

APPENDIX E
Statutory Planning Framework
Relevant to Landscape Matters for PPCR28

Evidence of Anne Steven



RESOURCE MANAGEMENT ACT 1991

6 MATTERS OF NATIONAL IMPORTANCE

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development

Riparian margin - means the area of land adjacent to any wetland, river, lake or coastal marine area where direct interaction occurs between land and water systems. The riparian margin contributes to the natural functioning, character and quality of the water body or area, and the land margin, and associated ecosystems. (NRMP 2013 Part 2-24)

7 OTHER MATTERS

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- b) maintenance and enhancement of amenity values
- (f) maintenance and enhancement of the quality of the environment

NZ COASTAL POLICY STATEMENT 2010

Policy 1 - Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.

Recognise that the coastal environment includes:

- a) the coastal marine area;
- b) islands within the coastal marine area;
- c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d) areas at risk from coastal hazards;
- e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g) items of cultural and historic heritage in the coastal marine area or on the coast;
- h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

NRMP Meanings of Words Ch. 2:

Coastal Environment:

This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:

- a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)
- b) the active coastal zone
- c) the land backdrop

NELSON REGIONAL POLICY STATEMENT 1997

DH1.3 Policies

DH1.3.1 To identify areas having features or values of significance and to ensure that these features or values are appropriately protected. Areas identified will include those which:

- i) have significant flora and fauna values;
- ii) are subject to significant natural hazards;
- iii) are recognised as being significant in terms of culture or heritage;
- iv) have high natural amenity value;
- v) have significant open space values such as greenbelt(s);
- vi) make significant contribution to the natural character of the coastal environment, wetlands, rivers and their margins; and/or

are outstanding natural features and landscapes.

DH1.3.2 To have regard to community expectations when determining the extent and location of urban expansion

DH1.4.2 Council will undertake an assessment of future demand for and implications of urban expansion and, where community expectations and environmental effects can be met, will make appropriate provision for further expansion in its District Plan and Regional Coastal Plan; and is to obtain....

DH1.7.3 A pleasant, functional and coherent urban area which provides for the reasonable expectations of the community while avoiding, remedying, or mitigating adverse effects on the environment

DH1.3.3 Where urban expansion is considered to have greater net benefit than intensification, to provide for the most appropriate form of urban expansion for Nelson. In determining what is most appropriate, to assess the costs and benefits of various options according to the following criteria:

- i) energy efficiency in terms of location and structures;
- ii) infrastructure costs including opportunity costs of existing infrastructure;
- iii) natural or physical barriers to expansion;
- iv) existence of incompatible rural activities such as quarries or smelly activities;
- v) susceptibility to natural hazards;
- vi) existence of sensitive uses such as land transport links, airports or ports;
- vii) utilisation of the land resource for primary production purposes;
- viii) proximity to existing facilities;
- ix) impacts on natural and conservation values associated with riparian and coastal margins, rivers and the coast;
- x) effects on internationally, nationally, or regionally significant natural features and landscapes;
- xi) effects on internationally, nationally, or regionally significant native vegetation and significant habitats of indigenous fauna;
- xii) effects on ancestral land, water sites, waahi tapu and other taonga of significance to tangata whenua;
- xiii) effects on heritage values of sites, buildings, places, and areas of regional, national, or international significance;
- xiv) effects on amenity values of international, national, or regional significance;
- xv) effects on recreation resources of international, national, or regional significance;
- xvi) effects on urban form and on the demarcation between urban and rural areas; and
- xvii) effects on availability of land resources for future generations.

Ch 7 Natural and Amenity Values

NA1 amenity values

NA1.1 issue

Areas of significant amenity and/or conservation value at risk of degradation. Amenity values include a wide variety of factors which have a pronounced influence on our quality of life. They include:

- views;
- availability of sunlight and natural light;
- uncluttered space for outdoor living and recreation;
- absence of noxious elements and activities;
- peace and quiet;

- special characteristics of the environment including plants, trees, geological features and local landscapes;
- areas and items of cultural and historic significance, including townscape, historic sites and buildings, cultural and archaeological sites; and/or
- the natural character of the coast and rivers.

NA1.2 objective

NA1.2.1 Preservation or enhancement of amenity and conservation values.

NA1.3 policies

NA1.3.1 Council will, in consultation with Department of Conservation, tangata whenua and other appropriate organisations and agencies, **identify areas or sites of significant amenity value** based on the following criteria:

i) natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attribute; and.

ii) the absence of adverse effects which significantly detract from people's appreciation of pleasantness, aesthetic coherence and cultural or recreational attributes.

NA1.3.2 To **recognise and provide for the protection of those significant amenity and conservation attributes** which Council has the power to protect and **which contribute to a site being recognised as significant, where these attributes:**

- i) are considered to be of high vulnerability to change;
- ii) are subject to actual or potential threat of change; and
- iii) are not subject to any other relevant form of protection.

The degree of protection will be based on the relative importance of the site.

NA2 landscape values and natural features

NA2.1 issue

Adverse impacts on natural features and the landscape character of Nelson City.

The landscape character of Nelson City is unique and dominated by physical landforms. The city is located at the head of Tasman Bay behind the Nelson Boulder Bank and is flanked by a number of ranges of hills rising from coastal foothills up to the city boundary along the ridge of the Bryant Range. The urban area is principally located on the narrow coastal plain, the floodplain of the Maitai River and the coastal foothills. Other parts of the coastal plain and the inland valleys mainly support pastoral farming. The coastal foothills support a variety of uses including pastoral farming, exotic forestry, reserve land, exotic shrubland, and regenerating native bush.

Major threats to the landscape character of the Nelson City area include:

- **Residential expansion especially along prominent ridgelines in the urban area.** These result in loss of natural colours and patterns, development of a saw tooth appearance to ridgelines from houses and other prominent structures, and loss of public views from the ridgeline.

Loss of views from within the urban area to prominent landscape features such as the coast or ridgelines. This may include the **loss of prominent views from main routes** in and out of the city, loss of views from within the central business district to the hills and coast, and **blurring of the urban rural interface**

NA2.2 objective

NA2.2.1 A landscape which preserves and enhances the character of the natural setting and in which significant natural features are protected.

NA2.3 policies

NA2.3.1 To preserve the natural landscape character and vegetation cover of the backdrop to Nelson City.

NA2.3.2 To avoid development which detracts from the amenity afforded by dominant ridgelines.

NA2.3.3 To avoid development which detracts from the landscape and amenity values afforded by viewshafts within the urban area and by gateways between urban and rural areas and between different landscape units.

NA2.3.4 To encourage land use practices in rural areas which avoid, remedy, or mitigate impacts on landscape values.

NA2.3.5 To identify and protect significant landscape and natural features throughout the city area, including:

- i) **natural or physical features** considered to be of **regional, national, or international significance;**
- ii) **macro features** which contribute to the landscape setting of Nelson;
- iii) **natural or physical qualities of the area which contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes; and**

- iv) the absence of adverse effects which significantly detract from people's appreciation of pleasantness, aesthetic coherence and cultural and recreational attributes.

NA2.3.7 To recognise and provide for the protection of those landscape and natural attributes which contribute to a site being recognised as significant where these attributes:

- i) are considered to be of high vulnerability to change;
- ii) are subject to actual or potential threat of change;
- iii) are not subject to any other relevant form of protection; and
- iv) it is within Council's powers to achieve appropriate protection.

