

# rules industrial zone

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# **INr rules**

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## **INr.1 Rule table - rules**

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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 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**

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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 1000 terabecquerels.

## **INr.3 Permitted activities**

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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**

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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 below regarding further matters of control.)

## **INr.5 Discretionary activities/restricted discretionary activities**

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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 below 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”.

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**INr.6 Non-complying activities**

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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 under Chapter 6) may be imposed on non-complying activities.

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**INr.7 Scheduled sites**

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

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**INr.8 Controlled activities and restricted discretionary activities**

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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.

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**INr.9 Regional rules, and regional and district rules**

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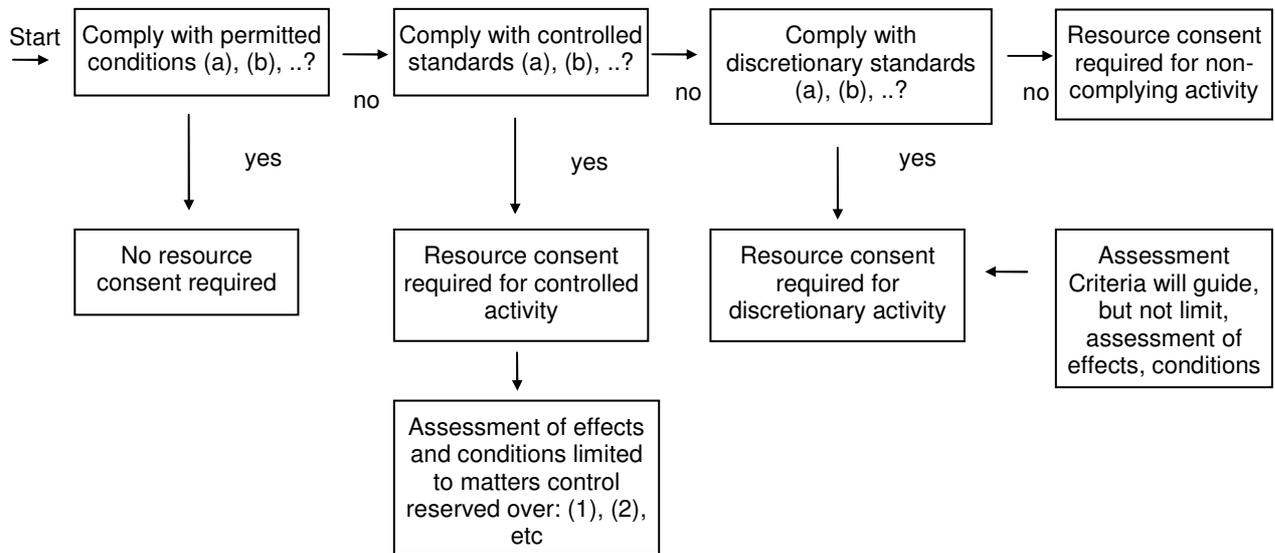
In the Rule Tables, a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional 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.

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 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.

