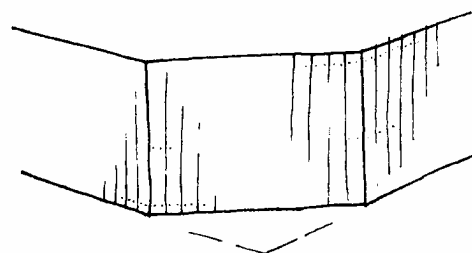


- ii). a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes, and
- e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and
- f) in the case of strata titles, site shall mean the underlying certificate of titles, immediately prior to subdivision, and
- g) in the case of an activity (e.g. Polytechnic, Port Nelson) that occupies more than one adjoining allotment, whether held in single legal title or multiple titles, site for the purpose of compliance with parking, noise and other rules shall be the total area of land occupied exclusively by that activity.

<b>MW.181</b>	<b>Site coverage</b>	means the same as building coverage.
<b>MW.182</b>	<b>Site - front</b>	a site having one or more frontages to a road, or to a common vehicle access serving more than four actual or potential residential units.
<b>MW.183</b>	<b>Site - net area</b>	see <i>Net area</i>
<b>MW.184</b>	<b>Site - rear</b>	a site which is situated generally to the rear of another site, both sites having access to the same road or vehicle access.
<b>MW.185</b>	<b>Site work</b>	means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition or removal of a building.
<b>MW.186</b>	<b>Small unstaffed network utility Building</b>	See Network Utility building, small, unstaffed.
<b>MW.187</b>	<b>Snipe</b>	means a corner set back at a road intersection, within which no structures are permitted, in order to improve traffic visibility.



<b>MW.188</b>	<b>Soil disturbance</b>	means disturbance of soil other than by modification to the shape of the land surface and includes cultivation, deep ripping, root raking, blading and compaction.
<b>MW.189</b>	<b>Standards and terms</b>	statements of the measurements, times, rates or other information that area used in a rule to classify an activity as controlled or discretionary.
<b>MW.190</b>	<b>Stock</b>	means farm animals.

<b>MW.191</b>	<b>Stock effluent</b>	<p>means</p> <ul style="list-style-type: none"> <li>a) wastewater and/or sludge from dairy sheds, piggeries or feedlots, or</li> <li>b) sludge from agricultural wastewater treatment ponds, or</li> <li>c) poultry farm litter or wastewater.</li> </ul>
<b>MW.192</b>	<b>Stock fence</b>	means fences for the purpose of containing livestock, including suspended flood gates.
<b>MW.193</b>	<b>Stoke centre</b>	means that area on the western side of Main Road Stoke, zoned Suburban Commercial, and having frontage to one or more of the following: Songer Street, Neale Avenue, Putaitai Street, Main Road Stoke, Strawbridge Square, the Fire Station Carpark, or Lichfield Street.
<b>MW.194</b>	<b>Storage</b>	in relation to hazardous substances, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and empty-ing of the container. Storage does not include substances in use, or those used as a cooling or heating medium.
<b>MW.195</b>	<b>Stormwater</b>	runoff water (excluding water in a river) that is diverted through channels or pipes for discharge into the Coastal Marine Area or into a water body.
<b>MW.196</b>	<b>Stormwater discharge</b>	means rainwater discharges to a water body which have been collected in channels and pipes.
<b>MW.197</b>	<b>Stormwater drain</b>	means a drain which collects rain water off roofs, roads and hard standing surfaces and discharges it to a river, stream or into the sea.
<b>MW.198</b>	<b>Structure*</b>	any building, equipment, device or other facility made by people and which is fixed to land, and includes any raft. For the purposes of structures in the beds of rivers and lakes, “structures” includes dams and bank protection structures fixed to the bed.
<b>MW.199</b>	<b>Subdivision*</b>	has the meaning given in the Act.
<b>MW.200</b>	<b>Substation</b>	those parts of works or electrical installations, being a building, structure or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity, but excluding electricity distribution substations occupying less than 36m <sup>2</sup> .
<b>MW.201</b>	<b>Surface water</b>	as it applies in freshwater rule ‘take, use, or diversion of surface water,’ surface water means freshwater in rivers, lakes and wetlands.
<b>MW.202</b>	<b>Sustainable Management*</b>	<p>managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:</p> <ul style="list-style-type: none"> <li>a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and</li> </ul>

**AD11.1.ii** The area subject to this Plan is the whole District including the Coastal Marine Area. The Coastal Marine Area extends seaward from mean high water springs to the outer limits of the territorial sea (“12 mile limit”). The Planning Maps show where the boundary of the Coastal Marine Area crosses rivers, usually inland of the general line of mean high water springs.