The degree of protection will be based on the relative importance of the site.

NA2.3.8 To prevent any activity on or adjacent to any significant landscape or natural feature unless the adverse effects of that activity on the site or feature can be avoided, remedied, or mitigated.

NA2.3.9 To preserve the natural character of the coastal environment.

NA2.4 Methods

NA2.4.5 Council will encourage and, where it considers appropriate, assist landowners and resource users to protect significant landscapes and natural features through covenants and other mechanisms.

NA2.4.7 Council will consider and, where appropriate, prepare a landscape management strategy for the city foothills and the Maitai Valley in order to co-ordinate land management and to preserve and enhance Nelson's landscape setting.

NA2.4.8 Council will require that pre-determined standards are met or appropriate resource consents are granted before any activity is undertaken which has the potential to adversely affect any significant landscape or natural features.

NA2.7 anticipated environmental results

NA2.7.1 Preservation or enhancement of significant landscape and natural features while minimising conflict with private land ownership rights.

NA2.7.2 Development which is sympathetic to or complements significant landscape and natural features.

NA2.8.1 Positive protection being introduced for significant landscape and natural features.

NA2.8.2 Developments which preserve or enhance landscape and natural features.

NA3.3 policies

NA3.3.1 To promote the protection of areas of significant indigenous vegetation and habitats of indigenous fauna which are recognised for their ecological, scientific, botanical, intrinsic, amenity, landscape, cultural or conservation values. In determining the significance of these resources, matters to be considered shall include (*inter alia*):

- ix) the contribution of the area or habitat to ecological, scientific and intrinsic values, to cultural and spiritual values of tangata whenua, and to recreational, amenity, heritage, landscape, and conservation values of regional, national, or international significance;

NA3.3.3 To encourage the retention of all areas of indigenous vegetation.

NA3.3.5 To maintain and protect corridors important to the movement of biota and to recognise the intrinsic values of ecosystems.

NA3.3.6 To encourage the planting of indigenous flora species, and where possible of local genetic stock, when rehabilitation or restoration of these significant or priority natural areas is undertaken.

NA3.7 anticipated environmental results

NA3.7.1 Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from adverse effects resulting from land use change and development while minimising conflict with private land ownership rights.

NA3.7.2 Management of significant areas of indigenous vegetation and significant habitats of indigenous fauna to actively enhance their intrinsic values.

NA5 management of riparian and coastal margins

NA5.1 issue

Loss of the natural character, riparian habitats, and public access to and along rivers, wetlands and the coastal environment as a result of intensification and development of land use and activities in and adjoining rivers and the coastal marine area.

The linkage between the land and surface water is the riparian or coastal margin. It is an area of considerable significance in terms of the interaction between land and water and is accorded special significance in the purpose and principles of the Resource Management Act.

NA5.2 objectives

NA5.2.1 Management of riparian and coastal margins which protects and enhances significant habitats, natural features, natural functions, natural character, landscape, amenity, cultural features and water quality.

NA5.2.3 Protection and enhancement of public access and recreational opportunity to and along riparian and coastal margins consistent with protection of land ownership rights and conservation values.

NA5.3 policies

NA5.3.1 To identify and protect the natural character of riparian and coastal margins where any or all of the following features or values exist:

- i) presence of regionally or nationally significant natural features, indigenous vegetation, or regionally or nationally significant habitats of aquatic fauna;
- ii) scenes or landscapes of regional or national significance within which water forms an essential component;
- iii) landforms or geological features of regional or national significance;
- iv) heritage, recreational, scientific or other amenity or intrinsic values of regional or national significance;
- v) actual or potential occurrence of significantly degraded water quality as a result of non point discharges of pollutants;
- vi) natural hazards such as flooding, erosion or sedimentation, within or adjoining a coastal or riparian margin;
- vii) the need to maintain access to and along riparian and coastal margins for river maintenance or river/coastal protection works; and/or
- viii) the need to provide wildlife corridors between significant habitat areas.

Policy NA5.3.11 To recognise the dynamic nature of riparian and coastal margins and to seek to avoid developments which have the potential to be adversely affected by (or accentuate) natural hazards, including flooding, erosion and accretion events; and

Policy NA5.3.12 To advocate or promote management practices for riparian land that enhance existing or desired natural characteristics and values. ; and

Policy NA5.3.13 To manage riparian and coastal margins in such a way as to enhance or maintain water quality

NELSON RESOURCE MANAGEMENT PLAN (NRMP) 2012

It is noted this is a combined regional and district plan.

Ch. 2 Meanings of Words

Coastal Environment - This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:

- a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)
- b) the active coastal zone
- c) the land backdrop

The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries.

Riparian margin - means the area of land adjacent to any wetland, river, lake or coastal marine area where direct interaction occurs between land and water systems. The riparian margin contributes to the natural functioning, character and quality of the water body or area, and the land margin, and associated ecosystems.

Riparian overlay - means an overlay identifying river and coastal margins with conservation, access, or natural hazard values, and where esplanade reserves or strips may be required by Council at the time of subdivision.

River* - means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

For the purpose of this definition, 'intermittently' means a river or stream that is dry at certain times and has one or more of the following characteristics:

- a) it is mapped as riparian overlay in the Nelson Resource Management Plan maps or listed as conservation priority 1 or 2 in Table 6.1; or
- b) has natural stable pools having a depth at their deepest point of not less than 150mm and a surface area of not less than 2m² present throughout the period commencing 1 February and ending 30 April of any year.

Appendix 6 - Riparian and Coastal Margin Overlays

AP6.1 riparian and coastal margins with identified riparian values

		Access along river Recreation
Maitai River	The Haven to Pole Ford Bridge	Conservation (aquatic habitat and water quality) priority 1 Access along river Recreation Hazard mitigation flood capacity
	Pole Ford Bridge to headwaters	Conservation (aquatic habitat and water quality) priority 1 Access along river Recreation
	Side creeks including Kaka Hill tributary, Sharlands and Packers Creeks	Conservation (aquatic habitat and water quality) priority 2 and 3 Access along river Recreation Hazard mitigation flood capacity

Priority 1 conservation values

These include the main stem of larger rivers. These reaches have a range of values including: a) Trout fishing, swimming, walking, passive recreation, kayaking and other boating b) Identified wildlife corridors/significant native riparian vegetation c) Flood management zones d) Water quality being managed for fishery and contact recreation purposes

Priority 2 conservation values

These include smaller rivers and significant tributaries of larger rivers. Management of these areas is primarily to protect habitats of fish and fowl and for water quality purposes. These reaches have a range of values including: a)

Identified trout spawning streams, whitebait spawning streams, wildlife habitat streams especially for waterfowl, waterbodies with rare species b) Permanently flowing streams greater than 3 m bank width as native fish habitat (unless lacking fishery values confirmed by survey) c) Spring fed creeks or any having high water clarity d) Water quality being managed for aquatic ecosystems or water supply purposes

Priority 3 conservation values

These **include small first order streams** which may **need some protection to maintain water quality**. The degree of protection is largely dependent on slope. There is little benefit in protecting stream margins on high slope angles where suitable land use controls are more appropriate. Where appropriate, conditions may be placed on resource consents to avoid, remedy or mitigate adverse effects on the values identified. Such conditions could include, but would not be restricted to matters such as: a) Timing of earthworks. b) Revegetation following earthworks. c) Control of stormwater and other discharges. d) Location of structures. e) Protection of significant vegetation. f) Protection of instream habitats. g) Water Quality.