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## rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.20</b> <b>Residential units</b>	INr.20.1 Construction of a new residential unit is permitted if: <ul style="list-style-type: none"> <li>a) it is ancillary to a permitted industrial activity on the site, and</li> <li>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</li> <li>c) the residential unit is provided with an outdoor living court:               <ul style="list-style-type: none"> <li>i) minimum area:                   <ul style="list-style-type: none"> <li>1 bedroom 25m<sup>2</sup>, or</li> <li>2 or more bedrooms 40m<sup>2</sup>, and</li> </ul> </li> <li>ii) minimum dimension 4m, and</li> <li>iii) units without a room on the ground floor may instead provide a balcony (minimum area of 12m<sup>2</sup>, minimum dimension of 2.4m), and</li> <li>iv) the outdoor living court is readily accessible from a living area of the unit.</li> </ul> </li> </ul>	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.
<b>INr.21</b> <b>Retail activities</b>	INr.21.1 Retailing activities are permitted if they: <ul style="list-style-type: none"> <li>a) involve the sale of food, groceries and related consumables and the area for retail activity and display does not exceed 100m<sup>2</sup>, or</li> <li>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<sup>2</sup>, or</li> <li>c) sell goods produced or processed on the site, and which is ancillary to the industrial use of the site, or</li> <li>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 plants and gardening materials.</li> </ul>	INr.21.2 not applicable	INr.21.3 Activities which contravene a permitted condition are discretionary.
<b>INr.22</b> <b>Office facilities</b>	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
<p>INr.20.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) the need to locate a residential activity in this Zone.</li> <li>c) the amenities available to the occupants of the area such as access to open space.</li> <li>d) the nature of any adjoining activities and their potential to create adverse impacts on anyone living in the area.</li> <li>e) for units within the areas in INr.20.1 (b) the ability to avoid or mitigate the effects of noise on the residential activity.</li> </ul>	<p>INr.20.5</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>INr.21.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) any potential cumulative effects on the commercial zones of allowing such activities to locate out of zone.</li> <li>c) any special needs and effects which mean that the activity does not fit within the commercial zone.</li> <li>d) the scale and nature of the activity.</li> </ul>	<p>INr.21.5</p> <p>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.</p>
<p>INr.22.4</p> <ul style="list-style-type: none"> <li>a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone.</li> <li>b) the relationship of the service to industrial activities.</li> <li>c) mitigation of any permitted effects of adjacent industry.</li> </ul>	<p>INr.22.5</p> <p>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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.23</b> <b>Port Industrial Area exceptions</b>	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.
<b>INr.24</b> <b>Airport area exceptions</b>	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.
<b>INr.25</b> <b>Airport Aircraft engine testing</b>	INr.25.1 a) 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
<p data-bbox="172 143 245 165">INr.23.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 837 219">a) any actual or potential cumulative effects of allowing such activities to locate in the Port Industrial Area and such effects on other zones.</li> <li data-bbox="172 224 837 248">b) the scale of the activity in relation to the industrial area it will serve.</li> <li data-bbox="172 253 837 302">c) the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area.</li> <li data-bbox="172 306 837 356">d) the efficiency and sustainability of use of Port infrastructure and resources.</li> </ul>	<p data-bbox="853 143 927 165">INr.23.5</p> <p data-bbox="853 170 1445 315">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 eg. network utilities, are not constrained by rule INr.23.1.</p> <p data-bbox="853 320 1445 495">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.</p>
<p data-bbox="172 530 245 553">INr.24.4</p> <ul style="list-style-type: none"> <li data-bbox="172 557 837 582">a) the effects on the Coastal Marine Area.</li> <li data-bbox="172 586 837 611">b) the relationship of the activity to the airport.</li> <li data-bbox="172 616 837 665">c) the efficiency and sustainability of use of airport infrastructure and resources.</li> <li data-bbox="172 669 837 719">d) any actual or potential cumulative effects of allowing such activities to locate in the Zone.</li> </ul>	<p data-bbox="853 530 927 553">INr.24.5</p> <p data-bbox="853 557 1445 680">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.</p>
<p data-bbox="172 730 245 752">INr.25.4</p> <ul style="list-style-type: none"> <li data-bbox="172 757 837 806">a) the length of time, and the level by which, the noise standards will be exceeded, and the likely disturbance that may cause.</li> <li data-bbox="172 810 837 860">b) the nature and location of nearby activities and the effects they may experience.</li> <li data-bbox="172 864 837 913">c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission.</li> <li data-bbox="172 918 837 943">d) any opportunities to mitigate the noise.</li> <li data-bbox="172 947 837 996">e) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</li> </ul>	<p data-bbox="853 730 927 752">INr.25.5</p> <p data-bbox="853 757 1445 806">Engine run ups or testing can give rise to noise levels in the order of 80-95dBA which can create sleep disturbance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.26</b> <b>Nayland Road South Restrictions</b>	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 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.
<b>INr.27</b> <b>Buildings and structures - height</b>	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 Whakatu 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 45° inclined into the site, where the road is a State Highway, arterial, principal or collector road, and c) buildings do not penetrate a recession plane in accordance with Appendix 15 (daylight admission – residential) where the site adjoins the 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 Chapter 2 Meanings of Words for 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
<p>INr.26.4</p> <p>a) any actual or potential effects on the regionally significant food processing industries that have established within the zone</p> <p>b) the scale and nature of the activity proposed</p>	<p>INr.26.5</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>INr.27.4</p> <p>a) any actual or potential adverse impacts on existing or permitted activities on any adjoining property, and the road as a result of shading.</p> <p>b) the scale of the proposed structure in relation to the surrounding environment.</p> <p>c) any cumulative effects on the surrounding environment.</p>	<p>INr.27.5</p> <p>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.</p> <p>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.</p> <p>Buildings over the height limits in INr27.1, or buildings averaging over those height limits on sloping ground, are discretionary.</p> <p>Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p>The road hierarchy is defined on Planning Map A2.1.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.28</b> <b>Set back</b> a) from State Highway, arterial, principal or collector roads b) Trent Drive (access to airport terminal)</p>	<p>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. Conditions a, b and c shall not apply to network utility facilities that are no more than 15m<sup>2</sup> in area and no more than 3.5m in height.</p>	<p>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.</p>	<p>INr.28.3 Activities which contravene a controlled standard are discretionary.</p>
<p><b>INr.29</b> <b>Set back</b> from Residential Zone boundaries</p>	<p>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.</p>	<p>IN29.2 not applicable</p>	<p>IN29.3 Activities which contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p data-bbox="172 143 245 165">INr.28.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 596 192">a) the appearance of the building from the street.</li> <li data-bbox="172 197 568 219">b) any impacts on the street such as shading.</li> <li data-bbox="172 224 600 246">c) the nature and location of buildings in the area.</li> <li data-bbox="172 250 734 273">d) mitigation measures proposed such as additional landscaping.</li> <li data-bbox="172 277 734 331">e) the nature of any mitigation measures proposed in the place of landscaping.</li> <li data-bbox="172 336 762 358">f) alternative locations of landscaping and its visibility from the street.</li> </ul>	<p data-bbox="853 143 927 165">INr.28.5</p> <p data-bbox="853 170 1447 291">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.</p> <p data-bbox="853 295 1447 367">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.</p> <p data-bbox="853 403 1447 474">Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.</p> <p data-bbox="853 479 1305 501">The road hierarchy is defined on Planning Map A2.1.</p>
<p data-bbox="172 714 245 736">INr.29.4</p> <ul style="list-style-type: none"> <li data-bbox="172 741 817 813">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.</li> <li data-bbox="172 817 512 840">b) any proposed mitigation measures.</li> </ul>	<p data-bbox="853 714 927 736">INr.29.5</p> <p data-bbox="853 741 1447 840">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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.30 Setback</b> 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 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.	INr.30.2 not applicable	INr.30.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.30.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 831 219">a) the actual or potential effects of the proposed industrial activity on residential or rural amenities, such as noise or aesthetics.</li> <li data-bbox="172 226 831 275">b) alternative methods proposed to ensure the amenity values of adjacent sites are protected.</li> <li data-bbox="172 282 831 304">c) any cumulative effects on the surrounding environment.</li> </ul>	<p data-bbox="853 141 925 163">INr.30.5</p> <p data-bbox="853 170 1447 365">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.</p> <p data-bbox="853 398 1447 521">The 5m landscaping strip referred to in Rule INr.30.1c)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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.32</b> <b>Building over or alongside drains and water mains</b>	INr.32.1 a) Structures: i) must be located no closer than 1m measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure), and b) As an alternative to (a), structures may be located over common private or public wastewater or stormwater drains, if they comply with "Acceptable Techniques for Building over Drains and Pipelines" Table 3-4 in section 3 of the NCC Land Development Manual.	INr.32.2 not applicable	INr.32.3  Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity. Discretion restricted to: i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain. Resource consent applications for restricted discretionary activities will be considered without notification, or service of notice.

Assessment Criteria	Explanation
<p data-bbox="172 143 245 165">INr.32.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 775 219">a) the nature of the structure and whether access to the pipe or drain can be maintained.</li> <li data-bbox="172 224 775 273">b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li data-bbox="172 277 775 327">c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> </ul>	<p data-bbox="810 143 884 165">INr.32.5</p> <p data-bbox="810 170 1436 268">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 drains where off site facilities are likely to be affected.</p> <p data-bbox="810 273 1442 344">Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p data-bbox="810 349 1091 371">Diagram referred to in INr.32.1a):</p> <div data-bbox="849 506 1426 878" style="text-align: center;"> </div>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.33 Signs</b>	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.
<b>INr.34 Outdoor storage</b>	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.
<b>INr.35 Parking and loading</b>	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 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.  Control is reserved over: i) number of vehicle parks, and ii) type and size of vehicle parks; and iii) location of vehicle parking; and iv) manoeuvring to and from vehicle parking.	INr.35.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or b) for other activities: i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion INr.35.4. Discretion restricted to: i) number of parking spaces (and any loading spaces) provided, and ii) the surfacing of the area, and iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.  Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.
<b>INr.36 Access</b>	INr.36.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and sections 4.3.7d1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.  Where vehicle access is not required under this rule but is voluntarily provided, all such access must be provided in accordance with Appendix 11.	INr.36.2 not applicable	INr.36.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.33.4 The Assessment Criteria in Appendix 20 will apply.	INr.33.5 See Appendix 20.
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.
INr.35.4 a) refer to Appendix 10. b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought: <ul style="list-style-type: none"> <li>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</li> <li>ii) Proposed means of reducing parking demands, such as;               <ul style="list-style-type: none"> <li>• Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies</li> <li>• Sharing parking spaces between complementary uses and spreading peak loads</li> <li>• Encouraging more use of public transport, walking and cycling</li> </ul> </li> <li>iii) Proposed means of monitoring outcomes.</li> </ul>	INr.35.5 Refer to Appendix 10.
INr.36.4 Refer to Appendix 11.	INr.36.5 Refer to Appendix 11.

