	Set back - From Residential Zone boundaries
INr.30	Setback - Nayland Road South industrial area
INr.32	Building over or alongside drains and water mains
INr.33	Signs
INr.34	Outdoor storage
INr.35	Parking and loading
INr.35A	Cycle parking
INr.36	Access
INr.37	Noise - General
INr.38	Noise - At residential boundary
INr.39	Airport noise - Aircraft noise management
INr.40	Port Industrial Area noise management
INr.41	Light Spill
INr.42	Closing times - Services to the public
INr.43	Disposal of trade waste to sewer
INr.44	Hazardous substances use and storage
INr.45	Production of hazardous substances
INr.46	Radioactive material
INr.47	Aerials
INr.48	Radiofrequency exposure levels
INr.49	Network utility - Above ground and underground utilities
INr.50	Minor upgrading of electricity transmission lines and support structures
INr.51	Structures on the road reserve
INr.52	Network utility - Roads
INr.53	Building on low lying sites

INr.54	Earthworks
INr.54A	Landfill
Rules relating to overlays on Planning Maps	
INr.55	Services Overlay - Building
INr.56	Coastal Environment Overlay - Activities near the coast
INr.57	Coastal Environment Overlay - Minor upgrading of electricity transmission lines and support structures
INr.58	Riparian Overlay - Activities on land identified with riparian values
INr.59	Flood Path and Floodway
INr.60	*This rule is deleted by Plan Change 29*
INr.60A	Flood Areas except Flood Paths or Floodways - Storage of a hazardous substance
INr.60B	Flood Areas except Flood Paths and Floodways - Building and below ground swimming pools
INr.60C	Flood Areas except Flood Paths or Floodways - Fence, wall, retaining wall, outside storage
INr.60D	Flood Areas except Flood Paths or Floodways - Network utility
INr.60E	Flood Areas except Flood Paths or Floodways - Earthworks
INr.60F	Flood Areas except Flood Paths and Floodways - Flood mitigation and protection works
INr.61	Heritage Buildings, Places and Objects - Alterations to Group A and B Items
INr.62	Heritage Buildings, Places and Objects — New Buildings on the site of a Heritage item
INr.63	Heritage Buildings, Places and Objects — Demolition or removal of Group A and B items
INr.64	*This rule is deleted by Plan Change 29*
INr.65	Heritage Trees — Trimming of a Heritage Tree identified in Appendix 2
INr.66	Landscape Trees — Trimming of a Landscape Tree identified in Appendix 2
INr.67	Heritage and Landscape Trees - Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
INr.68	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
INr.69	Local Trees - Removing a Local Tree identified in Appendix 2
INr.70	Marina - Scheduled site - Sch.M
INr.71	Airport Effects Control Overlay - Acoustic Insulation of Buildings
INr.71A	Port Effects Control Overlay - Acoustic Insulation of Buildings
INr.72	Airport Effects Advisory Overlay
INr.72A	Liquefaction Hazard Overlay — Building or network utility
Subdivision rules - Industrial Zone	
INr.73	Subdivision - General (except for subdivision in the Services or Heritage overlays, Liquefaction Overlay, or any Flood Area)
INr.73A	Subdivision in any Flood Area
Rules relating to overlays on Planning Maps	
INr.74	Services Overlay - Subdivision
INr.75	Heritage Overlays — Subdivision

INr.75A	Activities in Schedule N
INr.76	Liquefaction Hazard Overlay - Subdivision
Freshwater Rules	
	(Refer Appendix AP28.9 for freshwater rules)

Industrial rule table

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.20 **Residential units**	INr.20.1 Construction of a new residential unit is permitted if: a. it is ancillary to a permitted industrial activity on the site; and b. where it is within the Airport or Port Effects Control Overlay, the building complies with the relevant rule INr.71 - Airport Effects Control Overlay – acoustic insulation of buildings or INr.71A - Port Effects Control Overlay – acoustic insulation of buildings; and c. the residential unit is provided with an outdoor living court: i. minimum area: 1 bedroom 25m^2, or 2 or more bedrooms 40m^2; and ii. minimum dimension 4m; and iii. units without a room on the ground floor may instead provide a balcony (minimum area of 12m^2, minimum dimension of 2.4m); and iv. the outdoor living court is readily accessible from a living area of the unit.	INr.20.2 not applicable	INr.20.3 Activities which contravene a permitted condition are discretionary, except where condition INr.20.1b is contravened, where the activity is non-complying.

Assessment Criteria	Explanation
INr.20.4 a. any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone. the need to locate a residential activity in this Zone. b. the amenities available to the occupants of the area such as access to open space. c. the nature of any adjoining activities and their potential to create adverse impacts on anyone living in the area. d. for units within the areas in INr.20.1.b. the ability to avoid or mitigate the effects of noise on the residential activity.	INr.20.5 The rule restricts the establishment of residential units in the Industrial Zone in order to protect the scarce industrial land resource, and ensure its full utilisation for industrial purposes. The rule allows for essential residential living within the Industrial Zone, for example, where a caretaker may be required for security or monitoring reasons. Where units are proposed within the areas identified as having high noise levels within or near to the Port Industrial Area and airport, there is a particular need to address the effects of noise. Acoustic insulation is required for residential units within the Airport and Port Effects Control overlays to reduce the effects of airport and port noise on residential units.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.21 **Retail activities**	INr.21.1 Retailing activities are permitted if they: a. involve the sale of food, groceries and related consumables and the area for retail activity and display does not exceed 100m^2; or b. involve the sale of motor fuels and vehicle accessories and ancillary goods, provided the area for ancillary retail activity (including a. above) does not exceed 100m^2; or c. sell goods produced or processed on the site, and which is ancillary to the industrial use of the site; or d. require the outside storage of large bulky items such as building materials, heavy equipment and vehicle sales, or wood and concrete products, landscape supplies; or e. plants and gardening materials.	INr.21.2 not applicable	INr.21.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.21.4 a. any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone. b. any potential cumulative effects on the commercial zones of allowing such activities to locate out of zone. c. any special needs and effects which mean that the activity does not fit within the commercial zone. d. the scale and nature of the activity.	INr.21.5 The intention of these rules is to limit as far as possible the intrusion of non-industrial activities into land set aside for industrial activity other than those activities which must by their scale and nature be located in an industrial area.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.22 **Office facilities**	INr.22.1 Office facilities are permitted if they are ancillary to the industrial use of the site.	INr.22.2 not applicable	INr.22.3 Activities which contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.22.4 a. any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone. b. the relationship of the service to industrial activities. c. mitigation of any permitted effects of adjacent industry.		INr.22.5 These rules permit ancillary office facilities. The intention is to limit as far as possible the intrusion of non-industrial activities into land set aside for industrial activity, to protect the scarce industrial land resource, and to achieve its full utilisation for industrial purposes.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.23 **Port Industrial Area exceptions**	INr.23.1 Office, recreational, and other facilities (excluding commercial accommodation) within the Port Industrial Area are permitted if: such activities relate directly to, or serve activities in the port area and coastal marine area.	INr.23.2 not applicable	INr.23.3 Activities which contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.23.4 a. any actual or potential cumulative effects of allowing such activities to locate in the Port Industrial Area and such effects on other zones. b. the scale of the activity in relation to the industrial area it will serve. c. the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area. d. the efficiency and sustainability of use of Port infrastructure and resources.		INr.23.5 Rule provides exception for activities which rely on the special characteristics of the Port Industrial Area which may not otherwise be permitted in the area, but which relate directly to or serve activities in the port area and coastal marine area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.23.1. The intention of the rule is to ensure that any office, recreational and other facilities within the area relate directly to or serve activities in the port area and coastal marine area. This ensures that there is limited scope for the intrusion of non-port related activities into the Port Industrial Area without the need for resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more, and maximises the use of land for port related activities.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.24 **Airport area exceptions**	INr.24.1 Commercial or recreational facilities within the Airport industrial area are permitted if: such activities relate directly to or serve airport activities.	INr.24.2 not applicable	INr.24.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.24.4 a. the effects on the Coastal Marine Area. b. the relationship of the activity to the airport. c. the efficiency and sustainability of use of airport infrastructure and resources. d. any actual or potential cumulative effects of allowing such activities to locate in the Zone.	INr.24.5 Rule provides exception for activities which rely on the special characteristics of the area and Zone which may not otherwise be permitted in the area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.24.1.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.25 **Airport** Aircraft engine testing	INr.25.1 a. INr.25.1 no person shall start or run an aircraft propulsion engine for the purposes of aircraft engine testing unless carried out in compliance with the following maximum noise levels at or within the boundary of any residentially zoned site: Monday to Sunday 6am to 10pm: 55 dBA Leq (8 hours) All other times: 45 dBA Leq (8 hours) All days 10pm to 6am: 75 dBA Lmax; and b. between 6am and 10pm aircraft engine testing shall as far as practical be carried out within an effective noise enclosure. From 10pm to 6am aircraft engine testing shall be carried out within an effective noise enclosure; and c. in some emergency situations it may be necessary to conduct essential unscheduled maintenance and engine testing that cannot comply with the above noise limits. No more than 12 of these tests can be conducted in any calendar year. The time, duration, and other essential details shall be recorded and reported as soon as practical to the Nelson Airport Noise Environment Advisory Committee.	INr.25.2 not applicable	INr.25.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
INr.25.4 a. the length of time, and 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. c. the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission. d. any opportunities to mitigate the noise. e. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.	INr.25.5 Engine run ups or testing can give rise to noise levels in the order of 80-95 dBA which can create sleep disturbance.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.26 **Nayland Road South Restrictions**	INr.26.1 Industrial activities in the Nayland Road South industrial area are permitted if they: a. involve the handling, storage, processing or packaging of fruit or vegetable products; or b. involve activities which are incidental to, or directly complement the above food processing industries.	INr.26.2 Activities involving the sale of landscape supplies, plants or gardening materials on Lots 1 and 2 DP 18299 are controlled. Control reserved over: a. location of goods having the potential to generate dust and other airborne contaminants; and b. methods used to mitigate the effects of airborne contaminants.	INr.26.3 Activities that contravene a permitted condition or a controlled standard are discretionary.