## **AD11.2 Description of zones and areas**

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**AD11.2.i** All land and sea subject to this Plan is contained within one of eight zones or areas. The reasons for the zoning approach are stated in Chapter 5 (district wide objectives and policies). The zones are: Residential, Inner City, Suburban Commercial, Industrial, Open Space and Recreation, Rural and Conservation Zones, as well as the Coastal Marine Area.

The Coastal Marine Area is not a zone. This allows the provisions of both Chapter 13 (Coastal Marine Area) and Chapter 10 (Industrial Zone) to apply to that part of the Coastal Marine area in the port which is occupied by wharves or ships at berth, and which is zoned industrial. Where there is any conflict between the two sets of provisions, the provisions of Chapter 13 (Coastal Marine Area) shall take precedence.

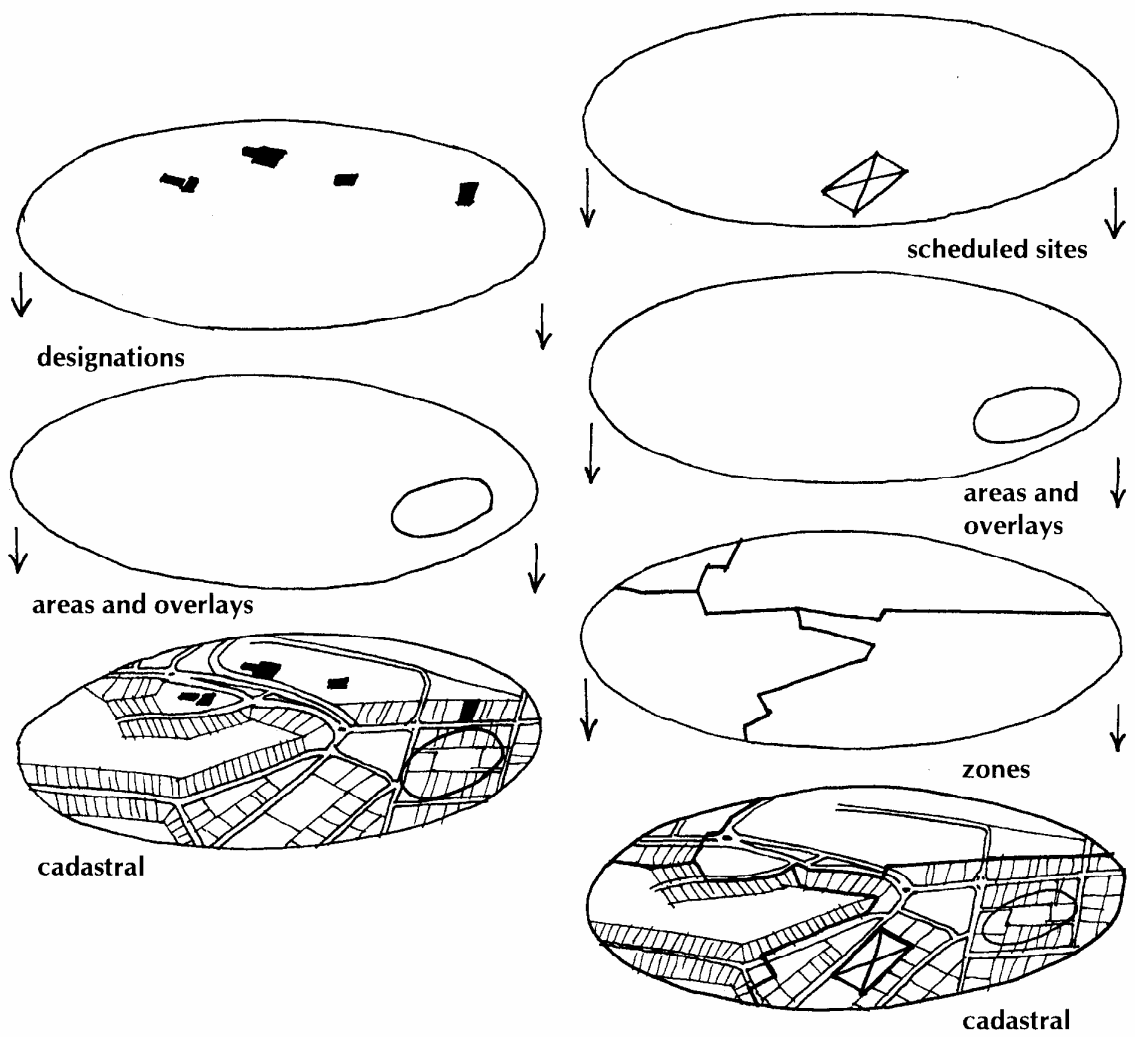
**AD11.2.ii** All rules that affect activities in any one zone or area are largely contained within the relevant zone or area chapter of this Plan, supplemented by the information in Chapters 1 to 6, and the Appendices. Where rules seek to protect values in another zone or area, the appropriate objectives and policies will be found in that other zone or area. An example of this is in the Inner City Zone, where the effects of activities on the surrounding Residential Zone are taken into account by applying more stringent performance standards to activities near the zone boundary.