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.37</b> <b>Noise (General)</b>	INr.37.1 Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: a) <b>Day Time</b> L 10: 65 dBA b) <b>Other Times</b> 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 NZS6801:1991 and NZS6802:1991. 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.
<b>INr.38</b> <b>Noise</b> 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) <b>Day Time</b> L 10: 55 dBA b) <b>Other Times</b> 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 NZS6801:1991 and NZS6802:1991. 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 NZS6803P: 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; (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 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 $L_{eq(15\text{min})}$ 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 $L_{eq(15\text{min}, 8.30\text{am}-3.30\text{pm})}$ inside from noise from the Port Operational Area with ventilating windows open. Where windows must be closed to achieve 40 dBA $L_{eq(15\text{min}, 8.30\text{am}-3.30\text{pm})}$ an alternative ventilation system shall be provided.	INr.38.2 not applicable	INr.38.3 Activities which contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p data-bbox="172 141 245 163">INr.37.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 823 219">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.</li> <li data-bbox="172 226 775 275">b) the nature and location of nearby activities and the effects they may experience.</li> <li data-bbox="172 282 823 331">c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission.</li> <li data-bbox="172 338 738 360">d) the effects on residential activities, particularly night time effects.</li> <li data-bbox="172 367 823 456">e) any opportunities to mitigate the noise eg. 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.</li> <li data-bbox="172 463 767 512">f) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity</li> </ul>	<p data-bbox="853 141 927 163">INr.37.5</p> <p data-bbox="853 170 1439 271">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.</p> <p data-bbox="853 300 1439 322">NZS 6801:1991 is New Zealand Standard (Measurement of Sound).</p> <p data-bbox="853 329 1358 378">NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound).</p> <p data-bbox="853 385 1439 434">This rule is subject to two references to the Environment Court (RMA 069/99 &amp; RMA 087/99), consequently this rule is not operative.</p>
<p data-bbox="172 580 245 602">INr.38.4</p> <p data-bbox="172 609 261 631">As above.</p>	<p data-bbox="853 580 927 602">INr.38.5</p> <p data-bbox="853 609 943 631">As above.</p> <p data-bbox="853 638 1439 804">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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.39</b> <b>Airport noise</b> 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 Noise and Land Use Planning, and c) 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 d) 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. e) 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 Act.	INr.39.2 not applicable	INr.39.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
<p data-bbox="172 145 247 168">INr.39.4</p> <ul style="list-style-type: none"> <li data-bbox="172 174 821 224">a) the nature of the flights likely to generate the excess noise eg. occasional noisy flights, or more frequent but quieter flights.</li> <li data-bbox="172 230 470 253">b) the time of the proposed flights.</li> <li data-bbox="172 259 614 282">c) whether the proposed exceedance is short term.</li> <li data-bbox="172 288 758 338">d) whether the proposed exceedance would comply if the Ldn were averaged over a longer term (eg. 12 months).</li> <li data-bbox="172 344 837 394">e) the areas affected by the additional noise, and the sensitivity to noise of the activities in these areas.</li> </ul>	<p data-bbox="853 145 928 168">INr.39.5</p> <p data-bbox="853 174 1447 324">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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.40</b> <b>Port Industrial Area noise management</b>	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.
<b>INr.41</b> <b>Light Spill</b>	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.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.
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.41.1(b)