Assessment Criteria	Explanation
INr.26.4 a. any actual or potential effects on the regionally significant food processing industries that have established within the zone. b. the scale and nature of the activity proposed.	INr.26.5 The purpose of this rule is to protect the Nayland Road South food processing industries from the actual or potential effects associated with other potentially incompatible industrial activities. The rule provides greater certainty for existing activities on Lots 1 and 2 DP18299, to which rule INr.21 does not apply. Control is reserved over certain matters to ensure that effects of dust and other airborne contaminants on food processing industries in the zone are minimised. This rule has been adopted as an interim measure until the Council releases its Air Quality provisions of the Nelson Resource Management Plan. It is intended that the measure of protection required by these industries, and provided by more effects based controls, will be considered in depth during that later planning process.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.27 **Buildings and structures** Height	INr.27.1 Buildings and structures are permitted if: a. maximum height is: i. 12m; or ii. 15m in the Nayland Road South industrial area, or to the south of Saxton Road West and bounded by Whakatū Drive and Main Road Stoke. b. buildings (except for any aerial) do not penetrate a recession plane starting at 2.5m vertically above the road boundary, increasing at an angle of 45º inclined into the site, where the road is a State Highway, arterial, principal or collector road; and c. buildings do not penetrate the relevant recession plane ~~in~~ where the site adjoins a Residential Zone, and for sites in the Nayland Road South industrial area, any other zone. Where the site adjoins the 5 metre strip (being part of Lot 34 DP349352 and Lot 34 DP362586) the site boundary shall be deemed to be the eastern boundary of the said strip for the purposes of measuring daylight angles. (see definition of 'Height' [including chimneys] and 'Height measurement').	INr.27.2 not applicable	INr.27.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.27.4 a. any actual or potential adverse impacts on existing or permitted activities on any adjoining property, and the road as a result of shading. b. the scale of the proposed structure in relation to the surrounding environment. c. any cumulative effects on the surrounding environment.	INr.27.5 The rule provides for a large building up to the equivalent of a 4 storey building which allows most large warehouses and buildings designed to accommodate substantial machinery. In the Nayland Road South industrial area, buildings are permitted to a greater height than in the remainder of the zone recognising the size of structures such as bulk cool stores. The conditions protect daylight admission to major through roads and to residentially zoned sites, to ensure that at least a minimum amount of daylight is received. In the Nayland Road South industrial area, it is important to also protect daylight admission to adjoining rural zones because many of the structures are very bulky. Buildings over the height limits in INr.27.1, or buildings averaging over those height limits on sloping ground, are discretionary. Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 - Designations, this is considered the road boundary. The road hierarchy is defined on Planning Map A2.1.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.28 **Set back** a. From State Highway, arterial, principal or collector roads b. Trent Drive (access to airport terminal)	INr.28.1 On the road frontage with the State Highway, or with any arterial, principal or collector road, or with Trent Drive (access to the airport terminal): a. buildings must be set back a minimum of 2m from the road frontage; and b. a landscape strip of an average depth of not less than 1.5m must be established and maintained across the front of the site; and c. in the case of Trent Drive, the front of the site is considered to be the road frontage in front of a building (excluding the terminal), including any leased area surrounding the building. d. Conditions a., b. and c. shall not apply to network utility facilities that are no more than e. 15m^2 in area and no more than 3.5m in height.	INr.28.2 Buildings which contravene a condition for permitted activities are controlled, if: a. not more than 25% of the area within 2m of the road frontage is occupied by buildings. Control reserved over: i. open space, design, appearance and landscaping. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.	INr.28.3 Activities which contravene a controlled standard are discretionary.

Assessment Criteria	Explanation
INr.28.4 a. the appearance of the building from the street. b. any impacts on the street such as shading. c. the nature and location of buildings in the area. d. mitigation measures proposed such as additional landscaping. e. the nature of any mitigation measures proposed in the place of landscaping. f. alternative locations of landscaping and its visibility from the street.	INr.28.5 The rule seeks to ensure that major routes are not overly dominated by buildings and that sufficient space is left for landscaping of the site. Provision is made for the landscaping to be arranged as best suits the site providing it adjoins the frontage. This gives flexibility in design, and allows space for large trees to be established. Small network utility buildings are permitted to be located within these setbacks because they are considered to have no more than minor visual effects in an industrial environment. Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 - Designations, this is considered the road boundary. The road hierarchy is defined on Planning Map A2.1.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.29 **Set back** From Residential Zone boundaries	INr.29.1 a. Buildings (excluding Telecommunication and Radiocommunication facilities), storage yards, vehicle parking areas and vehicle accesses must be set back a minimum of 3m from a 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.	IN29.2 not applicable	IN29.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.28.4 g. the appearance of the building from the street. h. any impacts on the street such as shading. i. the nature and location of buildings in the area. j. mitigation measures proposed such as additional landscaping. k. the nature of any mitigation measures proposed in the place of landscaping. l. alternative locations of landscaping and its visibility from the street.	INr.28.5 The rule seeks to ensure that major routes are not overly dominated by buildings and that sufficient space is left for landscaping of the site. Provision is made for the landscaping to be arranged as best suits the site providing it adjoins the frontage. This gives flexibility in design, and allows space for large trees to be established. Small network utility buildings are permitted to be located within these setbacks because they are considered to have no more than minor visual effects in an industrial environment. Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 - Designations, this is considered the road boundary. The road hierarchy is defined on Planning Map A2.1.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.29 **Set back** From Residential Zone boundaries	INr.29.1 a. Buildings (excluding Telecommunication and Radiocommunication facilities), storage yards, vehicle parking areas and vehicle accesses must be set back a minimum of 3m from a 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.	IN29.2 not applicable	IN29.3 Activities which contravene a permitted condition are discretionary.

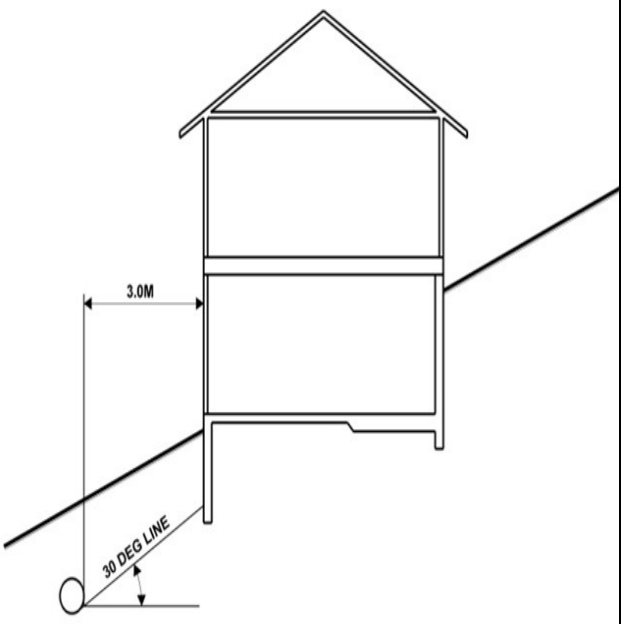
Assessment Criteria	Explanation
INr.29.4 a. the nature of the activity proposed and its actual and potential effects on any existing or permitted activities (including permitted location of activities) in the Residential Zone. b. any proposed mitigation measures.	INr.29.5 This rule seeks to ensure activities which may disturb permitted or actual activities in the Residential Zone are kept a sufficient distance from boundaries to enable screening to be achieved through landscaping.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.30 **Setback** Nayland Road South Industrial Area	INr.30.1 a. no part of any industrial activity shall locate within 100m of the northern boundary with the Residential Zone, except where a buffer strip of not less than 20m in width has been set aside which contains a landscaped bund of not less than 3m in height; and b. no part of any industrial activity on the southern side of Saxton Road West shall locate within 5m of the road boundary. A minimum of 5m landscaping strip shall be established and maintained within the setback; and c. no part of any industrial activity shall locate within 50m of the boundary of the railway reserve as designated in Appendix 24, except where along the length and parallel to the railway reserve i. a 5m wide landscaping strip is established and maintained; and ii. a 3m high acoustic fence with no gaps is erected and maintained on the industrial side of the landscaping strip. The fence is to be constructed in accordance with the specifications in Appendix 27 and is to be continuous with any acoustic fences on adjoining properties; and	INr.30.2 not applicable	INr.30.3 Activities that contravene a permitted condition are discretionary.