**AD11.2.iii** Unless otherwise stated, all rules for the zone are applicable to all land in any one zone.

Within some zones, particular areas are identified. Areas may be subject to additional policies or rules, or policies and rules which are more specific than those applying in the remainder of the zone. Additional policies or rules apply in addition to the policies or rules for the rest of the zone. Policies and rules which are more specific than a general policy or rule apply instead of that more general provision e.g. if an Area provides for a maximum building height of 12m, while the general rule provides for 7.5m, then 12m shall prevail within the land covered by the Area.

The Areas are described below:

<b>Residential Zone</b>	Lower Density Area Higher Density Area
<b>Rural Zone</b>	Lower Density Small Holdings Area Higher Density Small Holdings Area
<b>Inner City Zone</b>	Intense Development Area City Centre City Fringe
<b>Suburban Commercial Zone</b>	Leisure Area
<b>Industrial Zone</b>	Tahunanui Area Vanguard Street/St Vincent Street Area Port Area Nayland Road South Area Saxtons Area Airport Area



**left hand facing Planning Map**

**right hand facing Planning Map**

**policy**  
**DO16.1.1 zones (and areas)**

*The District should be divided into zones (and areas), for the purposes of resource management, as follows:*

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**1. Residential Zone**

A quality residential environment that provides a choice of living styles, a high level of amenity, and a minimal occurrence of nuisances.

**Explanation and Reasons**

**DO16.1.1.i** The primary goal of the Residential Zone is to provide the opportunity for residential accommodation. Past experience has shown that people want a range of living styles to reflect their various needs, while maintaining high levels of amenity. Nuisances have adverse effects on amenity values, and can affect health and safety in residential areas.

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**2. Inner City Zone**

A City Centre which provides a strong and vibrant focus to the city, together with a City Fringe which supports and complements the City Centre.

**Explanation and Reasons**

**DO16.1.1.ii City Centre**

The Inner City Zone is created to reinforce the City Centre as the identifiable heart of the City. The key is for the City Centre to be attractive for people to visit and spend time in, and consequently for businesses to locate in. The City Centre therefore needs to have an environment which is pleasant for people and which is pedestrian-friendly. Important views from and across the City Centre will be retained, particularly to and from the Church Steps, and to the surrounding hills and sea.

**DO16.1.1.iii City Fringe**

The City Fringe is intended to support and complement, but not weaken, the role of the City Centre as the heart of the city. The environment in the Fringe will be pleasant, but of a lower standard of amenity than the City Centre. The area should also provide a transition to residential and industrial areas. This is a preferred location for larger retailers or wholesalers, but not for smaller retailers, as this would tend to weaken the City Centre. The area will be more vehicle oriented than the City Centre. Accordingly, sites should have good vehicle access and parking.

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**3. Suburban Commercial Zone**

Suburban commercial centres which enable community needs to be met, while minimising their impacts on surrounding areas.

**Explanation and Reasons**

**DO16.1.1.iv** The Suburban Commercial Zone is intended to concentrate commercial activities in areas close to the Residential Zone. This Plan anticipates that the form and nature of suburban commercial centres will alter as society changes, for example, with changes in income and mobility. This may mean that some centres may go out of existence if there is no demand for them. The Plan aims to provide sufficient flexibility to enable these centres to change and adapt. At the same time it will prevent negative effects spilling over into surrounding areas. The Zone includes the Wakefield Quay centre, which is expected to develop activities which capitalise on, and at the same time enhance, its seaside location.

#### **4. Industrial Zone**

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An environment within which there are opportunities for the needs of industry to be met, where the actual and potential effects of industrial activity are contained and some large format retailing is provided for in a discrete and efficient manner within Schedule N.