Ch. 3 Administration

AD11.3 Description of overlays

AD11.3.2 Landscape overlay

All areas adjacent to the city, coast and main traffic routes which are **highly sensitive to development**. They comprise mainly the ridge tops together with the most sensitive shoulder slopes.

AD11.3.1 e) Flood overlay

Indicates areas in the Rural Zone and Conservation Zone where land may be subject to flooding or hazards caused by running water such as debris flows on stream fans and the change in the position of creeks, but insufficient information is available to allocate it to the Inundation Overlay or Flood Paths Overlay.

AD11.3.7 Coastal environment overlay

AD11.3.7.i The Coastal Environment Overlay **identifies land in the coastal environment where the natural character is such that the elevation of any activity proposed within the overlay justifies not only the consideration of the nature of the activity, but also its effect on the natural character of the coastal environment. It should be noted that the term 'Coastal Environment Overlay' is quite distinct from the term 'Coastal Environment', while including extensive areas above the mean high water mark, is located largely within the Coastal Marine Area (definition found in Chapter 2, Meanings of Words).**

AD11.3.7.ii The overlay is intended primarily for activities outside the Coastal Marine Area. For this reason, the seaward boundary is generally mean High Water Springs. The notable exception to this is adjacent to the Port Industrial Zone where the overlay extends over the sea to coincide with the Port industrial zone.

AD11.3.7.iii **The inland boundary of the coastal environment overlay was adopted on the basis of a variety of criteria, which were given different weightings in different localities. In the northern rural areas of the District, the inner boundary of the coastal environment overlay has been positioned generally to follow the line of the nearest dominant ridge inland from the sea, largely on the basis of landscape and geographical considerations and the relatively high degree of remaining natural character.**

AD11.3.7.iv **In urban and industrial areas abutting the coast, the boundary has been drawn generally to exclude "built" areas from the coastal environment overlay, because while these areas still possess a level of natural character, they have been extensively modified. However, the port area was included within the overlay, because the remaining natural character was offset by the potential for land-based activities to affect the adjacent Coastal Marine Area.**

AD11.3.7.v **In the Stoke Bypass, Rocks Road, Nelson urban, and Atawhai areas, the inner boundary of the coastal environment has been located a few tens of metres inland from Mean High Water Springs because of the extent to which activities on land affect the adjacent Coastal Marine Area, access, and the extent to which an area is subject to coastal processes (or may be in the future, as a result of sea level rise). In these areas, the outer edge of the coastal highway is a convenient and readily identifiable place to position the boundary. In the Airport/Nelson Golf Course/Tahunanui Beach area the boundary has been drawn further inland in recognition of the significance of public ownership of land (conservation values are more readily preserved on publicly owned land) and coastal erosion in these areas.**

AD11.3.7.vi **Overall, the boundary is considered to have both landscape and ecological significance, to be readily identifiable on the ground, and to be appropriate for the purposes of giving effect to the Act and to the New Zealand**

Coastal Policy Statement. The location of the boundary of the Coastal Environment Overlay is shown on the Planning Maps.

Ch. 4 Key Resource Management Issues

R15 Landscape, seascape and open space values

R15.i The landscape and topographic setting of Nelson City is integral to its identity, influencing past and future patterns and forms of development.

R15.ii Nelson is a coastal city occupying the river valleys, low hills and plains inland of Nelson Haven and Waimea Estuary. The city is framed by a series of largely undeveloped ridgelines running back to indigenous forest on much of the remote skyline with forestry and farming occupying much of the land in between.

R15.iii Within the existing urban boundary, the landscape is largely modified. However, important visual perspectives of the city's remote backdrop, coastal environment and riparian areas may be attained from within the urban area, from traffic corridors, pedestrian precincts, public open space and private property.

R15.iv The coastal landscape outside the urban area consists of an open coast line fringed largely by pastoral farming and forestry, and containing valued land form and seascape features such as the Boulder Bank, bluffs, and estuaries.

R15.v Development (structures, plantings, and land disturbance activities) has the potential to detract from the visual appearance of landscape and seascape components within and surrounding the District. The significance of this will depend on the degree of modification in the existing landscape or seascape and the visual obtrusiveness of specific activities within it.

R15.vi Pressure on landscape, seascape, and open space values is most likely in areas where topography, productive potential, and access are conducive to changes in resource use, including aquaculture.

R15.1 The issues

R15.1.i Adverse visual effects on the remote backdrop to the District through structures, tracking, land clearance, and planting technique.

R15.1.ii Loss of rural and coastal open space through the encroachment of urban development and other built facilities.

R15.1.iii Adverse visual effects on key landscape and open space features within the urban area resulting from development on ridge lines, in important viewshafts or encroaching on riparian open space.

R15.1.iv Adverse visual effects on landscape and open space values by signage, particularly along traffic corridors.

R16 Natural features

R16.i Natural features add to the bio-diversity of Nelson's environment as well as contributing to the district's landscape setting, amenity values, and heritage. These values are represented in the natural character of the coastal environment, wetlands, rivers and their margins, significant natural landscapes and land forms, areas of indigenous vegetation, and habitats of indigenous fauna.

R16.1 The issues

R16.1.i Degradation of the integrity and extent of natural features under development pressure involving, for example, clearance of indigenous vegetation, drainage of wetlands, watercourse disturbances, human occupation and pollution.

R16.1.ii Degradation of the natural character of rivers and the coastal environment.

R18 Coastal environment

R18.i While the total land area administered by Nelson City Council is comparatively small in size, the Council administers an important and varied coastal environment. This environment includes areas of high conservation, cultural, scenic, commercial, recreation, and amenity value, as well as containing the major port for the Nelson/Tasman area. Refer Chapter 2 (Meanings of Words) definition for Coastal Environment.

R18.ii The Resource Management Act places special emphasis on the preservation of the natural character of the coastal environment and the special relationship of Maori with the coast. In order to guide resource management in the coastal environment, the Minister of Conservation prepared the New Zealand Coastal Policy Statement which was gazetted in 1994.

R18.1 The issues

R18.1.iv Subdivision and development impacting on coastal landscapes, natural areas and habitats

R12 Public access to margins of lakes, rivers, and the coast

RI12.i In addition to their ecological significance, riparian areas and the coast have important recreational, scenic, and aesthetic qualities. The maintenance and enhancement of public access is recognised as a matter of national importance under Section 6(d) of the Act. The foreshore and certain riverbeds are public domain but are often bordered by private land. Restricted public access to such areas undermines the opportunity for people to enjoy and appreciate them. Unrestricted public access may, however, conflict with adjoining land use (safety and security considerations do conflict with public access during cargo handling at the Port) and sometimes ecological and conservation values.

RI12.1 The issue

RI12.1.i Patterns of land and coastal use that may compromise public access to and within the margins of lakes, rivers, and the coast, and conflict between access, resource use, and other values.

RI14 Amenity values

RI14.i Amenity values are those inherent qualities or characteristics which contribute to people's appreciation or enjoyment of the local environment and therefore the community's overall perception of well being.