	d. no buildings, accessory structures, storage yards, parking areas or accessways shall be located within any setback or strip as described in a. or c. above; and e. the buffer strip required by a. above may, subject to appropriate encumbrances registered on the land titles, be on either side of the industrial/residential boundary, or may include land on both sides; and f. the landscaping required by a. and c. above shall be established and maintained using trees that grow in excess of 3m in height. This landscaping shall visually screen the industrial activities from other adjacent properties.		
Assessment Criteria		**Explanation**	
INr.30.4 a. the actual or potential effects of the proposed industrial activity on residential or rural amenities, such as noise or aesthetics. b. alternative methods proposed to ensure the amenity values of adjacent sites are protected. c. any cumulative effects on the surrounding environment.		INr.30.5 This rule is designed to ensure setbacks, buffer strips and bunds are provided. The purpose of these tools is to mitigate the adverse effects from industrial activities on the amenity values of adjacent properties. The rule also requires that the landscaped bund exist before new industrial activities establish within 100m of this boundary. The purpose of the landscaped bund is to ensure the Nayland Road South industrial area can coexist immediately alongside a Residential Zone. The 5m landscaping strip referred to in rule INr.30.1.c.ii. does not apply in respect of the entire southern frontage to Saxton Road West, but only to that part of the frontage that lies directly opposite the residential properties identified. For the balance of this frontage rule INr.28 - Set back applies.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.32 Building over or alongside drains and water mains	INr.32.1 Structures 5m or greater from a public or common private drain (piped or open) or a public or common watermain are a permitted activity. Structures on a property that are closer than 5m to a public or common private drain (piped or open) or a public or common watermain are permitted provided that:	INr.32.2 not applicable	INr.32.3 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

	In all cases: a. any structure must be located outside of the top of a bank; or b. any structure located within 5m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified and experienced chartered civil engineer)(see diagram); and For drains or watermains greater than 150mm in diameter or any drains or watermains deeper than 1.2m to invert: c. any structure must be located no closer than 1.5m plus the depth of the drain or watermain measured horizontally from the near side of any public or common private water main, or common private or public sewer or stormwater pipe; and d. there is no structure overhanging/cantilevered for the full width as identified in INr.32.1.c. (1.5m plus the depth of the drain or watermain measured horizontally from the near side of any public or common private water main, or common private or public sewer or stormwater pipe); and For drains or watermains less than or equal to 150mm diameter and less than 1.2m depth to invert: e. any structure must be located no closer than 1.5m measured horizontally from the near side of any public or common private water main or common		and repair; and iii. alternative locations for the pipe and methods of emplacement. Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a **discretionary** activity. All other activities are **discretionary**

	private or public sewer or stormwater drain; or f. any structure may be located within 1.5m or directly over a common private or public piped drain; providing that: i. the length of pipe built over is no more than 6m in length; and ii. there are no changes in direction or junctions in the portion of the drain built over; and iii. the length of drain built over is relaid using a continuous length of pipe iv. there is a minimum 6m clear length and 3m clear width and 1.8m clear height at one end of the sleeve to allow replacement of the pipe; and v. the pipes are not pressurised; and g. any structure may overhang a line of the pipe or drain that is less than or equal to 150mm diameter and less than 1.2m depth to invert, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m.		

Assessment Criteria	Explanation
INr.32.4 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.	INr.32.5 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 INr.32.1b: 

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.33 **Signs**	INr.33.1 Any sign must be designed and constructed in accordance with Appendix 20 - Signs and outdoor advertising.	INr.33.2 not applicable	INr.33.3 See Appendix 20.

Assessment Criteria	Explanation
INr.33.4 Refer to the Assessment Criteria in Appendix 20.	INr.33.5 Refer to Appendix 20.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.34 **Outdoor storage**	INr.34.1 Outdoor storage of goods or materials must either: a. be screened from public view; or b. be maintained in a neat and tidy condition.	INr.34.2 not applicable	INr.34.3 Activities which contravene a permitted condition (excluding condition b.) are discretionary.
Assessment Criteria		**Explanation**	
INr.34.4 a. the visual impacts of the goods or materials. b. the nature of the surrounding area. c. the amount of traffic using any adjoining road, including whether it is a gateway route into the city.		INr.34.5 Outdoor storage of goods or materials in areas visible to the public can create visual pollution if not carried out in a reasonably orderly manner and with consideration for the appearance of the area as a whole. It is not intended that non-compliance with INr.34.b. will result in requiring a resource consent because a judgement is involved in condition b. Condition 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**
INr.35 **Parking and loading**	INr.35.1 Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 - Standards and terms for parking and loading.	INr.35.2 *Rule INr.35.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020*	INr.35.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.35.4 Refer to Appendix 10.		INr.35.5 Refer to Appendix 10.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.35A **Cycle parking**	INr.35A.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.	INr.35A.2 not applicable	INr.35A.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to the matters outlined in Appendix 10.
Assessment Criteria		**Explanation**	
INr.35A.4 Refer to Appendix 10.		INr.35A.5 Refer to Appendix 10.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.36 **Access**	INr.36.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility	INr.36.2 not applicable	INr.36.3 Activities that contravene a permitted condition are discretionary.

	buildings) in accordance with the standards set out in Appendix 11 and the mandatory matters at Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019.		
Assessment Criteria		**Explanation**	
INr.36.4 Refer to Appendix 11.		INr.36.5 Refer to Appendix 11.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.37 **Noise** General	INr.37.1 Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: a. **Day Time** L10: 65 dBA b. **Other Times** L10: 55 dBA Lmax: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.) All measurements and assessment in accordance with NZS 6801:1991 and NZS 6802:1991. This rule does not apply to aircraft noise, noise generated within the Port Operational Area or off-site traffic noise.	INr.37.2 not applicable	INr.37.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.37.4 and INr.38.4 a. the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. b. the nature and location of nearby activities and the effects they may experience. c. the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission. d. the effects on residential activities, particularly night time effects. e. any opportunities to mitigate the noise e.g. by the design of buildings, site layout, use of setbacks, timing of operations, positioning of quieter activities such as offices, modification of equipment or vehicles, earth mounds. f. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.		INr.37.5 and INr.38.5 The rule provides measurable certainty as to what noise levels might be anticipated or may be emitted in the Zone. Residential standards are applied at the boundary of the Zone to ensure that cross-boundary effects do not occur. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound). This rule is subject to two references to the Environment Court (RMA 069/99 & RMA 087/99), consequently this rule is not operative.	

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.38 **Noise** At or within residential boundary, and boundary of the former railway reserve (Nayland Road South Industrial Area)	INr.38.1 Noise levels measured at, or within the boundary of, any site in the Residential Zone, or at or beyond the southeastern boundary of the former railway reserve adjacent to the Nayland Road South Industrial Area, must not exceed: a. **Day Time** L10: 55 dBA b. **Other Times** L10: 45 dBA Lmax: 75 dBA Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. All measurements and assessment in accordance with NZS 6801:1991 and NZS 6802:1991. c. Parts a. and b. of this rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS 6803P:1984 “The Measurement and Assessment of Noise from Construction, Maintenance and Demolition”. This rule does not apply to: i. noise generated by the Airport and received within the Airport Effects Control Overlay; and ii. noise generated within the Port Operational Area and received within the Port Effects Control Overlay, with the exception of noise received from the Port Operational Area at Auckland Point School where it will continue to apply unless the Port Operator has provided entirely at its cost, acoustic treatment to the classrooms at the school as though the school were to be	INr.38.2 not applicable	INr.38.3 Activities which contravene a permitted condition are non-complying.

	treated as a noise affected property. For the purposes of this rule, the noise limit to be applied at or within the boundary of Auckland Point School in respect to noise from the Port Operational Area shall be 55 dBA Leq (15 min) between 8.30am to 3.30pm Monday to Friday excluding school holidays for as long as the noise limit continues to apply. In the event the above noise levels are exceeded then the classrooms shall be upgraded where necessary to achieve a level of 40 dBA Leq (15 min, 8.30am-3.30pm) inside from noise from the Port Operational Area with ventilating windows open. Where windows must be closed to achieve 40 dBA Leq (15 min, 8.30am-3.30pm) an alternative ventilation system shall be provided.		

Assessment Criteria	**Explanation**
INr.38.4 Refer to INr.37.4.	INr.38.5 Refer to INr.37.5. This rule also requires that noise generated within the Nayland Road South Industrial Area not exceed residential standards when measured at or beyond the boundary between the former railway reserve and the adjoining properties to the south east. This is to protect the amenities of both the former railway reserve and the properties, particularly the residences, between it and Main Road Stoke.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.39 **Airport noise** Aircraft noise management	INr.39.1 a. Noise from aircraft at Nelson Airport must be managed so that the rolling three month average 24 hour night-weighted sound exposure does not exceed Ldn 65 dBA (109 Pasques) at or beyond the Airnoise Boundary as shown on the Planning Maps; and b. the daily Ldn must be measured in accordance with NZS 6805:1992 Airport	INr.39.2 not applicable	INr.39.3 Activities that contravene a permitted condition are non-complying.