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.42</b> <b>Closing times - services to the public</b>	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: <b>Sunday to Thursday inclusive:</b> 7am - 11pm <b>Friday, Saturday, Christmas Eve and New Year's Eve:</b> 7am - 1am the following day, and b) Any activity located more than 50 m 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.
<b>INr.43</b> <b>Disposal of trade waste to sewer</b>	INr.43.1 Disposal of liquid trade waste to a public sewer is permitted if: a) 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; ii) The quantity of the discharge; iii) The period of the discharge; iv) The means by which adverse effects will be mitigated; v) The provisions in place for dealing with emergency discharges.
<b>INr.44</b> <b>Hazardous substances</b> <b>Use and storage</b>	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
<p data-bbox="172 141 244 163">INr.42.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 829 241">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.</li> <li data-bbox="172 248 829 297">b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation.</li> <li data-bbox="172 304 829 376">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.</li> <li data-bbox="172 383 829 405">d) the topography of the site and the neighbouring areas.</li> <li data-bbox="172 412 829 461">e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities.</li> <li data-bbox="172 468 829 517">f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity.</li> <li data-bbox="172 524 829 573">g) whether the activity is temporary, and the frequency of such events (where applicable).</li> </ul>	<p data-bbox="853 141 925 163">INr.42.5</p> <p data-bbox="853 170 1436 315">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.</p> <p data-bbox="853 322 1436 517">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.</p>
<p data-bbox="172 1028 244 1050">INr.43.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1057 403 1079">a) the nature of the waste.</li> <li data-bbox="172 1086 659 1108">b) the characteristics of the soil and drainage in the area.</li> <li data-bbox="172 1115 818 1164">c) the risk of the waste directly or indirectly contaminating any natural water, or the Coastal Marine Area.</li> <li data-bbox="172 1171 651 1193">d) any likely impacts on area of cultural or natural value.</li> <li data-bbox="172 1200 798 1249">e) the extent to which the applicant has considered alternative options for disposal.</li> </ul>	<p data-bbox="853 1028 925 1050">INr.43.5</p> <p data-bbox="853 1057 1436 1274">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.</p> <p data-bbox="853 1281 1420 1330">Chapter 6 provides for financial contributions towards infrastructure costs.</p> <p data-bbox="853 1337 1436 1408">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.</p> <p data-bbox="853 1415 1396 1438">Note: Such disposal is subject to Council's Trade Waste Bylaws.</p> <p data-bbox="853 1444 1396 1494">Note: Specific provision has been made at the Port for certain qualities of effluent to be discharged through the fisheries outfall.</p>
<p data-bbox="172 1744 244 1767">INr.44.4</p> <p data-bbox="172 1774 478 1796">Assessment Criteria in Appendix 21.</p>	<p data-bbox="853 1744 925 1767">INr.44.5</p> <p data-bbox="853 1774 1005 1796">See Appendix 21.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>INr.45 Production of hazardous substances</b>	<p>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:</p> <ul style="list-style-type: none"> <li>a) it complies with Rule INr.44 (hazardous Substances - use and storage), and</li> <li>b) it can be disposed of safely in accordance with good environmental practice, and without damaging ecosystems.</li> </ul>	<p>INr.45.2 not applicable</p>	<p>INr.45.3 Activities that contravene a permitted condition are a non-complying activity.</p>
<b>INr.46 Radioactive material</b>	<p>INr.46.1 The use or storage of radioactive material is permitted if:</p> <ul style="list-style-type: none"> <li>a) the amount is below 1 terabecquerel of radioactivity.</li> </ul>	<p>INr.46.2 not applicable</p>	<p>INr.46.3 Activities which contravene the permitted condition are:</p> <ul style="list-style-type: none"> <li>a) discretionary if emissions are less than 10 terabecquerels of radioactivity.</li> <li>b) non-complying within the Coastal Environment Overlay.</li> </ul>
<b>INr.47 Aerials</b>	<p>INr.47.1 Aerials are permitted if:</p> <ul style="list-style-type: none"> <li>a) aerials attached to buildings do not exceed the height of the building by more than 7m, and</li> <li>b) aerials that are not attached to a building do not exceed 25m in height, and</li> <li>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</li> <li>d) the supporting mast does not exceed 1m in diameter.</li> </ul>	<p>INr.47.2 not applicable</p>	<p>INr.47.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) visual effects (including cumulative effects), and</li> <li>ii) practical alternatives, and</li> <li>iii) design and appearance of the structure (including its height and bulk) and method of mounting, and</li> <li>iv) siting of the structure, and</li> <li>v) landscaping or other treatment, and</li> <li>vi) the shading effects of the structure, and</li> <li>vii) effects on heritage values.</li> </ul> <p>Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.45.4</p> <ul style="list-style-type: none"> <li>a) the quantity of product to be produced.</li> <li>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.</li> <li>c) the effects on the intrinsic values of ecosystems.</li> </ul>	<p>INr.45.5</p> <p>The rule excludes the possibility that substances may be produced as a result of processes which will create disposal problems in the future.</p>
<p>INr.46.4</p> <ul style="list-style-type: none"> <li>a) the type of radioactive source proposed and its relative activity.</li> <li>b) compliance with the relevant National Radiation Laboratory code of practice.</li> <li>c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site.</li> <li>d) transportation routes, particularly through residential areas, and methods.</li> </ul>	<p>INr.46.5</p> <p>The discretionary activity category provides for larger facilities such as new medical laboratories.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</p> <p>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.</p> <p>Note: activities are prohibited if emissions are in excess of 1000 terabecquerels of radioactivity (see preamble to Rule Table).</p>
<p>INr.47.4</p> <ul style="list-style-type: none"> <li>a) the nature of the industrial area, and its proximity to a Residential Zone, or to the Coastal Marine Area.</li> <li>b) how prominent the site is, taking account of any significant public or private views or any significant landscapes.</li> <li>c) the visual impacts of the structure on the streetscape and the general public.</li> <li>d) any shading posed by the structure.</li> <li>e) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure.</li> <li>f) the height and bulk of the structure.</li> <li>g) the extent to which design, colour scheme or screening might mitigate the adverse effects of the structure.</li> <li>h) the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites.</li> </ul>	<p>INr.47.5</p> <p>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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.48</b> <b>Radiofrequency exposure levels</b>	INr.48.1 Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if: <ol style="list-style-type: none"> <li>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 Exposure Levels 3kHz-300GHz (“the New Zealand Standard”), and</li> <li>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</li> <li>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.</li> </ol> <p><u>Exclusion</u></p> 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.	INr.48.2 not applicable	INr.48.3 Activities that contravene permitted condition (a) (i) are non-complying.  Activities that contravene any other permitted condition are discretionary.
<b>INr.49</b> <b>Network utility</b> Above ground and underground utilities	INr.49.1 <ol style="list-style-type: none"> <li>a) Any underground network utility is permitted except:               <ol style="list-style-type: none"> <li>i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and</li> </ol> </li> <li>b) Any above ground network utility is not permitted except:               <ol style="list-style-type: none"> <li>i) maintenance and operation of existing utilities, or</li> <li>ii) network utility buildings and substations, or</li> <li>iii) small above ground parts of an underground utility (eg. Junction boxes), or</li> <li>iv) as explicitly provided for elsewhere in this rule table.</li> </ol> </li> </ol>	INr.49.2 not applicable	INr.49.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.48.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 817 219">a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility.</li> <li data-bbox="172 226 817 275">b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures.</li> <li data-bbox="172 282 817 304">c) the location of the site, and any potential for shielding from exposures.</li> <li data-bbox="172 311 817 360">d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.</li> </ul>	<p data-bbox="853 141 925 163">INr.48.5</p> <p data-bbox="853 170 1437 241">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 data-bbox="853 275 1437 495">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 data-bbox="853 528 1437 651">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 data-bbox="853 685 1437 786">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 data-bbox="853 819 1437 891">Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p data-bbox="172 1070 244 1093">INr.49.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1099 507 1122">a) any hazard presented by the utility.</li> <li data-bbox="172 1128 817 1178">b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses.</li> <li data-bbox="172 1184 817 1256">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.</li> <li data-bbox="172 1263 539 1285">d) the scale, bulk and height of the facility.</li> <li data-bbox="172 1292 817 1364">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.</li> <li data-bbox="172 1370 635 1393">f) any constraints on placing the utility underground.</li> </ul>	<p data-bbox="853 1070 925 1093">INr.49.5</p> <p data-bbox="853 1099 1437 1171">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.</p> <p data-bbox="853 1178 1437 1346">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" in Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.50</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	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.
<b>INr.51</b> <b>Structures on the road reserve</b>	INr.51.1 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.	INr.51.2 not applicable	INr.51.3 Activities that contravene a permitted condition are discretionary.
<b>INr.52</b> <b>Network utility Roads</b>	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 minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	INr.52.2 not applicable	INr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.50.4</p> <ul style="list-style-type: none"> <li>a) the impact any proposed lines and support structures will have on the character of the area.</li> <li>b) any alternatives considered or proposed.</li> <li>c) the purpose of the facility and the local community it will serve.</li> <li>d) any mitigation measures proposed.</li> <li>e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1.</li> </ul>	<p>INr.50.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) 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.</p> <p>Note that the definition of “minor upgrading” is set out in Chapter 2 – Meaning of Words.</p>
<p>INr.51.4</p> <ul style="list-style-type: none"> <li>a) the size and scale of the structures.</li> <li>b) any visual impacts, taking account of the character of the area.</li> <li>c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.</li> </ul>	<p>INr.51.5</p> <p>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.</p> <p>The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>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.</p> <p>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.</p>
<p>INr.52.4</p> <ul style="list-style-type: none"> <li>a) the matters in section 4 of the NCC Land Development Manual 2010.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities, eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>INr.52.5</p> <p>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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.53</b> <b>Building on low lying sites</b></p>	<p>INr.53.1 Building is permitted if:</p> <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and</li> <li>ii) 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</li> <li>iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and</li> </ul> </li> <li>b) the minimum finished floor level of the building is: <ul style="list-style-type: none"> <li>i) concrete floor: 15.50m</li> <li>ii) timber floor: 15.65m</li> </ul> </li> </ul> <p>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.</p> <p>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.</p>	<p>INr.53.2 not applicable</p>	<p>INr.53.3 Buildings that contravene a permitted condition are restricted discretionary activities.</p> <p>Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.</p>