RI14.ii components of amenity may include privacy, sunlight admission, open space and visual streetscape, convenience and accessibility, public health and safety, the degree of acceptable nuisance elements, and recreational, natural and aesthetic values, together determining the pleasantness and coherence of the District as a whole and within its constituent environments

RI14.iii The amenity of an area is largely attributed to its dominant land or water use opportunities and built form. The factors defining acceptable standards of amenity differ between areas within the district, for example between living and working environments, or between the conservation estate and urban environment.

RI14.1 The issues

RI14.1.i Loss of the environmental pleasantness and coherency (in appearance or function) of an area or streetscape such as the coastal environment, City Centre or a residential neighbourhood, through aspects of development such as signage, design and appearance, and traffic, which are insensitive or inappropriate to its existing amenity.

RI14.1.ii Compromise of the use and enjoyment of individual properties as a consequence of the adverse effects of on site and neighbouring development.

RI14.1.iii Loss of or inadequacy of open space. These provide both visual amenity within the cityscape and space for recreational activities which contribute to the diversity and health of the community.

RI14A Urban design

RI14A.1 The issues

g) expansion of urban development into the rural land resource and subsequent effects on roading, servicing and rural landscape values.

RI15 Adverse environmental effects of activities

RI15.1 The issues

RI15.1.i Degradation of the life supporting capabilities of natural resources (land, water, air and ecosystems) through the environmental outcomes of resource over-use, contamination, compromise in the integrity of ecological processes, soil compaction or erosion, or habitat destruction.

RI15.1.ii Reduced water quality which may limit downstream uses of the resource.

RI15.1.iii Loss of opportunities to use or enjoy resources and values as a result of adjacent land use or activities. Nelson Resource Management Plan (12/11/12) 4-11

RI15.1.iv Risk to public health, safety, and amenity values associated with traffic, aircraft and vessel movement, noise, and other contaminant discharges.

RI16 Competing demands or values attributed to resources

RI16.1 The issues

RI16.1.ii Environmental conflicts between activities, for example, commercial development encroaching into inner city residential areas, or urban sprawl into rural areas.

RI16.1.iv Land use conflicts arising from 'public' values held over private property, for example landscape values or heritage values.

RI16.1.v Conflicts arising from the imposition of private activities on public resources, such as signage adjoining traffic corridors and other public places, impacting on public values such as amenity, and traffic and pedestrian safety.

RI18 Freshwater environments

RI18.ii Urban activities which affect the natural character and ecosystems relate to flood protection works to protect properties, and subdivisions which result in loss of riparian vegetation, increased area of impermeable surface leading to increased stormwater flows, culverts, sedimentation during earthworks, and toxic pollutants running off roads and industries.

RI18.iii Rural activities which affect natural character and ecosystems relate to forestry and farming activities as well as the continuing demand for rural subdivision. Specific examples are the taking of water for irrigation, stock water and domestic supplies, the potential increase in sedimentation during forestry activities, stock access degrading the quality of water and habitats, and the effects of intensification or rural residential subdivision. River health in the rural areas ranges from very good to degraded.

RI18.ix Safeguarding the life-supporting capacity of water and ecosystems is central to the purpose of the Resource Management Act. The preservation of the natural character of wetlands, lakes and rivers, and their margins is listed as a matter of national importance.

RI18.1 The issues

RI18.1.ii The potential for activities to adversely affect natural character and amenity values of rivers, lakes and wetlands, and their margins. Protection of the natural character of these areas from inappropriate subdivision, use and development is a matter of national importance, while particular regard should be given to the maintenance and enhancement of amenity values.

RI18.1.iii The potential for activities to result in the loss or degradation of wetlands, riparian margins and habitats for indigenous fauna as well as trout.

RI18.1.v Provision of public access to and along water bodies (where it is safe) as a matter of national importance, and the potential for activities and structures to restrict and affect the ability of the public to gain access.

RI18.1.vi The potential for modified flows and levels of surface water to adversely affect instream and out of stream values.

RI18.1.ix The potential for activities and discharges to adversely affect water quality and natural character. How to maintain or enhance water quality to a level appropriate to maintain the recognised uses and values.

Ch. 5 District Wide Objectives and Policies

objective

DO5.1 natural values

An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.

Reasons

DO5.1.i In the past much development has been at the expense of natural values. This Plan seeks to move towards a situation where development is not at the expense of natural values, and where appropriate and achievable development complements natural features. In relation to the urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area.

Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within and adjoining urban developments.

DO5.1.ii In the Nelson City area, indigenous communities with priority for protection are:

- Alluvial forest
- Coastal sand dune, spit and boulder communities
- Coastal forest and shrub land
- Estuarine communities
- Ultramafic communities
- Freshwater wetlands and riparian forest

policy

DO5.1.1 areas with high natural values

Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table DO5.1, and managed in such a way that protects and enhances those values.

policy

DO5.1.2 linkages and corridors

Promotion of linkages and corridors between areas of natural vegetation.

Explanation and reasons

DO5.1.2.i Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the biodiversity in any of the individual areas. This can also result in greater interaction between people and the environment and assist with the recognition of the cultural importance of native plantings. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan's ability to protect indigenous biodiversity. Rivers (and potentially wetlands) provide opportunity for continuous Biodiversity Corridors. Biodiversity Corridors can also be established through existing vegetation corridors, desired connectivity routes (currently vegetated or not), or by utilising the connectivity of publicly owned land.

DO5.1.2.ii Biodiversity Corridors are shown on various Structure Plans in association with areas identified for future urban growth or more intense development of Rural Zones. These have four primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment;
- recognition and assistance with preservation of the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori.

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, Biodiversity Corridors may also have a positive impact on the quality of the urban and peri-urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;
- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation
- assisting in the management of stormwater discharges through retention and low impact stormwater treatment;
- inclusion of public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity Corridors are intended to preserve habitat that has functional connections with other existing natural communities. By showing Biodiversity Corridors on the planning maps / Structure Plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban and peri-urban environments at the three development stages of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by humanmade connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required. Biodiversity Corridors are to be planted in predominantly ecosourced native vegetation indigenous to the area. Some non-native vegetation can be planted for purposes such as to act as a nursery crop for the establishment of the native species referred to, or as a food source for fauna that utilise the corridor provided non-natives do not dominate and otherwise comply with provisions of the relevant Biodiversity Corridor rules. The resource consent process allows for the reduction in width of a

Biodiversity Corridor to be considered where the intended functions of a Biodiversity Corridor are not compromised (see Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)).

DO5.1.2.v Consideration also needs to be given to a Biodiversity Corridor's long-term management. There are a variety of management methods available to achieve the Council's objectives for natural values and biodiversity within urban and peri-urban subdivision design; for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.

DO6 Riparian and coastal margins

DO6.i The issues in regard to riparian margins are discussed in Chapter 4 (particularly RI12 – public access to margins of lakes, rivers, and the coast). The linkage between the land and adjacent water bodies is the riparian margin (for freshwater bodies and coastal areas). It is an area of considerable significance in terms of interaction between land and water and is accorded special significance in promoting the purpose and principles of the Resource Management Act. Riparian and coastal margins are a dynamic meeting place between land and water. When making decisions in accordance with objectives and policies in DO6, account will also be taken of the objectives and policies in Chapter 13, particularly Objective CM7 (Public Access) and accompanying policies and methods.