	Noise and Land Use Planning; and between the hours of 12 midnight and 6am a single event noise limit (SEL) from aircraft of SEL 95 dBA must not be exceeded beyond the Airnoise Boundary in any Residential Zone except that a maximum of 24 movements (12 landings and 12 takeoffs) in any 12 month period are permitted if they have the written approval of the Nelson Airport Noise Environment Advisory Committee, and c. noise from all aircraft in c. including any exemptions from the SEL limit, must be measured in accordance with a. and b. and the night weighting shall apply. This rule does not apply to: i. emergency landings or flights required to rescue persons from life-threatening situations or to transport patients, human organs or medical personnel in medical emergency; or ii. aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at a scheduled airport; or iii. flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983; or iv. flights certified by the Minister of Defence as necessary for reasons of national security, in accordance with section 4 of the Resource Management Act.		

Assessment Criteria	Explanation
INr.39.4 a. the nature of the flights likely to generate the excess noise e.g. occasional noisy flights, or more frequent but quieter flights. b. the time of the proposed flights. c. whether the proposed exceedance is short term. d. whether the proposed exceedance would comply if the Ldn were averaged over a longer term (e.g. 12 months). e. the areas affected by the additional noise, and the sensitivity to noise of the activities in these areas.	INr.39.5 The Airport Effects overlays approximate likely noise levels based on the Airport Authority's growth projections to the year 2020. On one hand they indicate where growth in airport noise will occur and to what levels. On the other hand, through this rule, they regulate the maximum noise levels that aircraft operations at Nelson Airport can generate.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.40 **Port Industrial Area noise management**	INr.40.1 Activities in the Port Industrial Area which emit noise shall be permitted if: a. the Port Operator has produced within 6 months of notification on Variation 07/01, and at all times thereafter operates in accordance with, a Port Noise Management Plan which includes, but is not limited to, the matters set out in Appendix 29.A; and b. the Port Operator has produced within 6 months of notification of Variation 07/01, a Port Noise Mitigation Plan, and thereafter implements and complies with the Mitigation Plan for the purchase or acoustic treatment of noise-affected properties which includes but is not limited to the matters set out in Appendix 29.B; and c. the Port Operator has within 6 months of notification of Variation 07/01, established, and thereafter maintains and participates in, a Port Noise Liaison Committee which operates in accordance with the requirements set out in Appendix 29.C. Any provisions in Variation 07/01 contested by Port Nelson Ltd shall not be required to be implemented until 3 months after Variation 07/01 becomes operative.	INr.40.2 not applicable	INr.40.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
INr.40.4 not applicable	INr.40.5 Port noise management can be undertaken through a range of methods. This rule provides for noise to be managed primarily through the use of management/mitigation plans, and community liaison. The reason for this approach, which derives from Environment Court Decision C150/2003 for Port Chalmers, is to ensure that port noise is minimised and mitigation of the effects of port noise is provided to noise affected properties while enabling the Port Industrial Area and the Port Operational Area within it to continue to remain operational. The approach requires the Port Operator to provide or contribute towards acoustic insulation (and in a few cases offer house purchase) depending on the level of noise received as determined by the port noise contours. Monitoring of noise levels on a regular basis is an important aspect of this approach and will be required. Note that activities located within the Port Industrial Area but not located within the Port Operational Area must also comply with INr.37 and INr.38.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.41 **Light Spill**	INr.41.1 Artificial lighting is permitted if: a. the spill of light onto any other site within the Zone does not exceed 50 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, or at the boundary between the two zones, whichever is further from the light source; 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/navigation light or traffic signal.	INr.41.2 not applicable	INr.41.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.41.4 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.	INr.41.5 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. In the Nayland Road South Industrial Area the Industrial Zone extends partly into some residential allotments, hence the different measurement point in INr.41.1b.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.42 **Closing times** Services to the public	INr.42.1 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 **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.	INr.42.2 not applicable	IN.42.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.42.4 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).	INr.42.5 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.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.43 **Disposal of trade waste to sewer**	INr.43.1 a. Disposal of liquid trade waste to a public sewer is permitted if: not more than 0.54 litres per second per hectare of site area is discharged to the sewer; and b. financial contributions for new connections are made in terms of Chapter 6; or c. the discharge is permitted by way of a legal contract with the Nelson Regional Sewerage Business Unit, or its successor.	INr.43.2 not applicable	INr.43.3 Disposal of liquid trade waste to a public sewer in a manner which does not meet the permitted condition is a restricted discretionary activity. Discretion restricted to: i. the nature and duration of the discharge; and ii. the quantity of the discharge; and iii. the period of the discharge; and iv. the means by which adverse effects will be mitigated; and v. the provisions in place for dealing with emergency discharges.

Assessment Criteria	Explanation
INr.43.4 a. the nature of the waste. b. the characteristics of the soil and drainage in the area. c. the risk of the waste directly or indirectly contaminating any natural water, or the Coastal Marine Area. d. any likely impacts on area of cultural or natural value. e. the extent to which the applicant has considered alternative options for disposal.	INr.43.5 The rule makes those activities that contravene the permitted standards restricted discretionary. The limitation placed on the disposal of trade waste cannot be expanded as the current sewerage system is not designed to cope with significantly more trade waste arising from further industrial connections. For this reason, new industry which disposes waste to a public sewer may be required to provide upgrading contributions, or those developers may be able to exceed their allocation if they purchase additional entitlements, either by way of additional land or by agreement with other users. Chapter 6 provides for financial contributions towards infrastructure costs. Those discharges which are the subject of a contract with the Nelson Regional Sewerage Business Authority (or its successors) are exempt from the rule, as they are controlled by other mechanisms. Note: Such disposal is subject to Council's Trade Waste

		Bylaws. Note: Specific provision has been made at the Port for certain qualities of effluent to be discharged through the fisheries outfall.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.44 **Hazardous substances use and storage**	INr.44.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 - Hazardous substances.	INr.44.2 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.	INr.44.3 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**	
INr.44.4 Refer to the Assessment Criteria in Appendix 21.		INr.44.5 Refer to Appendix 21.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.45 **Production of hazardous substances**	INr.45.1 The production of hazardous substances for use or sale, or as a by-product, potential by-product, or waste product of a process, is permitted if: a. it complies with rule INr.44 - Hazardous Substances - use and storage; and b. it can be disposed of safely in accordance with good environmental practice, and without damaging ecosystems.	INr.45.2 not applicable	INr.45.3 Activities that contravene a permitted condition are a non-complying activity.
Assessment Criteria		**Explanation**	
INr.45.4 a. the quantity of product to be produced. b. whether safe disposal methods may be available in the near future, and whether there are safe methods of storing the substance in the mean time. c. the effects on the intrinsic values of ecosystems.		INr.45.5 The rule excludes the possibility that substances may be produced as a result of processes which will create disposal problems in the future.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.46 **Radioactive material**	INr.46.1 The use or storage of radioactive material is permitted if the amount is below 1 terabecquerel of radioactivity.	INr.46.2 not applicable	INr.46.3 Activities which contravene the permitted condition are: a. discretionary if emissions are less than 10 terabecquerels of radioactivity. b. non-complying within the Coastal Environment Overlay.

Assessment Criteria	Explanation
INr.46.4 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.	INr.46.5 The discretionary activity category provides for larger facilities such as new medical laboratories. 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. In the Industrial Zone, the rules impose additional control only on the higher potential emission activities, to enable wider community consultation. Note: activities are prohibited if emissions are in excess of 1,000 terabecquerels of radioactivity (see INr.2).

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.47 **Aerials**	INr.47.1 Aerials are permitted if: a. aerials attached to buildings do not exceed the height of the building by more than 7m; and b. aerials that are not attached to a building do not exceed 25m in height; 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); and d. the supporting mast does not exceed 1m in diameter.	INr.47.2 not applicable	INr.47.3 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. **Discretionary Activity** Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.

Assessment Criteria	Explanation
INr.47.4 a. the nature of the industrial area, and its proximity to a Residential Zone, or to the Coastal Marine Area. b. how prominent the site is, taking account of any significant public or private views or any significant landscapes. c. the visual impacts of the structure on the streetscape and the general public. d. any shading posed by the structure. e. the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. f. the height and bulk of the structure. g. the extent to which design, colour scheme or screening might mitigate the adverse effects of the structure. h. the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.	INr.47.5 Industrial areas tend to be quite utilitarian and the permitted standards for aerials reflect this. However, some areas have a higher sensitivity, because of their proximity to residential and other areas. These factors have to be taken account of in any application for a discretionary or restricted discretionary activity.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.48 Radiofrequency exposure levels	INr.48.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if: i. radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum	INr.48.2 not applicable	INr.48.3 Activities that contravene permitted condition i. are non-complying. Activities that contravene any other permitted condition are discretionary.