Assessment Criteria	Explanation
<p>INr.53.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>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.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual.</li> </ul>	<p>INr.53.5</p> <p>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.</p> <p>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.</p> <p>See Rule INr.54 (earthworks) where a site is to be filled.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>This low lying site rule does not apply to within an Inundation Overlay - see INr.60 (inundation overlays)</p> <p>NOTE: for explanation of Port Industrial Area, see Meaning of Words Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.54 Earthworks</b></p> <p>[note – this rule is a regional and a district rule]</p>	<p>INr.54.1</p> <p>Earthworks are a permitted activity if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of excavation or filling does not exceed 1.2m, or</li> <li>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</li> <li>c) the excavation or fill: <ul style="list-style-type: none"> <li>i) is retained immediately by a structure authorised by a building consent, and</li> <li>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</li> <li>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and</li> </ul> </li> <li>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 <ul style="list-style-type: none"> <li>i) maintaining a State Highway and other roads, forming or constructing a fire break, fence line, survey line or</li> <li>ii) installing a utility service line across a river, or</li> <li>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</li> </ul> </li> <li>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>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</li> <li>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</li> <li>j) material used for fill is cleanfill material, and</li> <li>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</li> </ul>	<p>INr.54.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> <li>a) the maximum height or depth of filling or excavation does not exceed 4m, and</li> <li>b) the site is not in the Land Management Overlay, and</li> <li>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</li> <li>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</li> <li>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: <ul style="list-style-type: none"> <li>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</li> <li>ii) vegetated, paved, metalled or built over, and</li> </ul> </li> <li>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</li> <li>g) material used for fill is cleanfill material.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) damage to structures or adjoining properties, and</li> <li>iii) soil and vegetation entering rivers or coastal water, and</li> <li>iv) damage to instream and coastal habitats, and</li> <li>v) adverse effects on catchment stream flow, including stormwater, and</li> <li>vi) river bank and coastal erosion, and</li> <li>vii) duration of exposure of bare soil to wind and rainfall, and</li> <li>viii) water quality, including suspended sediment load and increased stream bed load, and</li> <li>ix) the method and timing of the activity, and</li> <li>x) the area to be disturbed at any one time, and</li> <li>xi) the provision of structures to control soil erosion or sedimentation, and</li> <li>xii) the timing and techniques used for revegetation, and</li> <li>xiii) the depth, height and volume of cut and fill and the finished ground level, and</li> <li>xiv) the quality of fill material and compaction methods, and</li> <li>xv) visual effects, and</li> <li>xvi) control of noise, and</li> <li>xvii) control of dust, and</li> <li>xviii) traffic and access issues.</li> </ul>	<p>INr.54.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> <li>i) loss of topsoil or movement of soil down slope, and</li> <li>ii) the potential for slope failure, and</li> <li>iii) damage to structures or adjoining properties, and</li> <li>iv) soil and vegetation entering rivers and coastal water, and</li> <li>v) damage to instream and coastal habitats, and</li> <li>vi) adverse effects on catchment stream flow, and</li> <li>vii) bank and coastal erosion, and</li> <li>viii) duration of bare soil to wind and rainfall, and</li> <li>ix) water quality, including suspended sediment load and increased stream bed load, and</li> <li>x) the method and timing of the activity, and</li> <li>xi) the area to be cleared at any one time, and</li> <li>xii) the provision of structures to control soil erosion or sedimentation, and</li> <li>xiii) the timing and techniques used for revegetation, and</li> <li>xiv) the long term management of the land cleared, and</li> <li>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</li> <li>xvi) visual effects, and</li> <li>xvii) the impact on privacy and on the admission of daylight and sunlight to neighbouring sites, and</li> <li>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 7 (Guide for Subdivision and Structures in the Landscape Overlay), and</li> <li>xix) Appendix 4 (marine ASCV overlay) and Table 6.1 in Appendix 6 (riparian and coastal margin overlays), and</li> <li>xx) Appendix 9 (landscape components and views), and</li> <li>xxi) control of noise, and</li> <li>xxii) control of dust, and</li> <li>xxiii) traffic and access issues.</li> </ul>

Assessment Criteria	Explanation
<p data-bbox="172 185 244 208">INr.54.4</p> <p data-bbox="172 215 831 286">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</p>	<p data-bbox="853 185 925 208">INr.54.5</p> <p data-bbox="853 215 1441 336">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.</p> <p data-bbox="853 342 1441 463">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.</p> <p data-bbox="853 470 1441 566">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.</p> <p data-bbox="853 573 1441 692">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.</p> <p data-bbox="853 698 1441 745">Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p data-bbox="853 752 1441 918">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.</p> <p data-bbox="853 925 1441 994">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.</p> <p data-bbox="853 1001 1441 1122">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.</p> <p data-bbox="853 1128 1441 1249">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 (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p data-bbox="853 1256 1441 1326">Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.54A</b> <b>Landfill</b> [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: <ol style="list-style-type: none"> <li>a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m<sup>3</sup>, and</li> <li>b) the landfill accepts only cleanfill material.</li> </ol> Discretion is restricted to those matters listed in INr.54.3 plus: <ol style="list-style-type: none"> <li>i) visual and landscaping effects, and</li> <li>ii) leachate and runoff, and</li> <li>iii) fill brought on site, and</li> <li>iv) depth, height, volume of fill and finished ground level, and</li> <li>v) fill quality/compaction methods, and</li> <li>vi) effect on soil fertility/versatility, and</li> <li>vii) consequential stormwater characteristics such as ponding, and</li> <li>viii) cumulative effects of landfill activities.</li> </ol> Activities that contravene a restricted discretionary condition are discretionary activities.

**Rules relating to Overlays on Planning Maps**

<b>INr.55</b> <b>Service Overlay</b> <b>Building</b>	INr.55.1 Erection or extension of any building in the Services Overlay is permitted if: <ol style="list-style-type: none"> <li>a) it is not located in the path of any future road :               <ol style="list-style-type: none"> <li>(i) shown as an Indicative Road on any Structure Plan in the Plan, or</li> <li>(ii) shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or</li> <li>(iii) shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</li> </ol> </li> <li>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</li> <li>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.</li> </ol>	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. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>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</li> <li>ii) ensuring all connections to Council services (excluding roading) are to gravity systems, and</li> <li>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</li> <li>iv) the location of building or development to ensure it does not impede the route or construction of any future road or utility services.</li> </ol> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity            Activities that propose to connect to on site services are discretionary.</p>
<b>INr.56</b> <b>Coastal Environment Overlay</b> 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: <ol style="list-style-type: none"> <li>a) erection or extension of any building, or</li> <li>b) storage of goods.</li> </ol> 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: <ol style="list-style-type: none"> <li>i) appearance of the proposed structure and/or works, and</li> <li>ii) effects on public access, and</li> <li>iii) discharge of contaminants, and</li> <li>iv) remedial measures.</li> </ol>	INr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.54A.4</p> <p>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</p>	<p>INr.54A.5</p> <p>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.</p> <p>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.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>INr.55.4</p> <p>a) the development standards and design guidelines contained in the NCC Land Development Manual 2010.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e) the strategic planning programme for servicing sites within the district.</p>	<p>INr.55.5</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>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.</p> <p>Use of on site servicing within the Industrial Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>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.</p>
<p>INr.56.4</p> <p>a) the visibility of the site from the coast.</p> <p>b) the accessibility of the public to the locality.</p> <p>c) the nature of the activity and its likely visual impacts on the coast.</p> <p>d) any mitigation measures proposed such as landscaping, fencing or in terms of building design.</p> <p>e) the effects of activities on values unidentified in Appendices (marine ASCV overlay) 4 and 6 (riparian and coastal margin overlays).</p>	<p>INr.56.5</p> <p>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.</p> <p>The Port industrial area is excluded from the rule because of the nature of the structures and activities that occur there.</p> <p>See also Rule INr.54 (earthworks).</p> <p>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.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words.</p>