Riparian margins:-

- a) have a special and distinctive landscape character
- b) may be subject to rapid erosion and accretion
- c) may be subject to inundation
- d) are the meeting point between terrestrial and aquatic species
- e) may contain specially adapted species
- f) are the point at which pollutants from land based activities enter surface water
- g) may be important for access to and along water bodies, including for the purposes of trout fishing and white baiting
- h) are often productive ecosystems
- i) may contain vegetation and structures which enhance water quality and aquatic habitats through shading by adjacent vegetation, stabilisation of river banks, creation of backwaters, and supply of insects for fish species
- j) may be important for a wide range of recreation pursuits
- k) may contain a high number of cultural sites
- l) may be important for the collection of mahinga kai
- m) are often considered desirable areas for residential and commercial development
- n) may contain economically vital coastal related activities such as ports
- o) may be important as sites for structures which facilitate public access or use e.g. bridges, wharves, or for utility services.

DO6.ii Riparian and coastal margins are in a variety of ownership, both public and private. Proposed acquisition of esplanade reserves or controls placed on the use of these areas, through esplanade strips or general land use controls, will often constrain private landowners in their use of adjoining areas and so introduce management problems.

Although the setting aside of an esplanade reserve may affect the land owner's use and enjoyment of adjoining land there are substantial benefits for the community in having a consistent long term policy on creating such reserves for protecting and enhancing many of the beneficial aspects of riparian margins, as outlined above.

objective

DO6.1 riparian and coastal margins

Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.

Reasons

DO6.1.i Riparian margins comprise the land near rivers and other water bodies. They have a number of values and serve a variety of functions. Their management is of keen interest to private landowners and the general public alike. Management of riparian margins must take into account the variety of values and functions and seek to resolve the conflict which often occurs with and between these values and functions. Not all values can be absolutely protected in every place.

DO6.1.ii Coastal margins include areas of intensive public recreation, such as Tahunanui Beach, Wakefield Quay, Rocks Road and areas of industrial, farming and other activities. All of these may have adverse effects on the values of the natural margins. As with riparian margins, not all values can be accommodated simultaneously.

policy

DO6.1.2 activities in margins

The values associated with riparian and coastal margins should be protected from the adverse effects of activities in order to prevent degradation or loss of esplanade values while recognising that some activities require to be located in or adjacent to water bodies.

Explanation and Reasons

DO6.1.2.i Riparian and coastal margins are sensitive areas which can be rapidly degraded by inappropriate management. Where an area has been identified as of high priority for acquisition it is important to ensure that the values which justified this classification still exist when the Council gets the opportunity to acquire this margin.

While recognising that some land use activities and services such as bridges existing roads, and existing facilities such as the port and airport must be located within riparian margins, other land use activities are avoidable.

Where activities are likely to result in adverse effects on margins and on water quality, sediment generation, or on river bank stability which can also have off site impacts, they should be identified and controlled.

policy

DO6.1.4 management of margins

The long term natural functioning of riparian and coastal margins should not be adversely affected by activities. In particular, natural values of margins including water quality, the habitats of plants and animals, landscape, and amenity values, including potential enhancement opportunities should be recognised and protected.

Explanation and Reasons

DO6.1.4.i Activities such as soil disturbance, vegetation clearance, and discharge of contaminants can adversely affect the values and functioning of riparian margins or introduce contaminants in such proximity to water courses as to allow little or no reduction of the contaminant by riparian vegetation. Control of these activities is necessary to maintain and enhance the functioning of riparian margins.

objective

DO7.1 natural character

Preservation of the natural character of the coastal environment from inappropriate subdivision, use and development.

Reasons

DO7.1.i Council is required, by the Resource Management Act 1991, to safeguard the life-supporting capacity of water and ecosystems. The objective also reflects the requirements of section 6 of the Act and is consistent with the New Zealand Coastal Policy Statement.

policy

DO7.1.2 adverse effects

Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.

policy

DO7.1.3 restoration

Opportunities to restore or enhance the life-supporting capacity of the coastal environment should be identified and, where practicable, acted upon.

policy

DO7.1.4 Land use, development, and subdivision

Subdivision, use, or development of land in the coastal environment should be located, designed and managed in a way that protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.

Explanation and Reasons

DO7.1.4.i This general policy reflects sections 6(a) and 6(c) of the Act and policy 1.1.2 of the New Zealand Coastal Policy Statement. Council recognises that, irrespective of the degree of modification that has taken place, all of the coast has some degree of natural character and the approach required by the Act is to protect those attributes which give an area its natural character from inappropriate use and development. Council also recognises that the need to protect natural values may limit development opportunities.

policy

DO7.1.5 residential development

Within the coastal environment, sprawling or sporadic subdivision, use, or development of land shall be avoided, and any future residential development should be within a papakainga development, or the residentially zoned land at the Glen.

Explanation and Reasons

DO7.1.5.i The policy gives effect to policy 1.1.1(a) of the New Zealand Coastal Policy Statement which relates to the encouragement of appropriate subdivision use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development. The policy preserves natural character. Papakainga will be identified from time to time under the tangata whenua policies in this Chapter.

policy

DO7.1.6 coastal activities

Activities, including structures, within the coastal environment should be located and designed to take into account ...

- e) the visual amenity of the coastal environment.

DO9 Landscape

DO9.1 Major threats to the landscape character of Nelson include:

- a) Residential expansion especially along prominent ridge lines in the urban area. These result in loss of natural colours and patterns, development of a saw tooth appearance on the skyline ridge, and loss of public views from the ridge line.
- b) Loss of views from within the urban area to prominent landscape features such as the coast or ridge lines. This may include the loss of prominent views from main routes in and out of the District, loss of views from within the central business district to the hills and coast, and blurring of the urban rural interface.

objective

DO9.1 landscape

A landscape that preserves and enhances the character and quality of the setting of the city and in which its landscape components and significant natural features are protected.

Reasons

DO9.1.i The landscape setting and physical features of Nelson gives it a distinctive identity. Development needs to recognise this distinctive identity and be undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape values.

policy

DO9.1.1 significant features

Significant landscape and coastal features which contribute to the setting of Nelson should be protected.

Explanation and Reasons

DO9.1.1.ii Where a landscape feature makes an important contribution to the natural setting of Nelson and has not yet been compromised, the opportunity exists to protect this feature and avoid development which compromises it.

policy

DO9.1.2 development

Development should be undertaken in a manner which avoids, remedies, or mitigates adverse effects on the landscape, coastal features and amenity values.

Explanation and Reasons

DO9.1.2.i In many areas development or the expectation of development makes it unrealistic to protect landscape features in their natural state. In these cases it is important to ensure that any development is undertaken in a manner which avoids adverse effects on or is complementary to the landscape feature being considered. Development includes signs, which may have an adverse effect on landscape values.

policy

DO9.1.3 primary road routes

Primary road routes that contribute to the experience of arriving in and departing Nelson, or of moving from one part of the city to another, should be protected and enhanced.