	Exposure Levels 3kHz-300GHz (“the New Zealand Standard”); and ii. prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility; and iii. where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council. Exclusion Conditions ii., and iii. of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.		

Assessment Criteria	Explanation
INr.48.4 a. the potential effects of any increase of radiofrequency exposures on the health of persons near the facility. b. the nature of any activities near the proposed site, having regard to their susceptibility to any exposures. c. the location of the site, and any potential for shielding from exposures. d. any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.	INr.48.5 Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them. In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz. The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required. The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions. Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.49 **Network utility** Above ground and underground utilities	INr.49.1 a. Any underground network utility is permitted except: i. any high pressure gas line exceeding a gauge pressure of 2,000 kilopascals; and b. Any above ground network utility is not permitted except: i. maintenance and operation of existing utilities; or ii. 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.	INr.49.2 not applicable	INr.49.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.49.4 a. any hazard presented by the utility. 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. f. any constraints on placing the utility underground.	INr.49.5 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 of "maintenance".

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.50 **Minor Upgrading of Electricity Transmission** Lines and Support Structures	INr.50.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a. the line or support structure is existing; and b. the line has a capacity of greater than or equal to 66kV.	INr.50.2 not applicable	INr.50.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.50.4 a. the impact any proposed lines and support structures will have on the character of the area. b. any alternatives considered or proposed. c. the purpose of the facility and the local community it will serve. d. any mitigation measures proposed. e. the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.	INr.50.5 "Minor Upgrading" (in accordance with the definition) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, However, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect. Note the definition of "minor upgrading".

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.51 **Structures on the road reserve**	INr.51.1 Structures on the road reserve are permitted if: a. they are part of the road infrastructure (e.g. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway; or b. structures (including equipment shelters and bus shelters) do not exceed $6m^2$ floor area and 3.5m high.	INr.51.2 not applicable	INr.51.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.51.4 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	INr.51.5 This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths. The rule is not restricted to network utility operators, to regulate bus shelters and street vendors. The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances. Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.52 **Network utility** Roads	INr.52.1 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 measures in Chapter 4 of the Nelson Tasman Land Development Manual 2020 are complied with.	INr.52.2 not applicable	INr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.52.4 a. the matters in Chapter 4 of the Nelson Tasman Land Development Manual 2020. b. the noise and air emissions from the road, taking account of the nature of nearby activities. c. any implications for traffic and pedestrian safety, both positive and adverse. d. any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e. any impacts on communities, e.g. whether the road would divide a neighbourhood. f. any opportunities to provide views and vistas from the road.	INr.52.5 New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.53 **Building on low lying sites**	INr.53.1 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	INr.53.2 not applicable	INr.53.3 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

	with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and such that stormwater runoff from the site is not directed onto other sites or into any river or stream, and natural water flows from other sites are not obstructed; and ii. 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; or ii. timber floor: 15.65m. This rule does not apply to ground levels below 15.35m NCC Datum within the Port Operational Area where the appropriate level for a building must be determined by a registered engineer. This rule does not apply to bunded hazardous substance storage areas where the bunding and stormwater system provides inundation protection for that area to a level at or above that specified in this rule.		properties.

Assessment Criteria	**Explanation**
INr.53.4 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. section 5.3.5 of the Nelson Tasman Land Development Manual 2020.	INr.53.5 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 INr.54 - Earthworks where a site is to be filled. Within the Port Operational area a number of transit storage sheds for in transit goods exist. The sheds have no floors and may be below ground levels specified as permitted activities.

		Given the nature, use and location of these sheds the potential for adverse effects is low and it is unnecessary to require as stringent a standard as for other industrial buildings. Buildings within low lying parts of the Port Operational Area are provided for as permitted activities, subject to certification of floor levels by a registered engineer. Permitted activity status will not remove requirements to obtain building consents under the provisions of the Building Act and in particular the requirements of Section 36 related to the issue of building permits on sites subject to inundation. Issues of building permits on low lying sites within the Port Operational area may be subject to notation being placed on property titles recording that the building permits have been issued under Section 36(2) of the Building Act and that the site is subject to inundation. Note: for explanation of Port Industrial Area, see definition. This low lying site rule does not apply to sites within a Flood Area.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.54 **Earthworks** Note this rule is a regional and a district rule	INr.54.1 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;	INr.54.2 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 or within 20m of the Coastal Marine Area except within the Port Operational 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	INr.54.3 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

	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 within the Port Operational Area for the purpose of i. maintaining a State Highway and other roads, forming or constructing a fire break, fence line, survey line; or ii. installing a utility service line across a river; or iii. is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, 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 all formation	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 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.	revegetation; and xiv. the long term management of the land cleared, and xv. the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated; and xvi. visual effects; and xvii. the impact on privacy and on the admission of daylight and sunlight to neighbouring sites; and xviii. in the case of earthworks within the Landscape Overlay, compliance with the objectives and performance guidelines in Appendix 7 - Guide for Subdivision and Structures in the Landscape Overlay; and xix. Appendix 4 - Marine ASCV Overlay and Table 6.1 of Appendix 6 - Riparian and coastal margin overlays; and xx. Appendix 9 - Landscape components and views; and xxi. control of noise; and xxii. control of dust; and xv. traffic and access issues

	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 h. trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable; and i. material used for fill is cleanfill material; and j. soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.		

Assessment Criteria	**Explanation**
INr.54.4 In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in INr.54.2, and restrict its discretion to the matters listed in INr.54.3.	INr.54.5 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 the Category I or II Riparian Overlay shown on the Planning Maps. 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**
INr.54A **Landfill** Note this rule is a regional and a district rule	INr.54A.1 Landfills are not a permitted activity.	INr.54A.2 not applicable	INr.54A.3 Landfill activities are restricted discretionary activities if: a. the maximum height of the landfill does not exceed 2m, and its total volume is lessthan 2,000m^3; and b. the landfill accepts only cleanfill material. Discretion is restricted to those matters listed in INr.54.3 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**	
INr.54A.4 In considering applications for landfills, Council will restrict its discretion to the matters identified in INr.54A.3 provided that the application does not contravene a restricted discretionary condition		INr.54A.5 Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses. 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.

Rules relating to overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.55 **Service Overlay** Building	INr.55.1 Erection or extension of any building in the Services Overlay is permitted if: a. it is not located in the path of any future road: i. shown as an Indicative Road on any Structure Plan in the Plan; or ii. shown as Proposed Road on the Roading Hierarchy Maps A2.1 and A2.2 of the Plan; or iii. shown as Proposed Road on any Planning Maps of the Plan. b. existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development; and c. the building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.	INr.55.2 not applicable	INr.55.3 Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary. Discretion is restricted to: i. ensuring adequate capacity and availability exists in the Council water supply, stormwater and wastewater drain to cope with the demands of development of the site(s); and ii. ensuring all connections to Council services (excluding roading) are to gravity systems; and iii. in the absence of i. or ii. above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems; and iv. the location of building or development to ensure it does not impede the route or construction of any future road or utility services. Resource consent for restricted discretionary activities will be considered without notification. **Discretionary Activity** Activities that propose to connect to on site services are discretionary.

Assessment Criteria	Explanation
INr.55.4 a. the mandatory matters and good design guidance contained in the Nelson Tasman Land Development Manual 2020. b. that the location of the building or development does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development. c. whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route. d. whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12, FWr.14, FWr.25 and FWr.29. c. the strategic planning programme for servicing sites within the district.	INr.55.5 The Services Overlay is the area shown on the Planning Maps where the existing stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections. Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater in the Services Overlay. Until that upgrading takes place, building will be discretionary. If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered. Gravity fed systems are preferred because these have lower maintenance costs and are more reliable. The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for residential development is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development. Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity. Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.56 **Coastal Environment Overlay** Activities near the coast	INr.56.1 With the exception of the Port industrial area, within 20m of the boundary with the Coastal Marine Area the following are not permitted activities: a. erection or extension of any building; or b. storage of goods unless the activity is associated with maintenance of an existing network utility.	INr.56.2 On land located within the Coastal Environment Overlay, within 20m of mean high water springs, extension of an existing structure or utility service line or structure is controlled. Control reserved over: i. appearance of the proposed structure and/or works; and ii. effects on public access; and iii. discharge of contaminants; and iv. remedial measures.	INr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.56.4 a. the visibility of the site from the coast. b. the accessibility of the public to the locality. c. the nature of the activity and its likely visual impacts on the coast. d. any mitigation measures proposed such as landscaping, fencing or in terms of building design. e. the effects of activities on values unidentified in Appendix 4 - Marine ASCV Overlay and Appendix 6 - Riparian and coastal margin overlays.	INr.56.5 The rule provides a level of control to ensure that developments adjoining the coast are undertaken in a sensitive manner which will not detract from the appearance of the area from the coast. The Port industrial area is excluded from the rule because of the nature of the structures and activities that occur there. See also rule INr.54 - Earthworks. The rule only regulates certain activities within 20m of the coast. In some parts of the zone the Coastal Environment Overlay will extend beyond this. In these situations the

		overlay acts as an additional assessment matter in the consideration of any resource consent application. Note the definition of “Maintenance”.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.57 **Coastal Environment overlays** Minor Upgrading of Electricity Transmission Lines and Support Structures	INr.57.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Coastal Environment overlays if: a. the line or support structure is existing; and b. the line has a capacity of greater than or equal to 66kV.	INr.57.2 not applicable	INr.57.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.57.4 a. the visibility of the site from the coast. b. the accessibility of the public to the locality. c. the nature of the activity and its likely visual impacts on the coast. d. any mitigation measures proposed such as landscaping, fencing or in terms of building design. e. the effects of activities on values unidentified in Appendix 4 and Appendix 5.		INr.57.5 “Minor Upgrading” (in accordance with the definition) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, However, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect. Note the definition of “minor upgrading”.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.58 **Riparian Overlay** Activities on land identified with riparian values	INr.58.1 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.	INr.58.2 On land located within a Riparian Overlay listed within Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over i. protection of indigenous vegetation; and ii. mitigation measures related to contaminants; and iii. disturbance of riverbanks; and iv. maintenance of access; and v. remedial measures.	INr.58.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.58.4 a. the values for esplanade purposes stated in Table 6.2 - Riparian or coastal areas with priority values 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.		INr.58.5 This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition. In the case of Riparian overlays in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent e.g. when there is a change of land use activity on the site. The width of the desired esplanade	