##### **Explanation and Reasons**

**DO16.1.1.v** Industry has its own particular set of environmental requirements such as the need for suitable (usually flat) land, access to services such as major transport infrastructure, water, and sewerage, and proximity to labour sources.

**DO16.1.1.vi** Industrial activity has the potential to have significant adverse environmental effects on other activities. While the community expects that effects of activities should generally not affect adjacent activities and resources, there are some effects which are difficult to control such as the effects of heavy traffic movements. If a zoning approach is used, it is not necessary to create an environment where a standard suitable for any activity exists everywhere. Separate zones have thus been created for industrial activities in order to contain adverse effects to a limited number of areas, and at the same time provide areas where industrial activities can take place. It is recognised that industrial activity needs to be accommodated in order to provide for the well being of people and the community and to process the primary products of the wider region.

**DO16.1.1.vii** The special needs of industry limit where industrial activities may go; therefore it is important to protect suitable areas of land for industrial activity in case opportunities for future growth are foreclosed by the inappropriate location of incompatible activities.

**DO16.1.1.vii(a)** Notwithstanding the foregoing considerations, provision is made for Large Format Retailing activities in the Industrial Zone specifically in Schedule N at Tahunanui. This approach recognises that:

- a) the character of some commercial activities is incompatible with the function and amenity levels of the Commercial Zones
- b) the scale of and foreseeable demand for some commercial activities is such that may be impractical for them to find adequate land in the Commercial Zones
- c) the provisions will tend to reduce the trend to increasing widespread “commercialisation” of Industrial land, and its adverse economic consequences for industrial activities
- d) the provisions are compatible with the objectives and policies for the Inner City and Suburban Commercial Zones

#### **5. Open Space and Recreation Zone**

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A framework for the present and future management of open space and recreation land.

##### **Explanation and Reasons**

**DO16.1.1.viii** The Open Space and Recreation Zone is intended to recognise and protect land already used for open space and recreation purposes. The majority of the land in the Zone is reserve land vested in the Council and administered by the Council under management plans prepared under the Reserves Act 1977.

#### **6. Rural Zone**

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An environment within which soil, water and land resources are managed sustainably, and the rural character of the District, including water works catchments, and the surroundings of urban Nelson, is maintained or enhanced.

##### **Explanation and Reasons**

**DO16.1.1.ix** The Rural Zone provides space for genuine rural or rural based activities to occur. Small holdings are included where they do not compromise the long term ability of the land to be used for productive purposes, and in locations where conflict with large scale rural activities is minimised as much as possible.

**DO16.1.1.x** The landscape is intended to remain green, spacious and uncluttered. The Zone, stretching from the intensively developed urban environment, through the less dense but settled small holdings area, to the virtually untouched conservation areas at the eastern and mountainous boundaries of the District, helps emphasise a sense of arrival to, or departure from, the city. The Zone will maintain this character as it is a highly important component of the Nelson landscape.

**DO16.1.1.xi** The Zone also provides space for small holdings. The flatter rural land within the District, which is in high demand for this sort of activity, is not generally of high quality. By comparison, much of the land in demand for smallholdings in the Tasman District is of high quality, and is of high value for horticulture in particular. In line with Nelson City Council's philosophy of achieving ~~a similar or complementary~~ an appropriate policy approach, ~~a flexible approach has been taken to the rural environment in the Nelson area~~ some provision is made in the rural environment in Nelson for rural small holdings, to help ease the pressure on the quality soils which benefit both areas. However, protection of productive capability in Tasman should not be at the expense of loss of rural character and unsustainable, inefficient or inappropriate development in Nelson. To this end, a plan change was notified in 2005 to make undersize rural small holdings subdivisions in Nelson North a non-complying activity, until such time as a framework is in place to allow for more structured and coordinated rural small holdings subdivisions in Nelson North.<sup>05/01</sup> The underlying philosophy of the management of this resource remains to protect its productive capability and to meet the other objectives of the Zone.

## **7. Conservation Zone**

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An environment where natural character and landscape values are preserved and enhanced.

### **Explanation and Reasons**

**DO16.1.1.xii** The Conservation Zone aims to preserve a unique portion of Nelson's land and water resources. It is largely unmodified, and contains some extremely important plant communities such as around Dun Mountain, and areas of high ecological significance such as the Boulder Bank. It also contains important cultural and geological sites and features, such as argillite quarries used by Maori, plus some old mining sites.