Explanation and Reasons

DO9.1.3.i Primary road routes provide important visual transition areas when moving from one part of the city to another, or when arriving in or leaving Nelson. Primary road routes are State Highway 6 from Wakapuaka to Saxton Field, Waimea Road between Hays Corner and Bishopdale Saddle, and the main route to Nelson Airport along Quarantine Road and Trent Drive. It is important to ensure that any development avoids effects that may detract from the experience that the routes provide.

policy

DO9.1.4 visual amenities

Particular regard should be had for the protection of visual amenity values in the following areas:

- a) ridge lines/skylines, and
- b) seaward facing slopes of hills, and
- c) estuaries, and
- d) shorelines / riparian margins, and
- e) coastal headlands, promontories, and adjacent sea, and
- f) relatively unmodified parts of the coastal environment.

Explanation and Reasons

DO9.1.4.i The areas identified are particularly sensitive to visual intrusion. The insensitive construction of tracks across hillsides can have a significant adverse effect on coastal landscape values. Estuaries, because of their predominantly horizontal landscape elements, are particularly sensitive to the visual effects of vertical structures such as transmission lines. Shoreline structures can affect views to and from the sea. Riparian vegetation and forest remnants are important, but rare, landscape elements. Coastal headlands and promontories, like ridges, are sensitive to the visual effects of structures.

The use of such areas for the siting of structures should be avoided unless there is no practical alternative; if structures are located in these areas, their adverse effects are to be mitigated by care in their siting, design, finish, and implementation. Activities involving structures on the surface of the sea, such as aquaculture, should be avoided adjacent to headlands, for visual, and safety or navigation reasons.

DO13A Urban design

objective

DO13A.1 recognising the local context

Subdivision and development that reflects, and creates positive relationships with, our local environment, heritage and urban context.

policy

DO13A.1.1 local context and environment

Subdivision and development should relate to local topography, climate, heritage, culture, locally distinctive materials and vegetation, and valued development patterns.

Explanation and Reasons

DO13A.1.1.i Quality urban design treats buildings, places and spaces not as isolated elements but as a part of the whole city, its character and environment. Subdivision and development within the city and urban areas should define and reinforce those elements that best express Nelson's identity – its sunny and outdoor lifestyle, seaside location, topography, biodiversity and geology, the colours of the landscape, neighbourhood and architectural styles, and its long history of Maori and subsequent settlement.

Subdivision and development should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought progressively through the rolling review of the Plan. For example, subdivision layout can be considered in terms of how it contributes to valued development patterns such as the connectivity of roading networks, retention of valued topographical features, landscape and streetscape values, and the sustainable use of existing infrastructure. The assessment can also include road and allotment layout that enables building development to continue any valued built development patterns in the particular locality. Site specific matters such as breach of crossing point maximums, front yard setbacks, fence heights, parking and manoeuvring area rules and standards will be considered in terms of how they contribute to enhanced urban design outcomes for the street, neighbourhood, suburb and overall City and if they continue valued development patterns. Therefore in the consent assessment process, consideration needs to be wider than just the effect on the individual site or sites, to emphasise valued development patterns.

objective

DO13A.2 improving connections

Subdivision and development in urban areas that creates interconnected structures and spaces to ensure that all people find urban areas easy to get around, and connected natural environment networks that support native biodiversity.

Reasons

DO13A.2.i Good connections enhance biodiversity, choice, support social cohesion, make places lively and safe, and facilitate contact among people. Reduced travel times and lower environmental impacts occur in places with good connections between activities and natural environments, and the careful placement of facilities. Where physical layouts and activity patterns are easily understood, residents and visitors can navigate around the area easily.

policy

DO13A.2.2 natural connectivity

Subdivision and development should provide for the enhancement, restoration and, where appropriate, multiple use of natural environment connections, particularly from the hills to the coast, utilising rivers, streams and natural catchment features through urban environments to enhance native biodiversity.

Explanation and Reasons

DO13A.2.2.i Nelson is characterised by its distinct natural topography, dramatic coastal landscape setting and relationship to the harbour and sea. Providing connections between the hills and the coast reduces the impact of urban areas and urban expansion on the connectivity of these two environments. Connections to the hills and the coast also enhance the identity of urban neighbourhoods/communities and dictates growth patterns for urban areas and infrastructure. Connections between natural areas are also beneficial for natural values.

DO14 Subdivision and development

DO14.i Issues relevant to subdivision and development are discussed in Chapter 4.

An important issue is the effects of growth on natural values, quality urban design of the city and suburbs, and the provision of infrastructure in a logical and coordinated manner within the District. DO13A provides urban design objectives and policies which are also relevant to the activities of subdivision and development.

Objective

DO14.1 city layout and design

Subdivision and development that recognises and is appropriate to the natural characteristics of the City and is consistent with principles of high quality urban design and the orderly and efficient use of land.

Reasons

DO14.1.i Subdivision and development usually lead to changes in land use and may involve modification of the topography and natural features of the land. This is particularly the case on steeper slopes, where significant earthworks have been used to maximise the number of allotments and create building sites. The main adverse effects are the loss of natural landscape forms, loss of vegetation, and modification of streams. Under this objective, subdivision or development is preferred in areas that require the least modification of the natural environment.

DO14.1.ii The changes of use that accompany subdivision and development may have adverse effects on amenity values (reflecting intensification of use) and on the efficient use of land in the long term. This objective requires these effects to be taken into account.

DO14.1.iii The layout and design of urban areas through the activity of subdivision creates the backbone structure of the city and suburbs. Given the long lifetime of subdivision and development, layout that represents poor quality urban design will have adverse effects on the quality and sustainability of the urban environment. policy

Policy

DO14.1.1 landscape features

Subdivision and development should provide practicable sites while retaining existing landscape features such as landforms, mature trees, indigenous vegetation, and natural watercourses.

Explanation and Reasons

DO14.1.1.i This policy is related to the policies of the Plan about landscape values, natural heritage, and water bodies. Efficient use of the land resource and minimising of adverse effects requires attention to be given to the size and shape of allotments.

policy

DO14.1.2 type and intensity of development

The type and intensity of subdivision and development should reflect the natural and physical capabilities of the land and the characteristics of the zone.

Explanation and Reasons

DO14.1.2.i In deciding whether, or to what extent, the land should be subdivided or developed, the capabilities of the land to absorb or be managed in a way that avoids, remedies or mitigates predictable adverse effects, must be taken into account.

objective

DO14.3 services

The provision of services to subdivided lots and developments in anticipation of the likely effects and needs of the future land use activities on those lots within the developments and the development potential of other land in the Services Overlay.

policy

DO14.3.1 roading

Subdivision and development should provide for

..

d) Avoidance or mitigation of any adverse visual and physical effects of roads on the environment,

..

DO14.3.1.ii Vehicle ownership levels mean that vehicular access must generally be provided to newly created lots. Road and access standards must reflect anticipated volume, function, connections, streetscape and relationship to public spaces values.

Roads and access must integrate into the existing and future road system to provide safe, convenient, and efficient movement throughout Nelson. Subdivision requirements for roads and access need to provide for the development of a variety of systems for vehicle, passenger transport, cyclist, and pedestrian movement. Roads can also have major visual, stormwater and other effects and should be located and designed as far as possible to enhance the environment and minimise any adverse visual and other effects on topography, landscape and amenity values. Roads adjoining public spaces should be designed to directly relate to that space through the provision of sufficient frontage, landscaping, parking and, where possible, maximise efficient use of resources between the two public spaces, such as combined stormwater collection, treatment and disposal mechanisms.

policy

DO14.3.2 drainage, water and utilities

Subdivision and development should provide for:

...