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.		reserve or strip is set out in Table 6.2 of Appendix 6.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.59 **Flood Path and Floodway**	INr.59.1 In any Flood Path or Floodway, the following are permitted activities: a. underground network utility lines; or b. above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (e.g. the underside of a bridge superstructure); or c. earthworks (associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered); or d. the operation, maintenance, renewal, repair or minor infrastructure upgrade of existing land drainage works, stormwater management devices or flood mitigation works where the work is being undertaken by a network utility operator.	INr.59.2 not applicable	INr.59.3 Activities and buildings that are not listed in SCr.54.1 or otherwise contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.59.4 a. any effects of the development on any Flood Path or Floodway. b. any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites. the ground level or floor level height required to give protection from a 1 in 100 year (2130) return period event. c. 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.	INr.59.5 All buildings and any above ground structures, and any earthworks (other than temporary earthworks for laying underground utilities) in any Flood Path or Floodway have been made discretionary activities so the degree of risk to life and property can be evaluated in each case. 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
~~INr.60 Inundation overlays Low lying ground susceptible to localised stormwater ponding or tidal inundation~~	*This provision is deleted by Plan Change 29.*		

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.60A Flood Areas except Flood Paths or Floodways Storage of a hazardous substance **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60A.1 In Flood Areas, except Flood Path or Floodway, the aboveground 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.	INr.60A.2 not applicable	INr.60A.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 be located 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; and viii. the need to locate Nationally and/or Regionally Significant Infrastructure within the hazard area.

Assessment Criteria	**Explanation**
INr.60A.4 to INr.60F.4 For any resource consent application under these rules the Council will consider any of the matters of restricted discretion	INr.60A.5 to INr.60F.5 The Flood Areas reflect more recent river flood modelling commissioned by Council. The recent 2130 river flood mapping

for flood hazards in this plan relevant to the activity, and any risk to people, property, infrastructure and the environment from the flood hazard.	incorporates a 1% AEP storm event, including climate change and sea level rise under the RCP8.5M scenario to 2130. Building activities are regulated in the Flood Areas applicable to these rules so that appropriate floor levels and fill heights can be determined using the most up to date information 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 flood hazard 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 the mitigation or other appropriate measures can be provided. Refer to Chapter 3 Administration for information on the preparation of applications and an outline of the Flood Areas. Refer to INr.44 - Hazardous substances use and storage and Appendix 21.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.60B **Flood Areas except Flood Paths and Floodways** Building and below ground swimming pools **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60B.1 In Flood Areas, except any Flood Path or Floodway a building activity is a permitted activity provided that it is: a. a below ground swimming pool that is not greater than 1m above the ground level; or b. maintenance, repair or alteration to a building which does not result in any increase to site coverage; or c. in the Flood Hazard Overlay or the Inundation Overlay, additions to an existing building, that: i. is up to 30m^2 gross floor area; and ii. all additions are up to 30m^2 gross floor area cumulatively over a 10 year period from the date of notification of the Plan Change; or d. in the Flood Hazard or High Flood Hazard or Inundation overlays, additions to an existing building where a written statement is issued by a Chartered Professional	INr.60B.2 not applicable	INr.60B.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and ii. floor and/or ground levels; and iii. building design and location within the site, including foundations and whether the 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

	Engineer experienced in flood risk, confirms that: i. floors associated with habitable spaces are located above the 1% AEP flood level with a minimum of 0.5m freeboard; and ii. the additions do not impede flood flows so as to exacerbate the flood hazard to other properties upstream and downstream of the site; or e. a tent, marquee and other structure associated with a temporary event; or f. an open structure without a floor.		ix. access in a flood event, including ingress and egress; and x. ability to take an adaptive management approach; and xi. proposed evacuation plans; and xii. any additional risk from coastal flooding; and xiii. stormwater management; and xiv. the adverse effects of the works on the function and carrying capacity of natural systems; and xv. the functional and/or operational need to be located within the hazard area; and xvi. the need to locate Nationally and/or Regionally Significant Infrastructure within the hazard area.
Assessment Criteria		**Explanation**	
INr.60B.4 Refer to INr.60A.4.		INr.60B.5 Refer to INr.60A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.60C **Flood Areas except Flood Paths or Floodways** Fence, wall, retaining wall, outside storage **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60C.1 In Flood Areas except any Flood Path or Floodway a fence, wall, retaining wall, or outside storage is a permitted activity provided that: a. a retaining wall is not greater than 1.2m in height and does not obstruct a flowpath; or b. a fence or wall in the 1% AEP flood flow is designed to allow for the passage of flood waters; and c. the fence is constructed with: i. post and wire; or ii. wire mesh fences; or iii. railings where at least 70% of the surface area of the fence is not solid; or iv. solid fences and	INr.60C.2 not applicable	INr.60C.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event , including scale, location and frequency; and ii. the design of the fence, wall or retaining wall including the resilience to potential damage from the effects of flood hazards (including water and debris); and 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,

	walls with an opening of sufficient size at flood level that can convey the 1% annual exceedance probability (AEP) flood flow without exacerbating the flood hazard to other properties upstream or downstream of the site; and d. the storage of goods and materials in the 1% AEP floodplain do not impede flood flows,and are contained and secured so as not to move in a flood event.		are provided; and v. the effects of storage of outdoor goods and materials; and vi. any additional risk from coastal flooding; and vii. stormwater management; and viii. the functional and/or operational need to be located within the hazard area; and ix. the need to locate Nationally and/or Regionally Significant Infrastructure within the hazard area.
Assessment Criteria		**Explanation**	
INr.60C.4 Refer to INr.60A.4.		INr.60C.5 Refer to INr.60A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.60D **Flood Areas except Flood Paths or Floodways overlays** Network utility **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60D.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 operative date of the notification of Plan Amendment No. 29) which does not exacerbate the flood hazard on-site, or upstream or downstream of the site; or c. maintenance, repair and construction of a private road or accessway in the 1% AEP floodplain that does not impede flood flows or exacerbate the flood hazard to other properties upstream or downstream of the site; or	INr.60D.2 not applicable	INr.60D.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 be located within the hazard area; and iii. the risk of adverse effects to other people, property, infrastructure and the natural environment including: a. public health and safety; and b. impacts on ecological values and values of significance to tangata whenua and public access associated with the proposed activity, including a need for flood protection works to be required to protect the utility; and iv. the level of existing

	d. the construction, operation, maintenance, renewal or repair of a public road network located within the legal road, or the road formation width.		investment (including supporting infrastructure) and ability to readily relocate uses; and v. any exacerbation of the hazard as a result of the structure; and vi. access in a flood event, including ability to maintain safe ingress and egress; and vii. proposed evacuation plans; and viii. ability to take an adaptive management approach; and ix. any additional risk from coastal flooding; and x. stormwater management.
Assessment Criteria		**Explanation**	
INr.60D.4 Refer to INr.60A.4.		INr.60D.5 Refer to INr.60A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.60E **Flood Area except Flood Path or Floodways** Earthworks **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60E.1 In Flood Areas, except any Flood Path or Floodways, earthworks are a permitted activity provided that the earthworks: a. is not more than $3m^3$ in each calendar year of excavation or cleanfill material per site; and b. has a maximum cumulative volume of filling and excavation of 25m3 per site, within any continuous period of 10 years calendar years; or c. for the replacement of an above ground car park or accessway (including resealing) which on completion will have a finished contour that is equivalent to the original ground level at the commencement of the works; or d. for trenching which on completion will have a finished contour that is equivalent to the original ground level at the commencement of the works.	INr.60E.2 not applicable	INr.60E.3 Activities that contravene a permitted condition are restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location and frequency; and ii. the displacement of flood waters beyond the site, exacerbation of the flood hazard and impact on the conveyance function of the flood plain; and iii. the nature of the activity associated with the earthworks to be located on any filled areas; and iv. mitigation measures to address risk from the flood hazard; and v. any additional risk from coastal flooding; and vi. stormwater management; and vii. any adverse effects of the works on the function and carrying capacity of natural systems; and viii. the functional and/or operational need to locate within

			the hazard area; and ix. the need to locate Nationally and Regionally Significant Infrastructure within the hazard area.
Assessment Criteria		**Explanation**	
INr.60E.4 Refer to INr.60A.4.		INr.60E.5 Refer to INr.60A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.60F **Flood Areas except Flood Paths and Floodways** Flood mitigation and protection works **This rule does not apply to Nelson Airport see Appendix 31.**	INr.60F.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.	INr.60F.2 not applicable	INr.60F.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. residual risk; and vii. stormwater management; and viii. the functional and/or operational need to be located within the hazard area; and ix. the need to locate Nationally and/or Regionally Significant Infrastructure within the hazard area.