## **8. Coastal Marine Area**

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A Coastal Marine Area where the natural character is preserved and enhanced and inappropriate subdivision, use, and development do not occur.

### **Explanation and Reasons**

**DO16.1.1.xiii** The Act declares the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development to be a matter of national importance which the Council is to recognise and provide for. The coastal environment includes the Coastal Marine Area.

**DO16.1.1.xiv** The Act does not define natural character but the New Zealand Coastal Policy Statement (NZCPS) identifies various "elements" of natural character, including:

- a) the integrity, functioning and resilience of the coastal environment (NZCPS policy 1.1.4)
- b) areas of significant indigenous vegetation and significant habitats of indigenous fauna, unique and vulnerable ecosystems (NZCPS policy 1.1.2)
- c) landscapes, seascapes, land forms, characteristics of special, spiritual, historical or cultural significance to Maori; and significant places or areas of historic or cultural significance (NZCPS policy 1.1.3)
- d) water quality (NZCPS, chapter 5.0)

**DO16.1.1.xv** This Plan promotes the preservation of the natural character of Nelson’s coastal environment by identifying issues corresponding with four elements of natural character, being the preservation of:

- a) the life-supporting capacity of the coastal environment
- b) significant indigenous vegetation, habitat, land forms, and other natural features
- c) amenity values (including landscape, scenic, recreational, historical, cultural, and spiritual values)
- d) water quality

Public access to the coast and natural hazards are dealt with elsewhere in this Chapter.

**Methods** (for Zones 1 - 8)

**DO16.1.1.xvi** Methods, including rules, as stated in the zone chapters that apply different methods to the various zones.

**DO16.1.1.xvii** Planning Maps that show the zones.

## **DO16e environmental results anticipated and performance indicators**

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

<b>Anticipated environmental results</b>	<b>Indicators</b>	<b>Data source</b>
<b>DO16e.1</b> A pattern of land use that reflects the varying needs and capabilities of the areas of the District.	<b>DO16e.1.1</b> Consistent treatment of resource consent applications.	Council records, media reports
<b>DO16e.2</b> A pattern of land use that locates activities according to their effects on the environment.	<b>DO16e.2.1</b> Consistent treatment of resource consent applications.	Council records, media reports