- c) Supply of electricity, including street lighting, and telecommunication facilities for the anticipated land uses, using a method of supply appropriate to the amenity values of the area, and health and safety, and

DO15 Peripheral urban expansion

DO15.i Expansion around the periphery of the current urban area may have adverse effects on amenity values (particularly visual and recreational values), and tends to use the land resource and provide for infrastructure inefficiently. Expansion of the urban area tends to diminish the ecological and recreational values of the district (for example by reducing the habitat available for wildlife) and to increase dependency on private cars (and thus increase use of fossil fuels) for travel. Existing urban areas should generally be developed in preference to rural areas. There is considerable scope for intensification of development within existing urban zones. However, some development on the periphery of the existing urban area may be appropriate and should be provided for.

objective

DO15.1 urban form

An urban form in which intensive development is not detached from existing urban boundaries and which avoids or mitigates adverse effects on ecological, recreational, cultural, community and amenity values.

Reasons

DO15.1.1 There is ready access to countryside from the present urban zones, for example into the Maitai Valley, and Grampians. Views of the countryside are available to commuters from State Highways and arterial roads, for example between Richmond and Stoke and at Bishopdale Saddle. Existing land allocated to the urban zones and the capacity of most existing infrastructure are sufficient to cater for significant future growth.

policy

DO15.1.1 encouragement of infill

To encourage infill developments provided the adverse effects on character and amenity values of existing areas are avoided, remedied or mitigated.

Explanation and Reason

DO15.1.1.i This policy promotes a compact urban form, while as far as possible retaining existing character and amenities of localities. This is to conserve the recreational and visual amenity of the existing rural areas that surround the urban area of the District. It is also to promote the efficient use and development of infrastructure and land, and to provide a framework within which the true costs and benefits of new and existing infrastructure and reticulation are considered. Infill development may be appropriate in many parts of the city, and can involve new development, or redevelopment. It generally provides for greater intensity of use and development.

policy

DO15.1.2 limiting effects of urban expansion

Proposals that involve urban expansion through more intensive subdivision and development should address any actual and potential adverse effects on adjacent and nearby activities and avoid, remedy or mitigate them.

Explanation and Reason

DO15.1.2.i Residential and commercial development near rural activities may give rise to conflicts, especially as a result of rural activities that cause smell, noise, or spray drift. The onus is on the developer to recognise and provide for these. Techniques include minimising the extent of the rural/urban interface and setting standards and conditions at the interface that protect urban amenity. This policy complements objective DO14.1 (city layout and design), and objective DO14.2 (amenity values).

policy

DO15.1.3 rural greenbelt

Adverse effects on existing rural character and amenity values should be avoided, remedied or mitigated in the Maitai Valley, between Bishopdale Saddle and Wakatu, and between Stoke and Richmond, in order to maintain a greenbelt between existing built up areas.

Explanation and Reasons

DO15.1.3.i This policy reinforces the existing clear transition from rural to urban areas. This recognises the amenity values of these areas, especially the recreational and scenic value of areas relatively close to the urban area.

Methods (policies DO15.1.1 - DO15.1.3)

DO15.1.3.ii Other objectives and policies encourage intensification of development in urban areas and limit development in the Rural, and Open Space and Recreation Zones. These policies supplement those provisions.

DO15.1.3.iii Mapping the Rural Zone to include the greenbelt areas, in conjunction with the attainment of the other Rural Zone objectives and policies.

DO16 Zones

6. Rural Zone

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

Explanation and Reasons

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

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

DO16.1.1.xi The Zone also provides space for small holdings. The flatter rural land within the District, which is in high demand for this sort of activity, is not generally of high quality. By comparison, much of the land in demand for smallholdings in the Tasman District is of high quality, and is of high value for horticulture in particular. In line with Nelson City Council's philosophy of achieving a similar or complementary an appropriate policy approach, a flexible approach has been taken to the rural environment in the Nelson area some provision is made in the rural environment in Nelson for rural small holdings, to help ease the pressure on the quality soils which benefit both areas.

However, protection of productive capability in Tasman should not be at the expense of loss of rural character and unsustainable, inefficient or inappropriate development in Nelson. To this end, a plan change was notified in 2005 to make undersize rural small holdings subdivisions in Nelson North a non-complying activity, until such time as a framework is in place to allow for more structured and coordinated rural small holdings subdivisions in Nelson North. The underlying philosophy of the management of this resource remains to protect its productive capability and to meet the other objectives of the Zone.

policy

DO17.1.2 protection of natural character

Protect the natural character of rivers, lakes and wetlands, and their margins, and wetlands, from inappropriate subdivision, use and development.

Explanation and Reasons

DO17.1.2.i This policy reflects section 6(a) and 6(c) of the Act. Council recognises that, irrespective of the degree of modification that has taken place, all rivers, lakes and wetlands, and their margins, have some degree of natural character and the approach required by the Act is to protect those attributes which give an area its natural character from inappropriate subdivision, use and development. Council also recognises that the need to protect natural values may limit development opportunities.

policy

DO17.1.5 planting in riparian margins

The introduction of plants in the margins of rivers should be encouraged except where such planting involves pest plants or plants which are likely to spread into the bed of a river.

Explanation and Reasons

DO17.1.5.i The margin of rivers and streams is a crucial buffer between land use activities and the natural waterway. Planted waterway margins protect water quality by: filtering surface run off, taking up nutrients (through plant roots), removing nitrogen (through bacteria in wet riparian soils), and preventing stock access when they are fenced. The Council provides landowners with guidance on riparian management. In addition, the Council's publication 'Living Heritage – growing native plants in Nelson' provides guidance on the most suitable plants to use for riparian enhancement.

DO17.1.5.ii The shade created by plants is important for reducing water temperature and reducing the growth of nuisance plants in waterways. Plants also provide shelter, food and spawning areas. In most cases the planting of native species is preferred in order to enrich Nelson's natural ecosystems of plants and animals.

DO17.1.5.iii Planted margins can also provide benefits to rural landowners by stabilising banks, enhancing the rural landscape, and reducing the need to clear drains and streams.

DO17.1.5.iv Crack willow is regarded as a pest plant in riparian margins because it spreads easily and often tips into rivers, breaking the bank down and blocking the water course. Future maintenance of any willow plantings will be required to retain their effectiveness against bank erosion and to prevent them spreading to other places in the watercourse.

DO17.1.5.v The Tasman-Nelson Regional Pest Management Strategy provides Nelson's framework for pest management. It lists the weeds and animals considered to be pests in this region and details the pest management programme for each of them. Further information is available at Nelson City Council. Tasman District Council's biosecurity staff are available to help identify and control these pests.

DO17.1.5.vi Planting programmes in riparian areas need to consider the potential adverse effects on existing network utilities. For example, appropriate species should be selected for planting near transmission lines so that they do not grow into the lines.

policy

DO17.1.11 realignment and piping

Avoid, remedy or mitigate the effects of realignment and piping of the bed of any river or lake, or wetland.