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>INr.57</b> <b>Coastal Environment Overlays</b> 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.
<b>INr.58</b> <b>Riparian Overlay</b> Activities on land identified with riparian values	INr.58.1 On land adjoining a Riparian Overlay listed in Table 6.2 Appendix 6 (riparian or coastal areas with priority values), 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.
<b>INr.59</b> <b>Flood Path Overlays</b>	INr.59.1 In any Flood Path Overlay, or any flood path specified in the Flood Path Table at the back of the Planning Maps, the following are not permitted activities: a) erection or extension of any building or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	INr.59.2 not applicable	INr.59.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.57.4</p> <ul style="list-style-type: none"> <li data-bbox="172 168 507 190">a) the visibility of the site from the coast.</li> <li data-bbox="172 194 555 217">b) the accessibility of the public to the locality.</li> <li data-bbox="172 221 742 244">c) the nature of the activity and its likely visual impacts on the coast.</li> <li data-bbox="172 248 831 302">d) any mitigation measures proposed such as landscaping, fencing or in terms of building design.</li> <li data-bbox="172 306 767 329">e) the effects of activities on values unidentified in Appendices 4 and 5.</li> </ul>	<p data-bbox="853 141 925 163">INr.57.5</p> <p data-bbox="853 168 1437 360">“Minor Upgrading” (in accordance with the definition in Chapter 2) 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.</p> <p data-bbox="853 365 1430 418">Note that the definition of “minor upgrading” is set out in Chapter 2 – Meaning of Words.</p>
<p data-bbox="172 432 244 454">INr.58.4</p> <ul style="list-style-type: none"> <li data-bbox="172 459 831 553">a) the values for esplanade purposes stated in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li data-bbox="172 557 807 629">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.</li> <li data-bbox="172 633 807 705">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.</li> <li data-bbox="172 710 791 759">d) whether a lesser distance than specified might adequately protect the esplanade values.</li> <li data-bbox="172 763 831 813">e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</li> </ul>	<p data-bbox="853 432 925 454">INr.58.5</p> <p data-bbox="853 459 1422 530">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.</p> <p data-bbox="853 535 1430 678">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 eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>
<p data-bbox="172 857 244 880">INr.59.4</p> <ul style="list-style-type: none"> <li data-bbox="172 884 603 907">a) any effects of the development on floodpaths.</li> <li data-bbox="172 911 770 965">b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li data-bbox="172 969 831 1023">c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li data-bbox="172 1028 791 1081">d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p data-bbox="853 857 925 880">INr.59.5</p> <p data-bbox="853 884 1430 978">All buildings and any above ground structures, and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.60</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation	INr.60.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor area by more than 20% (the restrictions in this clause do not apply where ground level on the building site has been filled according to a resource consent granted since the notification of this Plan, and all floor levels are not less than 150mm above the approved ground level), or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	INr.60.2 In any Inundation Overlay, erection of any building or extension of the ground floor area by more than 20%, or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building, and iv) stormwater management.	INr.60.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>INr.61</b> <b>Heritage Buildings, Places and Objects</b> 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) 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).	INr.61.2 not applicable	INr.61.3 Group A Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is discretionary. Group B Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: i) design and appearance.  Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.
<b>INr.62</b> <b>Heritage Buildings, Places and Objects</b> 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 Erection of a new building on the site of a Group A or Group B heritage item is controlled. Control reserved over: i) design and appearance in relation to existing heritage item, and ii) distance of new building from, and location and relationship to existing heritage item	INr.62.3 not applicable

Assessment Criteria	Explanation
<p data-bbox="172 141 244 163">INr.60.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 778 192">a) the ground level required to avoid the effects of anticipated flooding.</li> <li data-bbox="172 199 820 271">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.</li> <li data-bbox="172 277 751 322">c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li data-bbox="172 329 799 351">d) the provision of an adequate secondary flow path for surface flooding.</li> <li data-bbox="172 358 804 403">e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p data-bbox="853 141 925 163">INr.60.5</p> <p data-bbox="853 170 1439 365">The Inundation Overlays do not show flood paths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/ or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p data-bbox="853 398 1439 465">Extensions which increase the ground floor area by not more than 20 percent are provided for as a permitted activity to avoid the need to obtain a resource consent for minor alterations.</p>
<p data-bbox="172 627 244 649">INr.61.4</p> <ul style="list-style-type: none"> <li data-bbox="172 656 820 701">a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li data-bbox="172 707 831 779">b) the extent to which 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.</li> <li data-bbox="172 786 831 880">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.</li> <li data-bbox="172 887 820 981">d) the degree to which 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.</li> <li data-bbox="172 987 820 1032">e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li data-bbox="172 1039 831 1084">f) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li data-bbox="172 1090 783 1135">g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p data-bbox="853 627 925 649">INr.61.5</p> <p data-bbox="853 656 1372 701">The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p data-bbox="853 707 1439 801">Minor maintenance is allowed for Group A and B items. More major work requires a resource consent 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.</p> <p data-bbox="853 835 1390 880">Note: Buildings must comply with the general rules on bulk and location.</p> <p data-bbox="853 913 1430 936">See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p data-bbox="172 1187 244 1209">INr.62.4</p> <ul style="list-style-type: none"> <li data-bbox="172 1216 831 1261">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.</li> <li data-bbox="172 1267 778 1312">b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</li> <li data-bbox="172 1319 820 1364">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.</li> </ul>	<p data-bbox="853 1187 925 1209">INr.62.5</p> <p data-bbox="853 1216 1439 1350">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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.63</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group A and B items</p>	<p>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.</p>	<p>INr.63.2  not applicable</p>	<p>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.</p> <p>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.</p>
<p><b>INr.64</b>  <b>Heritage Buildings, Places and Objects</b>  Demolition or removal of Group C items</p>	<p>INr.64.1  Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:  a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>INr.64.2  not applicable</p>	<p>INr.64.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>INr.65</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>INr.65.1  Trimming of a Heritage Tree is permitted if:  a)  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.</p>	<p>INr.65.2  not applicable</p>	<p>INr.65.3  Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>INr.63.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which 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.</li> <li>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.</li> <li>d) the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (eg. the new site is more accessible or visible), and whether the item is to be protected or covenanted on its new site.</li> <li>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.</li> <li>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</li> <li>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.</li> <li>h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li>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.</li> </ul>	<p>INr.63.5</p> <p>Group A buildings, places and objects are the premier heritage items in the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while recognising that their retention is still important.</p> <p>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.</p>
<p>INr.64.4</p> <ul style="list-style-type: none"> <li>a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</li> </ul>	<p>INr.64.5</p> <p>The requirement for 2 months notice for Group C items allows time for photographic or other records to be made of the heritage building or item prior to it being demolished (the Council will maintain such records and archival material). It also provides the opportunity for interested parties to negotiate voluntary protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.</p>
<p>INr.65.4 - INr.69.4</p> <p>Assessment Criteria – See following page</p>	<p>INr.65.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.66</b>  <b>Landscape Trees</b>  Trimming of a Landscape Tree identified in Appendix 2</p>	<p>INr.66.1  Trimming of a Landscape Tree is permitted if:</p> <ol style="list-style-type: none"> <li>a) it is crown thinning (as defined in Chapter 2), and</li> <li>b) the work is done in accordance with accepted arboricultural practice.</li> </ol>	<p>INr.66.2  Activities that contravene a permitted condition are controlled.  Control reserved over:</p> <ol style="list-style-type: none"> <li>i) amount, timing and manner in which the trimming is carried out.</li> </ol> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>INr.66.3  not applicable</p>
<p><b>INr.67</b>  <b>Heritage and Landscape Trees</b>  Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>INr.67.1  Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ol style="list-style-type: none"> <li>a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and</li> <li>b) it does not involve compaction, sealing, removal or addition of soil, and</li> <li>c) there is no discharge of a toxic substance, and</li> <li>d) there is no excavation or construction of structures.</li> </ol> <p>except where the tree is on Road Reserve, where activities are permitted if:</p> <ol style="list-style-type: none"> <li>i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and</li> <li>ii) sealing is within the existing formed carriageway or footpath.</li> </ol>	<p>INr.67.2  Activities within the root protection zone of a Heritage or Landscape Tree that contravene a permitted condition are controlled if:</p> <ol style="list-style-type: none"> <li>a) the tree and the activity are located within the road reserve.</li> </ol> <p>Control reserved over:</p> <ol style="list-style-type: none"> <li>i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and</li> <li>ii) remedial measures.</li> </ol> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>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.</p>