Assessment Criteria	Explanation
<p>REr.50.4</p> <ul style="list-style-type: none"> <li>a) the potential effects of any increase of radio frequency exposure on the health of persons near the facility.</li> <li>b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li>c) the location of the site, and any potential for shielding from exposures.</li> <li>d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p>REr.50.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.51</b> <b>Buildings near transmission lines</b>	REr.51.1 Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.	REr.51.2 not applicable	REr51.3 Activities that contravene a permitted condition are discretionary.
<b>REr.52</b> <b>Network utility - buildings</b>	REr.52.1 Any network utility building is permitted if: <ul style="list-style-type: none"> <li>a) the building is directly part of a network utility, and</li> <li>b) the building is not, or does not contain, a substation, and</li> <li>c) the building does not exceed 36m<sup>2</sup> ground floor area, and 5m in height, and</li> <li>d) all parts of the site utilised by the network utility are landscaped, except those parts that are:               <ul style="list-style-type: none"> <li>i) associated with a building no greater than 15m<sup>2</sup>, or</li> <li>ii) occupied by structures, or</li> <li>iii) only utilised to the extent that they are occupied by overhead lines, or</li> <li>iv) utilised for parking, access or manoeuvring, and</li> </ul> </li> <li>e) the building complies with the relevant standards in this table <b>except</b> Rule REr.24 (site coverage), Rule REr.25 (front yards), and Rule REr.32 (maximum building height).</li> </ul>	REr.52.2 not applicable	REr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.51.4</p> <p>a) any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area.</p> <p>b) any effects to and from structures and lines including noise, visual impact and physical risk.</p>	<p>REr.51.5</p> <p>A limited number of high voltage transmission lines traverse the Residential Zone. These locations are shown on the Planning Maps. A separation distance between lines and housing is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This reflects a precautionary approach to electromagnetic fields and other effects of major overhead transmission lines. The rule provides an opportunity for evaluation of such effects when new housing is proposed in proximity to these lines (see also REr.53 for new lines).</p> <p>All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.</p>
<p>REr.52.4</p> <p>a) the potential to avoid, remedy or mitigate any effects through landscaping, alternative locations and structures, earth mounding, colour schemes and design, or other measures.</p> <p>b) the extent to which the utility may compromise the amenity of residences in terms of matters such as lighting, noise, shading, air emissions, or vibration.</p> <p>c) any risk to health, safety or property posed by the structure or activity.</p> <p>d) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</p> <p>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the facility.</p> <p>f) whether there would be environmental benefits in co-location of the facility with other utilities.</p> <p>g) any cumulative effects, particularly with regard to visual impacts with respect to existing facilities in the area.</p>	<p>REr.52.5</p> <p>Small scale utility buildings such as pump stations, transformer boxes and phone booths are an inconspicuous and inoffensive component of the utilities network and are provided for as of right. (Note: Rule REr.55 – structures on the road reserve - applies where these are in the road reserve).</p> <p>Structures larger than this (eg. reservoirs) and electricity substations which have the potential to compromise the residential environment are subject to the resource consent process. Refer to Meaning of Words MW.200 for definition of 'substation'.</p> <p>Consent could be declined or conditions placed on the facility to ensure residential amenity, and health and safety, are maintained.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.53</b> <b>Network utility - above ground and underground utilities</b>	REr.53.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) small above ground parts of an underground utility (eg. Junction boxes), or iii) as explicitly provided for elsewhere in this rule table.	REr.53.2 not applicable	REr.53.3 Activities that contravene a permitted condition are discretionary.
<b>REr.54</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	REr.54.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	REr.54.2 not applicable.	REr.54.3 Activities that contravene a permitted condition are discretionary.
<b>REr.55</b> <b>Structures on the road reserve</b>	REr.55.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high, and c) they do not obstruct the carriageway or footpaths.	REr.55.2 not applicable	REr.55.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>FWr.4.4</p> <ul style="list-style-type: none"> <li>a) effects on water quality.</li> <li>b) effects on aquatic ecosystems.</li> <li>c) the degree to which the activity affects the existing classification and values of the waterbody (refer to Appendix 28.4 and Appendix 6). Where insufficient information is available, and for unspecified rivers, a site assessment will have to be supplied when an application is made for a discretionary activity.</li> <li>d) disturbance of the bed.</li> <li>e) the method and timing of works</li> <li>f) duration of consent.</li> <li>g) monitoring and reporting requirements.</li> <li>h) review of consent conditions and the timing and purpose of the review.</li> <li>i) any effects of the activity on network utilities.</li> <li>j) flood capacity.</li> <li>k) any effects on historic heritage including an archaeological site or a site where archaeological or cultural material is discovered.</li> </ul>	<p>FWr.4.5</p> <p>Structures located in and under the beds of rivers and lakes can cause adverse effects. These range from visual intrusion on natural character and amenity values, to permanent effects on ecology and biota by restricting fish passage upstream of the structure or affecting water flow and the natural functioning of a river.</p> <p>For these reasons, instream structures should generally not be a permitted activity so the Council has the opportunity to assess potential effects, and to require appropriate measures to be undertaken to avoid or reduce adverse effects. Where the effects are significant and cannot be adequately avoided or reduced, the structure should not be erected.</p> <p>The following district wide policies are relevant to this rule:</p> <p>DO17.1.3 (flood damage)</p> <p>DO17.1.6 (structures in and under the beds of rivers, lakes and wetlands)</p> <p>DO17.2.1 (activities and structures in the beds of rivers and lakes which affect network utility operations)</p> <p>Activities adjoining a Riparian Overlay are also regulated by the 'Riparian Overlay – activities on land identified with riparian values' rule in each zone.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.5</b> <b>Bridges, culverts and fords</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.5.1</p> <p>a) The placement or erection of a bridge over the bed of a river or lake is a permitted activity if:</p> <p>i) any abutments are stabilised and protected against erosion, and</p> <p>ii) the approaches to the bridge are constructed and maintained to minimise the discharge or runoff, and</p> <p>iii) the bridge and its associated design structures is designed to convey a 1:50 year flood event (and 0.4m freeboard) in the following rivers: Reservoir Creek, Saxton Creek, Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook Stream, Oldham Creek, Todds Valley Stream, Wakapuaka River and its named tributaries and Whangamoia River and its named tributaries, and in any other rivers, the bridge and its associated design structures is designed to convey a 1:15 year flood event (with 0.4m freeboard).</p> <p>b) An existing culvert or ford which was lawfully established prior to the freshwater plan change being made operative is a permitted activity if the structure does not adversely affect:</p> <p>i) fish passage, or</p> <p>ii) water quality, or</p> <p>iii) flood capacity.</p>	<p>FWr.5.2</p> <p>a) The placement or erection of a new culvert, and associated armouring, is controlled if:</p> <p>i) the general conditions in Rule FWr.1.1 (excluding controls on aggregate extraction) are met, and</p> <p>ii) the culvert is positioned so that the gradient and alignment are the same as the river, and</p> <p>iii) the downstream floor of the culvert is set below the river bed level, and</p> <p>iv) erosion immediately below the culvert is avoided by use of armouring materials such as rocks, and</p> <p>v) the culvert is maintained so it does not become blocked by debris, and</p> <p>vi) the culvert and its associated design structures is designed to convey a 1:50 year flood event (and 0.4m freeboard) in the following rivers: Reservoir Creek, Saxton Creek, Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook Stream, Oldham Creek, Todds Valley Stream, Wakapuaka River and its named tributaries and Whangamoia River and its named tributaries, and in any other rivers, the culvert and its associated design structures is designed to convey a 1:15 year flood event (with 0.4m freeboard).</p> <p>b) Installation of a new ford is controlled if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) the ford will raise the level of the bed by no more than 300mm, and</p> <p>iii) the ford does not impede fish passage.</p> <p>Control is reserved over the following matters:</p> <p>i) damage to indigenous vegetation and habitats, and</p> <p>ii) disturbance of river banks and river beds, and</p> <p>iii) adverse effects on fish passage, and</p> <p>iv) flood capacity.</p> <p>In this rule applications for controlled activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>	<p>FWr.5.3</p> <p><b>Discretionary</b></p> <p>a) A bridge, culvert or ford which cannot meet the conditions for a permitted activity, and</p> <p>b) a culvert or ford which cannot meet the conditions for a controlled activity is a discretionary activity.</p> <p>In this rule applications for discretionary activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
FWr.11.4 a) the scale of the activity. b) any visual or noise effects. c) safety considerations. d) the effect of the proposal on non-commercial recreational activities.	FWr.11.5 While personal recreation activities such as kayaking have no adverse effects, commercial and motorised activities could adversely affect the amenity and natural values of surface waters.