Explanation and Reasons

DO17.1.11.i Realignment and piping of the beds of rivers and lakes, or wetlands, should be discouraged wherever possible as it has significant adverse effects on the natural and human use values of rivers, lakes and wetlands, and can exacerbate flooding hazards by removing natural pools and meanders. This increases the energy of water flows and reduces habitat for invertebrates and fish. Therefore, where realignment is necessary, and where it is practicable, the realignment should mimic the natural form for a watercourse of that type.

policy

DO19.1.10 new development

Maintain existing water quality by requiring use of techniques to limit both nonpoint discharges and control point source stormwater discharges caused by land disturbing activities such as forestry, subdivisions and land development, increased impervious surfaces, and commercial and industrial activities.

Explanation and Reasons

DO19.1.10.i These activities can cause sedimentation and contamination of waterways. For this reason Council has erosion and sediment control guidelines and requirements which are incorporated into section 9.3 of the NCC Land Development Manual 2010. They control land disturbing activities on areas of land greater than 0.3ha.

DO19.1.10.ii Nelson's population is predicted to increase by 24% from 2001 to 2021. The impacts of the population increase on stormwater are varied and significant.

These include:

- increase in the amount of land covered in impervious surfaces which increase stormwater runoff and contamination, and
- increase in contamination and sedimentation from building activity, and commercial and industrial activity, and
- increase in urban transport resulting in increased pollution.

Ch. 12 Rural

RUd Description

RUd.1 The rural area administered by Nelson City Council represents an important resource. It contains much of the District's productive land resources, and hence is important to the local economy. It contains water supply dams, treatment facilities, pipe lines, sewers and oxidation ponds servicing the urban area. It is also of cultural significance to both tangata whenua and to the community as a whole, containing cultural sites, significant areas of indigenous flora and fauna, recreation areas, and rivers and streams which are important fisheries, habitats, and water sources.

Most importantly, this zone forms the immediate and intermediate backdrop to the city in terms of the landscape. The landscape setting, together with the character of the zone defines Nelson and gives it a sense of place within the Council's administrative area.

RUd.6 The Rural Zone can be defined as the area largely used for productive purposes, mainly for forestry and farming, excluding major conservation areas (mainly owned by the Council and the Department of Conservation). The zone includes a Small Holdings Area. The Small Holdings Area comprises mainly valley floors, along with the lower and mid slopes of a number of valleys including the Wakapuaka, and the Teal, Lud, and Marsden Valleys. Higher Density Small Holdings areas have been provided to the rear of the Residential Zone at Ngawhatu, Marsden and Enner Glynn Valleys, adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of these areas due to their topography and small size, and in the case of the Higher Density Small Holdings area in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and/or enables a transition from Residential to Rural Zoning. The Small Holdings Area in Enner Glynn Valley will enable a level of development that is compatible with the rural amenity values of the valley, and does not impact on the important regional resources (the landfill site and quarry) in York Valley.

objective

RU2 rural character

Maintenance or enhancement of an environment dominated by open space and natural features.

Reasons

RU2.i The natural character on which the rural character is based relies on the maintenance of natural ecosystems such as riparian, riverine and estuarine systems, and on the remnants of original vegetation together with significantly regenerated areas. Should these be removed from the Nelson area, the rural area would lose much of its unique qualities which differentiate it from many other parts of the country. In addition to natural features, pastoral agriculture and forestry contribute to the rural character.

RU2.ii The rural environment can be separated into three distinct areas.

These are as follows:

- a) The main area of the Rural Zone, being the steeper hill areas, away from the coast and generally separated from the urban environment. This area tends to form the secondary backdrop to the city, and has a low level of apparent modification to the landscape. It does however contain significant areas of exotic forest development, which will remain a dynamic environment as varying age classes of forest are harvested and replanted. It also contains smaller areas of pastoral farming, and areas of land in various states of reversion to exotic, and in the longer term, indigenous vegetation. The area contains a very low level of development in terms of structures, as properties tend to be large, with a high degree of separation between clusters of buildings.
- b) The Small Holdings Area is generally contained within valley floors or between urban development and the Rural Zone. The pattern of development is much greater in this area, with structures at more regular intervals, but still at a low level of density with significant areas of land in between. Small holdings are not rural residential areas, but are large enough to provide the opportunity for a range of rural activities. The

character is predominantly rural rather than residential. Use of the land within this area is far more varied, with horticultural activities interspersed in between areas of grazing, and occasionally areas of indigenous vegetation particularly in the Lud and Teal Valleys.

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Within the Maitai Valley, adjoining the existing urban area, a high density Small Holdings Area has been defined. This is an extension of similar existing development.

RU2.iii Management of the character of the various parts of the rural environment is important to maintain Nelson's image as a pleasant green environment where there is ready access to passive and recreational activities. The rural area also contains significant natural and cultural features, and significant areas of indigenous flora and fauna which form part of Nelson's heritage, and in some cases represent only remnants of what Nelson once possessed. Protection, and preferably preservation, is seen as important to maintain Nelson's heritage for present and future generations, and for scientific as well as cultural reasons.

Appendix 9 landscape components and views

AP9 overview - landscape components

AP9.i The first part of this appendix covers those parts of the Nelson landscape that are included in the Landscape Overlay. They are included in the Overlay because of the contribution they make to the city's identity and sense of place. Other areas of landscape importance, such as the Boulder Bank, have not been identified in this appendix because they are in the Conservation Zone, which provides greater protection than the Landscape Overlay. The Nelson Mineral Belt has been included for information purposes.

AP9.6 Botanical Hill - Malvern Hills

AP9.6.i The southern edge of this component is the Maitai River near Botanical Hill. It runs northeast along the foothills to Dodson Valley.

AP9.6.ii Botanical Hill is a prominent conical landform in the ridgeline of Malvern Hills which runs northeast of the inner city.

AP9.6.iii Botanical Hill is important as a visual focus for part of the inner city. From the summit, there are expansive views across the city and Tasman Bay which are important to the landscape experience of this place.

AP9.6.iv The Malvern Range is important to the context of the city because it provides a visual backdrop to the eastern side of the city, which balances the containment of the Port Hills ridge on the west. The area is also important for its contribution to the city's green belt. Careful management will promote visual and amenity values in the longer term.

AP9.6.v Because of their high visibility, slopes facing the city centre, upper slopes facing inland and facing the sea and also the ridges are most vulnerable to change. The forms and colours associated with development, and the pattern and texture changes from changes in vegetation are most likely to alter the character and quality of this area.

AP9.7 Kaka Hill

AP9.7.i This component runs at a higher level and parallel to the Malvern Hills. It begins in the south at the Maitai River and runs northeast to Wells Hill above Dodson Valley.

AP9.7.ii Kaka Hill is part of a prominent coastal ridgeline located on the north coast of the city, oriented in a north east-south west direction. The upper slopes are currently visible from the city.

AP9.7.iii The area contributes to the city's setting by forming the foreground and entrance to Nelson Province and Nelson City. It is important to the Nelson landscape framework and is strategic as part of the distant city backdrop.

AP9.7.iv The upper slopes and ridgelines are the most visually sensitive parts of this landscape component. They are most vulnerable to the forms and colours associated with structures, earthworks and roads.

Table 9.1 Significant Views

Views east from Hardy Street, Bridge Street, Halifax Street, Montgomery Square, and Buxton Square are scheduled. The focus of these views are the hill/skylines generally, Botanic Hill, and Kaka Hill. The aim is to retain the views of the hills as green belt/open space, as visual relief to the urban area, and the natural landform skylines and vegetated character.