Assessment Criteria	Explanation
<p>INr.65.4 – INr.69.4</p> <ul style="list-style-type: none"> <li>a) the condition of the tree, including any significant potential hazard to people or property.</li> <li>b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.</li> <li>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.</li> <li>d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.</li> <li>e) the extent to which the tree would seriously restrict the development potential of the site.</li> <li>f) any hardship or significant nuisance the tree causes to any person.</li> <li>g) any substitute or compensating tree planting or landscaping proposed.</li> <li>h) in the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>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: <ul style="list-style-type: none"> <li>i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river</li> <li>ii) whether alternatives to removing or damaging the tree have been adequately explored.</li> </ul> </li> <li>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 (eg, erection of a physical barrier).</li> </ul>	<p>INr.66.5</p> <p>Normal trimming is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>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.</p> <p>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.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>INr.67.5</p> <p>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.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>INr.68</b> <b>Heritage and Landscape Trees</b> 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 Landscape Trees Removing or destroying a Landscape Tree is a discretionary activity.  Heritage Trees Removing or destroying a Heritage Tree is a non-complying activity.
<b>INr.69</b> <b>Local Trees</b> Removing a Local Tree identified in Appendix 2	INr.69.1 Removing a Local Tree is permitted if: a) 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.
<b>INr.70</b> <b>Marina</b> (Scheduled site - Sch.M)	INr.70.1 Activities are permitted if: a) they comply with Schedule Sch.M.	INr.70.2 Schedule Sch.M applies.	INr.70.3 Schedule Sch.M applies.
<b>INr.71</b> <b>Airport Effects Control Overlay</b> 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 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).	INr.71.2 not applicable	INr.71.3 Activities that contravene a permitted condition are non-complying.
<b>INr.71A</b> <b>Port Effects Control Overlay</b> Acoustic insulation of buildings	INr.71A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 45 dBA $L_{dn}$ 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.
<b>INr.72</b> <b>Airport Effects Advisory Overlay</b>	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.65.4 - INr.69.4 Refer to Assessment Criteria on preceding page	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 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. 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.
INr.70.4 See Schedule Sch.M.	INr.70.5 See Schedule Sch.M. The schedules for this Zone follow after the Rule Table.
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.
INr.71A.4 not applicable	INr.71A.5 The rule is based on the predicted exposure of the site area 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 experienced acoustic engineer is considered appropriate.
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.

## subdivision rules

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.73</b>  <b>Subdivision – general</b>   <b>(except for subdivision in the Services or Heritage Overlays)</b></p>	<p>INr.73.1            Subdivision is not a permitted activity</p>	<p>INr.73.2            Any subdivision not located in the Services or Heritage Overlays is controlled, if:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and</li> <li>b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and</li> <li>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</li> <li>f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and</li> <li>g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>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.</li> </ul> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the matters contained in the NCC Land Development Manual 2010, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision, and</li> <li>iv) protection of natural features, landscapes, heritage items and trees and Maori values, and</li> <li>v) riparian management, and</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to:               <ul style="list-style-type: none"> <li>• appropriate vehicle access, and</li> <li>• the intensity of buildings to be erected on each lot and the siting of such buildings, and</li> <li>• provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over:               <ul style="list-style-type: none"> <li>• finished ground level, and</li> <li>• the nature of infill, its compaction and placement.</li> </ul> </li> </ul>	<p>INr.73.3            Any subdivision not located in the Services or Heritage Overlays 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:</p> <ul style="list-style-type: none"> <li>a) it complies in all respects with all the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in Sections 5 &amp; 6 of the NCC Land Development Manual 2010.</li> </ul>

## industrial zone

Assessment Criteria	Explanation
<p>INr.73.4</p> <ul style="list-style-type: none"> <li>a) the matters in the NCC Land Development Manual 2010.</li> <li>b) the extent of compliance with Appendices 10 to 12.</li> <li>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.</li> <li>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.</li> <li>e) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</li> <li>f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.</li> <li>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.</li> <li>h) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</li> <li>i) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</li> <li>j) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</li> <li>k) financial contributions (see Chapter 6).</li> <li>l) the development potential of other adjacent land.</li> <li>m) the ground level required to avoid the effects of flooding.</li> <li>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.</li> <li>o) effects on neighbouring properties, especially stormwater runoff.</li> <li>p) provision of adequate flow paths for surface flooding.</li> <li>q) the possibility of an overloaded public storm water system overflowing onto private property.</li> <li>r) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</li> <li>s) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>t) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</li> <li>u) any existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</li> <li>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.</li> <li>w) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> <li>x) In the Nayland Road South industrial area, the extent to which industrial activities could affect the amenity of adjoining residential sites.</li> <li>y) The density of planting, mature height and species of plant proposed in any required landscaping.</li> </ul>	<p>INr.73.5</p> <p>Specific rules apply to subdivision activities proposed within the Services and Heritage Overlays (see Rule INr.74 and INr.75).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The 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.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the 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.</p> <p>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 Appendix 6, Table 6.1.</p> <p>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.</p> <p>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.</p> <p>See Rule INr.54 (earthworks) where a site is being filled.</p> <p>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.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>INr.74</b>  <b>Services Overlay</b>                      Subdivision</p>	<p>INr.74.1                      Subdivision is not a permitted activity.</p>	<p>INr.74.2                      not applicable</p>	<p>INr.74.3                      Subdivision in the Services Overlay, is discretionary, if:</p> <ul style="list-style-type: none"> <li>a) every allotment (other than an access lot) complies with the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in sections 5 &amp; 6 of the NCC Land Development Manual 2010, and</li> <li>b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</li> </ul>
<p><b>INr.75</b>  <b>Heritage Overlays</b>                      Subdivision</p>	<p>INr.75.1                      Subdivision is not a permitted activity.</p>	<p>INr.75.2                      not applicable</p>	<p>INr.75.3                      Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay is discretionary.</p>
<p><b>INr.75A</b>  <b>Activities in Schedule N</b></p>	<p>INr.75A.1                      Schedule N applies</p>	<p>INr.75A.2                      Schedule N applies</p>	<p>INr.75A.3                      Schedule N applies</p>

Assessment Criteria	Explanation
<p>INr.74.4</p> <ul style="list-style-type: none"> <li>a) the assessment matters in Rule INr.73.4 (subdivision: general).</li> <li>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.</li> <li>c) the cost effectiveness of the servicing system, with particular regard to ongoing operation and maintenance costs.</li> <li>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.</li> <li>e) financial contributions in accordance with Chapter 6.</li> <li>f) the need for linkages from allotments to Council services, including expansion of capacity or extension of mains.</li> <li>g) the cumulative effects of such subdivisions.</li> </ul>	<p>INr.74.5</p> <p>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. 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.</p> <p>The Council's Engineering Section holds copies of maps which define the servicing constraints in more detail.</p>
<p>INr.75.4</p> <ul style="list-style-type: none"> <li>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 (ie. people's private property rights). <ul style="list-style-type: none"> <li>eg. 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.</li> <li>eg. 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.</li> <li>eg. protecting the item in common or public reserve in lieu of reserve contributions.</li> </ul> </li> <li>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.</li> <li>c) the assessment matters in Rule INr.73.4 (subdivision: General).</li> </ul>	<p>INr.75.5</p> <p>Subdivision in the Heritage Overlay provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under 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.</p> <p>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.</p> <p>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.</p>
<p>INr.75A.4</p> <p>See Schedule N</p>	<p>INr.75A.5</p> <p>See Schedule N</p>

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

## **Schedule Industrial (Port Area)**

### **Sch.M Marina - Port Nelson**

#### **M.1 Application of the schedule**

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This schedule applies to the site shown as Sch.M on Planning Maps 6, 10 and 52, being the Marina at Port Nelson. It comprises most of the Akersten Street reclamation, the sea edge on the Vickerman Street side, and the Coastal Marine Area in between, including the Dixon Basin and the boating marina. This schedule is referred to in rule INr.70.