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.12</b></p> <p><b>Take, use, or diversion of surface water</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.12.1</p> <p>a) The take, use, or diversion of surface water for reasonable domestic use is permitted if:</p> <p>i) the relevant conditions in Appendix 28.3 are met, and</p> <p>ii) the volume of the take does not exceed 1 m<sup>3</sup> per residential unit per day (plus 300 litres per bedroom for short term living accommodation) and there are no adverse effects on the water source, and</p> <p>iii) the rate of take does not exceed 0.5 litres per second, and</p> <p>iv) there is no take below any minimum flow specified in Appendix 28.2, and</p> <p>v) the Council's reticulated water supply is not available to the site.</p> <p>b) The take or use of surface water for stock drinking water is permitted if the rate of take does not exceed 0.5 litres per second.</p> <p>c) The take or use of surface water for fire fighting or the filling of fire ponds is permitted.</p>	<p>FWr.12.2</p> <p>not applicable</p>	<p>FWr.12.3</p> <p><b>Restricted Discretionary Activity</b></p> <p>Any take, use or diversion of surface water that contravenes a permitted condition is a restricted discretionary activity if:</p> <p>i) the relevant conditions in Appendix 28.3 are met, and</p> <p>ii) the take or use does not exceed, individually or cumulatively, the allocation limits specified in Appendix 28.2, and</p> <p>iii) the diversion does not cause any river to drop below the minimum flow specified in Appendix 28.2, and</p> <p>iv) the distance between intake and return of the water does not exceed 500 metres, and</p> <p>v) the diversion of water is not from one waterbody to another.</p> <p>Discretion restricted to:</p> <p>i) the design and location of the intake structure, and</p> <p>ii) access to pipework for maintenance, and</p> <p>iii) the volume and rate of take</p> <p>iv) reliability of supply</p> <p>v) effects on water source and values (as identified in Appendix 28.4), and</p> <p>vi) effects on other lawfully established abstractions, and</p> <p>vii) the quality of the water returned to a river by a diversion.</p> <p>In this rule applications for restricted discretionary activities will be considered without notification, the written approval of affected persons will not be necessary, and notice of the application need not be served on any person, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p> <p><b>Discretionary</b></p> <p>a) The take or use of surface water, for uses other than those listed as permitted, and</p> <p>b) any activity specified as restricted discretionary which contravenes the restricted discretionary conditions,</p> <p>is discretionary.</p> <p><b>Non-complying</b></p> <p>a) A take or use of surface water which exceeds the allocation limits specified in Appendix 28.2, and</p> <p>b) a take or use below any specified minimum flow regime, except for permitted uses, and</p> <p>c) a take, use, or diversion of water from wetlands or drainage of naturally occurring wetlands,</p> <p>is non-complying.</p> <p><b>Prohibited</b></p> <p>All takes downstream from the NCC urban water supply intakes in the Maitai River and in the downstream reach of the Roding River within the NCC boundary, which did not exist prior to 9 October 2004 are prohibited.</p>

