

## **AB3 How to use this Plan**

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You may wish to use this Plan in various ways. For example, you might ask:

- 1 How does this Plan affect what I might do on my land?
- 2 Where can I carry out a particular activity, say, open a business?
- 3 What is this Plan all about?

### **AB3.1 Question 1 How does the Plan affect what I might do on my land?**

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#### **Step 1**

**AB3.1.i** Check the Planning Maps. Find your property, and identify what zone it is in. Note also any areas, overlays, schedules, or designations which affect the property.

#### **Step 2**

**AB3.1.ii** Go to the Chapter in Volume 2 dealing with the zone your property is in. You may read the entire zone, but the rules are probably the best place to start. Rules are contained in tables at the back of each zone. Check through the rules to find the permitted activities, and note the conditions. It is important to note:

In every zone except the Coastal Marine Area and Open Space and Recreation Zone, if a land use other than discharges or water takes is not regulated by a rule, then it is allowed without a resource consent.

**AB3.1.iii** Within the Coastal Marine Area, you may not carry out activities (e.g. reclamation or disturbing the foreshore or sea bed) unless there is a rule which says you may. In the Open Space and Recreation Zone, a limited range of land uses (stated in the zone rules) are permitted without a resource consent.

**AB3.1.iv** The schedule and rules applying to any overlays shown on the Planning Maps affecting your property are included in the rules in zone chapters.

#### **Step 3**

**AB3.1.v** If there are any schedules or designations noted on the Planning Maps affecting your property, check the schedules behind the Rule Table in each zone chapter, or Appendix 24 dealing with designations. Further information concerning zones, overlays, schedules, and designations is contained in Chapter 3 (Administration).

#### **Step 4**

**AB3.1.vi** If what you wish to do is permitted, and it complies with conditions set out in the permitted activity column of the rules, then you may proceed without a resource consent. (Note - you may still need to obtain permits, consents or licences under other legislation - e.g. building consent.)

**AB3.1.vii** If the activity is not permitted, then you must obtain a resource consent from the Council. The objectives and policies of the Plan are relevant to the outcome of a resource consent application. Read Chapter 3 to find out how to apply for a resource consent and what information you must supply. If you are not sure, contact the Council's Planning staff - they are there to help you.

### **AB3.2 Question 2 Where can I carry out a particular activity, say, open a business?**

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#### **Step 1**

**AB3.2.i** If you have a particular site in mind for the activity you wish to carry out, follow the steps for Question 1.

**AB3.2.ii** If you are looking for a site to carry out an activity, read the introductions to the start of each zone (Chapters 7 to 14). These will give you a general idea of what is intended in each zone. The name of the zone should give you an idea where to start.

#### **Step 2**

**AB3.2.iii** Once you have identified the zone or zones within which you think your activity may fit, read the rules at the back of each section to see whether it is permitted, or whether it requires a resource consent.

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**AD11.3.12 Scheduled frontages**

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Property frontages within the City Centre with high pedestrian use, where special account is taken of pedestrian needs, eg. verandahs are required.

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**AD11.3.13 Airport effects overlays**

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Indicate areas likely to be subject to the effects of certain predicted noise levels from the operation of Nelson Regional Airport. The lines which form the boundaries of the Airport Effects Advisory Overlay represent noise levels predicted for the year 2020 from aircraft movements to and from the airport. From a 1994 base the predictions assume 10% growth in aircraft movements per year until 1999 and then 3% per annum for 21 years.

**a) Airport Effects Control Overlay**

The outer limit of the Airport Effects Control Overlay represents a predicted noise level of L<sub>dn</sub> 60 dBA (34.6 Pasques). The outer line has been slightly adjusted to take into account property boundaries. Land within this overlay is expected to be exposed to potentially high noise levels from the airport. Rules in the Plan restrict the density of housing in the Effects Control Overlay to avoid increasing the number of residential units exposed to the noise. Acoustic insulation is required for new residential units or significant alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), the effects of noise will be taken into account. The approximately L<sub>dn</sub> 65 dBA (109 Pasque) contour (the Airnoise Boundary), which is within the inner edge of the Airport Effects Control Overlay, also regulates the maximum noise levels that the aircraft operations can generate at the airport. This line is based on aircraft movement growth to 2020, at the rates stated above.

**b) Airport Effects Advisory Overlay**

This is the area between the L<sub>dn</sub> 60 dBA (34.6 Pasque) and the L<sub>dn</sub> 55 dBA (10.9 Pasque) predicted noise level boundaries. The lines bounding the overlay have been adjusted to take account of property boundaries. There are no rules that apply to the Airport Effects Advisory Overlay. It is for information - to advise people of the levels of noise that the area is likely to be subject to in the future. The presence of the Effects Advisory Overlay may be taken into account when resource consent applications are being considered.

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**AD11.3.14 Port effects control overlays**

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Indicates an area likely to be subject to the effects of noise levels from the Port Industrial Area.

The outer limit of the Port Effects Control Overlay represents a predicted noise level of 55 dBA L<sub>dn</sub>. The line has been slightly adjusted to take in property boundaries. Land within this overlay is expected to be exposed to varying degrees of noise levels from port operations depending on the location of the land with respect to the Port. Rules in this Plan place some restrictions on housing in this area to avoid increasing the number of residential units exposed to the noise.

Acoustic insulation is required for new residential units or alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), effects of noise will be taken into account.