#### **M.2 Permitted activities**

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Only the following activities are permitted within the scheduled site:

- a) storage, building and repair of boats not exceeding 30m in length.
  - b) sale of boats and marine accessories.
  - c) recreational facilities and clubrooms related to the marina.
  - d) restaurants and outlets for the sale of food (including liquor licensed facilities).
  - e) construction and maintenance of network utilities.
  - f) erection, alteration, and maintenance of buildings and structures as part of these activities, including shower rooms, toilets, service buildings, and fuel storage and refuelling facilities.
  - g) temporary structures erected for the purposes of Military Training activities by the NZ Defence Forces.
- if:
- i) they comply with the permitted conditions in the Rule Table, and
  - ii) any emissions from abrasive blasting or spray painting are contained within the site, and that any contaminants or wash down water are not discharged directly to the Coastal Marine Area.

#### **M.3 Discretionary activities**

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Any activity that contravenes a permitted condition above is discretionary.

#### **M.4 Assessment criteria**

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- a) the effects on the operation of the marina.
- b) the effects on the amenity of the scheduled site.
- c) the extent to which other activities are affected, either positively or adversely.
- d) whether the proposed activity has a functional need to be in the scheduled site, or whether it is provided for adequately in some other area.
- e) whether the proposed activity might benefit from a marina location, and if these benefits are available to be shared by the wider community.
- f) any benefits the activity may bring to the scheduled site.
- g) the size of the proposed activity and the implications for the availability of space in the scheduled site.
- h) any visual impacts including views from and across the marina.

#### **M.5 Explanation**

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The scheduled site (the marina) is primarily for recreational purposes, and therefore an appropriately high level of amenity is expected. Various activities that have effects consistent with this amenity are specified as permitted activities - the launching, berthing and storage of boats and associated recreational activities, such as boating clubrooms and picnic areas which help people enjoy the area. Provision is made for activities which are marina-related such as boat repair and retailing of marine accessories to facilitate this. However, such activities should be of a scale and nature that is compatible with the recreational focus of the scheduled area. Premises selling food are allowed, to cater for people working in the area and others. Restaurants and premises licensed under the Sale of Liquor Act are considered appropriate. They can overlook the marina and provide opportunities for the wider public to enjoy the area.

Other activities wanting to set up in the area have to apply for a resource consent. This allows each case to be judged on its merits (having regard to the above assessment criteria). Some activities may enhance the area. Others may be inappropriate and should be declined. Key factors are effects on amenity, and the restricted availability of space.

## Schedule Industrial Zone

### Sch.N Quarantine Road Large Format Retail

#### N.1 Application of the schedule

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This schedule applies to the site shown as Schedule N on Planning Maps 22 and 23, being the former Honda Site in Tahunanui (the Site). The Site is also identified on the plan provided with this Schedule.

This Schedule is referred to in Rule INr.75A.

#### N.2 Permitted activities

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The extent to which the Industrial Zone Rule Table applies to this Site is explained in N.3(5) below.

#### N.3 Controlled activities

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An activity on the site is controlled if:

- 1) the total gross floor area of all activities on the Site (excluding yard display space and parking) does not exceed 30,000m<sup>2</sup>; and
- 2) it is:
  - a) a *trade related activity* (see definition provided); or
  - b) a *retail activity* (see definition provided) occupying premises of no less than 500m<sup>2</sup> in gross floor area; or
  - c) a restaurant, takeaway food outlet or retail services provided that the total gross floor area devoted to such activities does not exceed the lesser of 1,200m<sup>2</sup> or 4% of the gross floor area that exists on the Site at any time; or
  - d) car parking; and
- 3) It is not a *supermarket* (see definition provided); and
- 4) With the exception of the activities referred to in clause 2(c) and 2(d) above, each activity is located in a separate building or premises. A building or premises in which an activity is undertaken may not be co-occupied by any other business under any lease, sublease, licence, concession or otherwise, unless the co-occupants individually satisfy clause 2 of this rule; and
- 5) The activities provided for under N.3 shall comply with the permitted activity rules for the Industrial Zone, with the exception of INr.21 and INr.22.

For the purposes of this schedule, any reference in INr.22.1 “Office facilities” to “industrial use” is regarded as being a reference to a controlled activity under this schedule.

INr.21 does not apply to land within Schedule N.

Control is reserved over:

- (i) the layout of the central parking area;
- (ii) the provision of appropriate landscape planting within the parking area (including large trees planted at 15m centres), and in locations that help mitigate the impacts of large unmodulated facades;
- (iii) the provision of safe pedestrian access and links within the parking area;
- (iv) the provision for adequate lighting within the parking area;
- (v) the colour of the external walls that face the boundary of the site;
- (vi) the modulation of externally facing walls;
- (vii) the ongoing provision of sufficient vehicular and pedestrian access to the Site from Pascoe Street and from the Site to Pascoe Street;

(viii) the maintenance of open space, and appropriate landscaping (including large specimen trees), on all of the land identified as “open space” on the plan provided within this Schedule. (The purpose of this criterion is to exclude buildings. It is however anticipated that appropriate signage be located within the open space area).

**Definitions relevant to this Schedule:**

***Large Format Retailing:***

Means those activities provided for in N.3.2(b)

***Trade Related Activity:***

Means an activity that is engaged in the supply, by sale or hire, of goods or services in any one or more of the following areas or categories: automotive, marine, building, farming, agricultural, garden, patio, catering, industrial and safety products, office furniture and equipment.

***Retail Activity:***

Any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.

***Supermarket:***

Means an individual retail outlet with a gross floor area of not less than 500m<sup>2</sup> (or an equivalent area, including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of;

- a) fresh meat and produce; and
- b) of chilled, frozen, packaged, canned and bottled foods and beverages; and
- c) of general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers, and other paper tissue products; magazines and newspapers; greeting cards and stationary; cigarettes and related product; barbeque and heating fuels; batteries, flashlights and light bulbs; films; pharmaceutical, health and personal hygiene products and other toiletries.

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**N.4 Discretionary activities**

Activities that contravene N3.5 are discretionary activities. The relevant assessment criteria are provided in the Rule Table for the Industrial Zone.

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**N.5 Non-Complying activities**

Activities that contravene N3.1, or N3.2, or N3.3, or N3.4 are non-complying activities.

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**N.6 Explanation**

This schedule provides for limited large format retailing on a defined site. It recognises that only limited opportunities exist in the City Centre and the City Fringe for trade-related and large format retailing and that the stores that may establish on this site are of a type that may affect the amenity of the City Centre and City Fringe if they were located there. This schedule seeks therefore to make provision for the increasing demand for such stores in such a way as will not adversely affect the sustainability of the Inner City Zone and other commercially zoned centres. It seeks to achieve this by limiting retail opportunities on the site to stores that are clearly trade-related and otherwise to stores that trade as single entities with a strict minimum floor area of 500m<sup>2</sup>.

# SCHEDULE N