Assessment Criteria	Explanation
<p>FWr.21.4</p> <ul style="list-style-type: none"> <li>a) risk to public health and the environment</li> <li>b) the sensitivity of the receiving environment</li> <li>c) effects on existing uses of any waterbody affected by the discharge</li> <li>d) practicable methods to decrease the potential for discharges</li> </ul>	<p>FWr.21.5</p> <p>Sewage discharges to freshwater can occur from a sewage system overflow from a stormwater system, a discharge to land, or directly to freshwater. This rule applies to <u>all</u> of these overflow discharges.</p> <p>Discharge of raw sewerage to waterbodies is unacceptable for public health, cultural and environmental reasons. However, overflows sometimes occur during heavy rain events due to inflow or infiltration of stormwater into the sewerage system, and when sewers block.</p> <p>In this rule wastewater network discharges are a discretionary activity in recognition of the fact that they do happen, that it is an expensive problem to avoid, to provide certainty of conditions and the ability to prioritise works.</p> <p>The following district wide objective and policy are relevant to this rule:</p> <p>Objective: DO19.1 (highest practicable water quality)</p> <p>Policy: DO19.1.5 (minimum quality)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>FWr.22</b></p> <p><b>Point source stormwater discharges to water</b></p> <p>[note that this rule is a regional rule]</p>	<p>FWr.22.1</p> <p>Point source stormwater discharges directly to a river are permitted if:</p> <ul style="list-style-type: none"> <li>a) the discharge is from the roof of a residential property, and</li> <li>b) the discharge does not <ul style="list-style-type: none"> <li>i) contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or</li> <li>ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or</li> <li>iii) cause a conspicuous change of colour or visual clarity, or</li> <li>iv) cause an emission of objectionable odour, or</li> <li>v) cause adverse effects on aquatic life, or</li> <li>vi) contain suspended solid concentrations in excess of 100g/litre, or</li> <li>vii) contain any hazardous substances, waste water or trade wastes.</li> </ul> </li> </ul>	<p>FWr.22.2</p> <ul style="list-style-type: none"> <li>1) Nelson City Council's point source stormwater discharges to water are a controlled activity if a reticulated stormwater quality improvement plan is provided in the discharge application which outlines how best practicable options will be used to control discharges to Council's stormwater infrastructure.</li> <li>2) Point source stormwater discharges directly to a river which are not from the Council's stormwater infrastructure, and are not a permitted activity, are controlled if <ul style="list-style-type: none"> <li>a) they do not: <ul style="list-style-type: none"> <li>i) contain any chemicals, paint, oil, grease, pesticides, fertilizer, tannins, detergent, grass clippings, rubbish, litter, or heavy metals that are, or are likely to be, toxic to the aquatic ecosystem, or</li> <li>ii) cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or</li> <li>iii) cause a conspicuous change of colour of visual clarity, or</li> <li>iv) cause an emission of objectionable odour, or</li> <li>v) cause adverse effects on aquatic life, or</li> <li>vi) contain suspended solid concentrations in excess of 100mg/litre, or</li> <li>vii) contain any hazardous substances, waste water or trade wastes, or</li> </ul> </li> <li>b) the best practicable option (eg oil separation, screening, filtering or settlement devices, or diversion to the sewerage system or a combination of these options) is taken at source to ensure that contamination of stormwater is minimised.</li> </ul> </li> </ul> <p>Compliance with the NCC Stormwater Bylaw 2006 will be deemed to be complying with condition b) of this rule, with the exception that the bylaw will be administered as a guide, and approval will be through the Consents process rather than through authorisation by the Manager Infrastructural Assets.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the volume and level of contamination, and</li> <li>ii) the method of discharge and effects arising from the method chosen, and</li> <li>iii) the provision and adequacy of equipment for the collection, treatment and disposal of any discharge.</li> </ul>	<p>FWr.22.3</p> <p>A point source stormwater discharge directly to a river that contravenes a permitted or controlled condition is discretionary.</p>