Assessment Criteria		Explanation	
INr.60F.4 Refer to INr.60A.4.		INr.60F.5 Refer to INr.60A.5.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.61 **Heritage Buildings, Places and Objects** Alterations to Group A and B items	INr.61.1 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 (unless otherwise specified in Appendix 1 in which case a. also applies); or c. the work is the installation, maintenance or upgrade of a customer connection from a network utility, and exterior alterations or additions to the heritage item avoid primary elevation and architectural features and detailing that contribute to the item's heritage values.	INr.61.2 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, 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. INr.61.3 Removal of an unreinforced masonry chimney from a Group A or B building, place of 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.	INr.61.5 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 in Appendix 1 which does not comply with the conditions for a permitted or controlled activity is a restricted discretionary activity. Discretion is restricted to: i. location, design and appearance; and ii. effects on heritage values; and iii. materials and finishes; and iv. methods of attachment; and v. health and safety risks posed by earthquakes. Resource consent applications for restricted discretionary activities will be considered without notification.

		INr.61.4 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 elevation 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 panel do not extend over the edges of the roof place and are not located within 300mm of the ridge(s) of the roof; and ii. the solar panels are mounted at the same angle as the roof; and iii. the solar panels are mounted with one edge parallel to the slope of the roof face; and iv. only solar panels and associated fixings and clips are visible from the road, and conduit and other equipment do not protrude from under the panel; 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	

		vii. edges; and the solar panels on the roof planes containing parapets, dormer windows, skylights or chimneys are arranged in a symmetrical pattern on the roof plane.	

Assessment Criteria	**Explanation**
INr.61.4.6 a. the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b. whether the item has particular value because of the scarcity of heritage buildings, places or objects in the area, or because it forms part of a precinct of heritage buildings. c. the effect of the proposed alterations or additions on the integrity of the original heritage building or object, taking account of the scale of additions to the heritage building and the extent of loss (if any) of material of heritage significance, and how visible the change will be. d. degree whether the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, if not in sympathy with the heritage building or object, is clearly distinguishable from the original as new work. e. whether the proposed alterations or additions avoid or minimise changes to any primary elevation. f. whether architectural features and detailing that contribute to the heritage values of the item are protected. g. the use of materials and design reflect the heritage values of the item. h. whether the proposed alterations or additions recover or reveal heritage values of the item, or remove features or additions that compromise the heritage values of the item. i. the need to protect the heritage item and people from the risk of earthquake damage. j. whether there is a functional need to attach equipment to the exterior of the heritage item, and whether the methods of attachment are appropriate and will avoid damage to fabric. k. whether the proposed alterations or additions contribute to the long-term viability, retention or ongoing functional use of the item. l. the ability of the applicant to develop or use the site without the alteration, and the economic effects of this. m. whether the heritage value of the building, place or object has altered since the item was listed in the Plan. n. any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.	INr.615.7 The rules provide tvarious levels of protection depending on the activity and categorisation of the heritage building, place or object. Minor maintenance is allowed for Group A and B items. Activities 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 alterations and additions, a discretionary resource consent is required for Group A heritage items and a restricted discretionary consent for Group B items to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the 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. Note: Buildings must comply with the general rules on bulk and location. See also AP20r.4 in relation to signs on heritage buildings and trees.

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.62 **Heritage Buildings, Places and Objects** New Buildings on the site of a Heritage Item	INr.62.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.	INr.62.2 not applicable	INr.62.3 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 the existing heritage item; and ii. distance of new building from, and location and relationship to the existing heritage item; and iii. effects on heritage values. Resource consent applications for restricted discretionary activities will be considered without notification.
Assessment Criteria		**Explanation**	
INr.62.4 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. 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 from adjoining public spaces. e. the matters in the Heritage Precinct Design Guides and Rules for heritage precincts where appropriate.		INr.62.5 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.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.63 **Heritage Buildings, Places and Objects** Demolition or removal of Group A and B items	INr.63.1 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.	INr.63.2 not applicable	INr.63.3 **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**	
INr.63.4 a. the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b. 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		INr.63.5 Group A buildings, places and objects have a high level of heritage significance to the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while still recognising that they have heritage significance to the District and their retention is important. Buildings and objects may have different strengths of association with their site and situation. Relocation on the same site or to an adjoining site may have limited adverse effects, while relocation to a site further away will have a greater adverse effect.	

be protected or covenanted on its new site. e. whether part of the building, place or object can be kept, while still maintaining to a reasonable degree, the features for which the item was listed. f. the ability of the applicant to economically develop or use the site without demolition, alteration or removal. g. the nature of any activity that is proposed to occur on the site, including the design and appearance of any replacement building or object. h. whether the heritage value of the building, place or object has altered since the item was listed in the Plan. i. any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole.			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.64 **Heritage Buildings, Places and Objects** **Demolition or removal of Group C items**		*This provision is removed by Plan Change 29.*	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.65 **Heritage Trees** Trimming of a Heritage Tree identified in Appendix 2	INr.65.1 Trimming of a Heritage Tree is permitted if: a. either: i. it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown; or ii. it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve; and b. the work is done in accordance with accepted arboricultural practice.	INr.65.2 not applicable	INr.65.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.65.4 - INr.69.4 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		INr.65.5 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.	

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. 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.
i. 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.
j. 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).

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.66 **Landscape Trees** Trimming of a Landscape Tree identified in Appendix 2	INr.66.1 Trimming of a Landscape Tree is permitted if: a. it is crown thinning (as defined); and b. the work is done in accordance with accepted arboricultural practice.	INr.66.2 Activities that contravene a permitted condition are controlled. Control 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.	INr.66.3 not applicable

Assessment Criteria	Explanation
INr.66.4 Refer to INr.65.4.	INr.66.5 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
INr.67 **Heritage and Landscape Trees** Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2	INr.67.1 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.	INr.67.2 Activities within the root protection zone of a Heritage or Landscape Tree that contravene a permitted condition are controlled if the tree and the activity are located within the road reserve. Control reserved over: i. location, proximity to tree trunk, timing and manner in which the activity is carried out; and ii. remedial measures. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Resource Management Act.	INr.67.3 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**	
INr.67.4 Refer to INr.65.4.		INr.67.5 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**
INr.68 **Heritage and Landscape Trees** Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	INr.68.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.	INr.68.2 not applicable	INr.68.3 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**	
INr.68.4 Refer to INr.65.4.		INr.68.5 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 that 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**
INr.69 **Local Trees** Removing a Local Tree identified in Appendix 2	INr.69.1 Removing a Local Tree is permitted if written notice is given to Council at least 1 week prior to work being done.	INr.69.2 not applicable	INr.69.3 Activities that contravene a permitted condition are discretionary.
Assessment Criteria		**Explanation**	
INr.69.4 Refer to INr.65.4.		INr.69.5 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**
INr.70 **Marina** Scheduled site - Sch.M	INr.70.1 Activities are permitted if they comply with Schedule Sch.M.	INr.70.2 Schedule Sch.M applies.	INr.70.3 Schedule Sch.M applies.
Assessment Criteria		**Explanation**	
INr.70.4 Refer to Schedule Sch.M.		INr.70.5 Refer to Schedule Sch.M.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.71 **Airport Effects Control Overlay** Acoustic insulation of buildings	INr.71.1 Within the Airport Effects Control Overlay-construction, or substantial alteration of a building is permitted if: a. either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 - Acoustic insulation requirements; or b. the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to	INr.71.2 not applicable	INr.71.3 Activities that contravene a permitted condition are non-complying.

	demonstrate that the building design will reduce noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).		