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**AD11.4 Scheduled sites**

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**AD11.4.i** Some activities are located in zones where they do not comply with the ordinary zone standards. An example is a service station in the Residential Zone. Confinement to commercial areas would not allow the necessary distribution of such services across all areas of the city. These activities are provided for by scheduling and

regulating them especially on their identified site. The intention of this is to ensure the continuation of a service to the community and protect the investment committed to buildings and site development. Opportunity to expand on site may be provided for such activities, which is a more liberal regime than existing use rights provided for under section 10 of the Act.

**AD11.4.ii** Schedules are also used in the Open Space and Recreation Zone to indicate permitted activities in different classes of land within that zone.

**AD11.4.iii** The rules that apply to the activity and site are stated in the relevant schedule. The schedules are located after the rule table in the relevant zone. The relationship between the schedule and the rule table is set out within each schedule.

## **AD11.4A Structure Plans**

**AD11.4A.i** Structure Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway/cycleway connections, open space and natural values, character and activities). These elements may also exist in areas of Rural zoning where they link more urban neighbourhoods or are adjacent to urban areas. Requiring that development proceed in general accordance with the Structure Plan will ensure that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

**AD11.4A.ii** The Structure Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. Structure Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.

**AD11.4A.iii** A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

**AD11.4A.iv** The Structure Plans may include zones where the pattern and intensity of development that exists or is anticipated for an area and/or adjoining areas may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure Plan area.

**AD11.4A.v** Other information that may be shown on the Structure Plans includes the items below. Sections AD11.4A.v - AD11.4A.ix provide the definition and intent of these items:

- a) **Indicative Roads:** The purpose of indicative roads on Structure Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (e.g. valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and improve the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The indicative roads may potentially arise in a wider context than merely the Structure Plan area.

- b) **Walkways:** The purpose of the walkways on Structure Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- c) **Biodiversity Corridors:** The purpose of Biodiversity Corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. In addition Biodiversity Corridors recognise and help preserve the cultural significance of water, native vegetation and native aquatic flora and fauna to Maori. Where these objectives can be met in proximity to a water way identified in the Plan, the Biodiversity Corridor will wherever practicable include any existing Riparian Overlay. "Biodiversity Corridor" is defined in Chapter 2 of the Plan.
- d) **Greenspace:** The purpose of 'greenspace' is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. 'Greenspace' and Biodiversity Corridors can exist together as they will often achieve compatible goals. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes. "Greenspace" is defined in Chapter 2 of the Plan.

**AD11.4A.vi** Subdivision applications are to show how they provide for items on a Structure Plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown "indicatively" on the Structure Plan as they show an intent rather than precise location for those features. This may be shown by way of an indicative line or through the use of text. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

**AD11.4A.vii** The Council acknowledges that the indicative connections may not directly serve or enhance a particular subdivision, for example where shown, or described, within a balance area. This, along with the formation and management of public use of certain connections, may also be at odds with farming, rural industry (including quarrying) or other legitimate rural land use practice activities on adjoining land. The Council will in those cases work with the land owners and any other landowners that may be affected in determining the appropriate time and method to provide the items described in AD11.4A.v or to set aside land upon subdivision for those purposes. In the interim, the objective will be to avoid activities and structures on the land which would compromise the future attainment of those connections or corridors. Any walkways/cycleways through the Rural Zone shown, or described, on a Structure Plan will only be opened by the Council for public use when network connection has been secured to other walkways, cycleways or roads, or when otherwise agreed by the adjacent landowners. The Council must at that time, where requested and in consultation with adjacent land owners, set in place a management regime to minimise any adverse effects on adjoining land.

**AD11.4A.viii** For the purpose of interpretation of any rules relating to Structure Plans, the term “generally accord” shall mean that items on these plans must be provided for in the general locations shown, or described, within the development area and linking to adjoining areas as shown in the Structure Plan except for the indicative education facility in Marsden Valley Schedule I (Clause I.6). It is not intended that the positions are exact or can be identified by scaling from the Structure Plan. It is intended that connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for Biodiversity Corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, costing considerations, and impact on other land uses. The key proviso is that the items on the Structure Plan must be provided for, and that any connections must occur or be able to occur in the future.

**AD11.4A.ix** The primary objective of indicative roads, walkways/cycleways or Biodiversity Corridors is connectivity. Compliance with the rules requires that connection is planned for, or provided, within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “isolation strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.

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## **AD11.5      Designations**

A Minister of the Crown or a local authority with financial responsibility for a public work, or a network utility operator which has been approved as a requiring authority under section 167 of the Act may require land to be designated within the Plan. The designations are contained in Appendix 24 and indicated on the Planning Maps.

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## **AD11.6      Roads – zoning**

**AD11.6.i** Roads have the same zoning as the land that surrounds them. Where a road runs along the boundary between two zones, the zone boundary is the centre line of the road. Where a road runs beside the coast (for example Rocks Road), the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land zone. A bridge has the zoning of the river bed or other land beneath it.

**AD11.6.ii** Note that a road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without zone colouring on the Planning Maps. They are left white to provide orientation to map users and to provide a ready reference point to find properties.

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## **AD11.7      Water bodies – zoning**

**AD11.7.i** Land forming part of a water body, where not otherwise zoned, takes the zoning of the land that surrounds it. Where a water body occurs on the boundary between two zones, the zone boundary is the centre of the water body. Note: a river bed is normally wider than the channel where the water usually flows.

**AD11.7.ii** Water bodies owned by the Crown or the Council are often represented without zone colouring on the Planning Maps. They are left white to provide orientation for map users.