Assessment Criteria	Explanation
INr.71.4 a. the location of the site in relation to the noise contour, and the main source of the noise. b. the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c. the nature of the activity, and its susceptibility to noise. d. the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e. the potential cumulative effects of an increased exposure to noise.	INr.71.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.71A **Port Effects Control Overlay** Acoustic insulation of buildings	INr.71A.1 Within the Port Effects Control Overlay, construction, or alteration or a building is permitted if: a. the building is acoustically insulated to reduce noise levels to no greater than 45 dBA Ldn inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 - Acoustic insulation requirements; and b. prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified and experienced acoustic engineer to demonstrate that the building design complies with paragraph a. above; and c. the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a. above.	INr.71A.2 not applicable	INr.71A.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria		Explanation	
INr.71A.4 not applicable		INr.71A.5 The rule is based on the predicted exposure of the site are within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification of a suitably qualified and experiences acoustic engineer is considered appropriate.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.72 **Airport Effects Advisory Overlay**	INr.72.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	INr.72.2 not applicable	INr.72.3 not applicable
Assessment Criteria		**Explanation**	
INr.72.4 In the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.		INr.72.5 The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.	
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.72A **Liquefaction Hazard Overlay** Building or network utility **This rule does not apply to Nelson Airport see Appendix 31.**	INr.72A.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	INr.72A.2 In the Liquefaction Hazard Overlay a building or a network utility that contravenes a permitted condition is a controlled activity. Control is reserved over: i. the level of liquefaction hazard on the site; and ii. the location, scale and nature of the activity proposed for the site; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures recommended to reduce the risk; and v. as detailed in an assessment of the liquefaction hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted	INr.72A.3 not applicable

	or Engineering Geologist which included recommendations to mitigate the risk from liquefaction hazard.	with the resource consent application; and iii. the extent to which the proposal demonstrates that mitigation measures recommended under iv. will be implemented. Resource consent applications for controlled activities will be considered without notification or obtaining written approval of affected persons.	

Assessment Criteria	**Explanation**
INr.72A.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.	INr.72A.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.

Subdivision rules

Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.73 **Subdivision – General** Except for subdivision in the Services or Heritage overlays, Liquefaction Overlay, or any Flood Area	INr.73.1 Subdivision is not a permitted activity.	INr.73.2 Any subdivision not located in the Services or Heritage overlays, Liquefaction Overlay or any Flood Area, is controlled, if: a. it complies in all respects with all the relevant standards in Appendix 10, Appendix 11 and Appendix 12; and b. it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2020; and c. esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Table 6.2 of Appendix 6, are created and vested in the Council; and d. the minimum finished	INr.73.3 Any subdivision not located in the Services or Heritage overlays, Liquefaction Overlay or Flood Area 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 it complies in all respects with all the mandatory matters relating to stormwater and wastewater in Chapters.5 & 6 of the Nelson Tasman Land Development Manual 2020.

		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; and h. at the time of subdivision of any property adjoining the Nayland Road South industrial/Residential Zone boundary, a buffer strip of at least 20m in width is set aside, and a landscaped bund at least 3m high constructed within it, along the section of the industrial/Residential Zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the industrial/Residential Zone boundary, or may include land on both sides. 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: • appropriate vehicle access; and • the intensity of buildings to be erected on each lot and the siting of such buildings; and • 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: • finished ground level; and • the nature of infill, its compaction and placement.	

Assessment Criteria	Explanation
INr.73.4 a. the matters in the Nelson Tasman Land Development Manual 2020. b. the extent of compliance with Appendix 10, Appendix 11, Appendix 12. c. the extent of compliance with plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided. effects on traffic, road network, access, 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, Flood Paths, 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 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. any 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.	INr.73.5 Specific rules apply to subdivision activities proposed within the Services and Heritage overlays (see rule INr.74 and INr.75). 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 mechanisms to achieve this protection including the taking of esplanade reserves and strips. The river and coastal margins on the Planning Maps and in Table 6.2 of Appendix 6, have been identified as containing riparian values in accord with section 229 of the Resource Management Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or 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 6.1 of Appendix 6. The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their 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 INr.54 - Earthworks where a site is being filled. In the Nayland South industrial area, a special rule has been imposed to ensure a landscaped bund is constructed when subdivision occurs on land adjoining the Residential Zone. A similar subdivision rule has been imposed on the Residential Zone. The purpose of the landscaped bund is to ensure the Nayland Road South industrial area can coexist alongside a Residential Zone.

w. the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. x. In the Nayland Road South industrial area, the extent to which industrial activities could affect the amenity of adjoining residential sites. y. The density of planting, mature height and species of plant proposed in any required landscaping.			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.73A Subdivision in any Flood Area	INr.73A.1 Subdivision is not a permitted activity.	INr.73A.2 not applicable	INr.73A.3 Subdivision in the Flood Hazard Overlay or Inundation Overlay of this Plan is restricted discretionary. Discretion is restricted to: i. the nature of the flood event, including scale, location, frequency; and ii. future use and development of the site; and iii. floor levels for future buildings and access to all buildings within the site; and iv. potential risk to life, property and the environment from the flood hazard; and v. demand for and ability to provide flood hazard mitigation measures; and vi. ability to access the site in a flood event; and vii. any effects on other sites, including in relation to flooding or character and amenity of the surrounding environment; and viii. provision of and requirement for infrastructure for the site; and ix. the matters of control and restricted discretion in INr.73 - Subdivision General. INr.73A.4 Subdivision in the High Flood Hazard Overlay, any Flood Path or Floodway is restricted discretionary 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 ability to access the site in a flood event; and iv. potential risk to life, property and the environment from the flood hazard; and v. any effects on other sites, including in relation to flooding or character and amenity of the neighbouring and surrounding environment; and vi. flood hazard mitigation measures; and vii. supporting infrastructure; and viii. the conveyance function of the flood plain; and ix. the matters of control and restricted discretion in INr.73 Subdivision General. INr.73A.5 Subdivision in the High Flood Hazard Overlay, or in any Flood Path or Floodway, that creates an additional vacant allotment that locates any part of an identified building platform or access within the High Flood Hazard Overlay, any Flood Path or Floodway is a non-complying activity.

Assessment Criteria	**Explanation**
INr.73A.6 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.	INr.73A.7 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 outline of the Flood Areas.

Rules relating to overlays on Planning Maps			
Item	**Permitted**	**Controlled**	**Discretionary/Non-complying/Prohibited**
INr.74 **Services Overlay** Subdivision	INr.74.1 Subdivision is not a permitted activity.	INr.74.2 not applicable	INr.74.3 Subdivision in the Services Overlay, is discretionary, if: a. every allotment (other than an access lot) complies with the mandatory matters relating to stormwater and wastewater 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.

Assessment Criteria	**Explanation**
INr.74.4 a. the assessment matters in rule INr.73.4 - Subdivision - General. b. the extent to which servicing has regard to the development potential of other land in the vicinity, including the development of an integrated system of roading, stormwater, sewerage, water and other servicing reticulation. In some areas special regard has to be had to the roading pattern, to avoid precluding future development of adjacent areas. In other areas there are particular servicing constraints which need special attention. c. the cost effectiveness of the servicing system, with particular regard to ongoing operation and maintenance costs. d. the extent to which fill is needed to ensure adequate fall for stormwater and sewer drainage, and any effects on adjacent land or waterways. e. financial contributions in accordance with Chapter 6. f. the need for linkages from allotments to Council services, including expansion of capacity or extension of mains. g. the cumulative effects of such subdivisions.	INr.74.5 Subdivision in the Services Overly provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 - General. For subdivision in the Services Overlay, subdivision consent is only required under INr.74, unless any other overlays also apply to the site. Subdivision in the Services Overlay is a discretionary activity rather than a controlled activity. This provides more flexibility in the range and type of conditions that can be imposed, recognising particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable. The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or sewer drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land. In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a non-complying activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important. There are also areas where services can be supplied, but where additional conditions may apply e.g. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed. The Council's Engineering Section holds copies of maps which define the servicing constraints in more detail.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.75 **Heritage overlays** Subdivision	INr.75.1 Subdivision is not a permitted activity.	INr.75.2 not applicable	INr.75.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.

Assessment Criteria	Explanation
INr.75.4 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 matters in rule INr.73.4 - Subdivision - General.	INr.75.5 Subdivision in the Heritage Overly provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under INr.73 - 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
INr.75A **Activities in Schedule N**	INr.75A.1 Schedule N applies.	INr.75A.2 Schedule N applies.	INr.75A.3 Schedule N applies.

Assessment Criteria	Explanation
INr.75A.4 Refer to Schedule N.	INr.75A.5 Refer to Schedule N.

Item	Permitted	Controlled	Discretionary/Non-complying/Prohibited
INr.76 **Liquefaction Hazard Overlay** Subdivision	INr.76.1 Subdivision is not a permitted activity.	INr.76.2 not applicable	INr.76.3 Subdivision within the Liquefaction Hazard Overlay that is a restricted discretionary activity. Discretion is restricted to: i. the level of liquefaction hazard on the site; and ii. the location, scale and nature of the activities proposed for the sites created; and iii. the level of risk including to people, property and infrastructure, both onsite and off the site; and iv. mitigation measures

			recommended to reduce the risk including, but not limited to, location, size and design of allotments, proposed building platforms, foundations, services and network utilities; and as detailed in an assessment of the liquefaction hazard risk provided in a statement issued by an experienced Chartered Professional Engineer or Engineering Geologist practicing in geotechnical hazards that is submitted with the resource consent application; and v. the extent to which the proposal demonstrates that mitigation measures recommended under d. will be implemented; and vi. the relevant matters of control and restricted discretion in INr.73 - Subdivision General.

Assessment Criteria	**Explanation**
INr.76.4 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.	INr.76.5 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.