

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an application for a
proposed Private Plan Change (Private Plan
Change 28) by CCKV Maitai Dev Co LP and
Bayview Nelson Limited to the Nelson City
Council associated with the rezoning of
approximately 287-hectares of land located
within Kaka Valley, along Botanical Hill and
Malvern Hill on land at 7 Ralphine Way,
Maitai Valley and Bayview Road as detailed
within the application.

S42A SUMMARY REPORT TO THE COMMISSIONERS

**MR GREG HILL (CHAIR), MS SHEENA TEPANIA, MS GILLIAN WRATT, AND MR NIGEL
MARK-BROWN**

**SECTION 42A SUMMARY REPORT OF GINA SWEETMAN – PLANNING, ON BEHALF OF
THE NELSON CITY COUNCIL**

21st July 2022

Introduction

1. This summary statement should be read in association with:
 - My S42A Report dated 3rd June 2022
 - My S42A Addendum Report dated 24th June 2022.
2. The purpose of this summary statement is to respond to matters raised during the course of the hearing. To assist the Panel in their deliberations, I have included Attachment 1, which sets out the full text of the Nelson Regional Policy Statement (RPS) and Nelson Resource Management Plan (NRMP) objectives and policies which I have referred to in my s42A report and I consider relevant to PPC28. These are set out by topic, in line with my s42A report.
3. I have carefully listened to the expert planning evidence presented by Mr Lile, Ms McCabe and Ms Lepoutre, the applicants' and submitters' expert evidence and the submitters' lay-submissions through the course of the hearing.
4. My conclusions and recommendations from my original section 42A report and addendum remain valid, except as discussed below.

Historic heritage

5. I listened carefully to the Panel's query as to whether there was scope for the shearing shed to be scheduled. I appreciate that this may be considered to be out of scope. I had relied on the Sharland submission in respect of researching and exploring the historic heritage on the site. I accept that this may have been a leap too far.
6. However, that scheduling may be off the table does not negate section 6(f) of the RMA and the requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. The Nelson Regional Policy Statement (RPS) requires "*The preservation or enhancement of amenity and conservation values*" (Obj NA1.2.1). This is achieved through the identification and protection of sites or objects of historic or cultural interest, including historic buildings (Pol NA1.3.1), in particular where these are subject to actual or potential threat of change and are not subject to any other relevant form of protection (Pol NA1.3.2). The Nelson Resource Management Plan (NRMP) requires the "*Retention and enhancement of heritage items... in a setting that*

enhances such items” (Obj DO4.1). The protection and retention of Group B heritage items is deemed “important” (Pol DO4.1.1) and demolition or removal should be “avoided” (Pol DO4.1.3). Dr McEwen’s evidence is that, based on the methodology set out in NRMP, the shearing shed meets the criteria to be scheduled as a Group B Building.

7. If scheduling the shearing shed is off the table, then my preferred remedy is to ensure that the shearing shed is subject to an appropriate level of assessment should its removal be sought. At present, while the applicant has proposed a controlled activity rule, this is not consistent with the NRMP policy framework for avoiding the removal or demolishing Group B buildings and there is no bespoke objective or policy that would justify a controlled activity status. I have addressed what I consider may be appropriate in my addendum.
8. The Council would of course have the opportunity to propose it to be scheduled through the upcoming Whakamahere Whakatū Nelson Plan, albeit, it may be too late by that time.

Prohibited activity status – Kākā Hill Skyline and backdrop

9. The Panel queried how Mr Lile and I had recommended that the prohibited activity status be amended to non-complying in the PPC28 provisions, and whether there was scope to do so.
10. Changing the activity status from prohibited to non-complying was my recommendation. I relied on submission 289 – Ching Contracting which sought the following relief – *“this submission also seeks to enable reasonable changes to be made to any of the specific provisions of PC28 if considered reasonable and necessary as part of best planning practice”*.
11. In my opinion, the prohibited activity status was not supported within the proposed PPC28 policy framework, nor within the RPS or the NRMP.
12. I note that the Chair raised that the RPS includes policy directive within Chapter 7 on Natural and Amenity Values about avoiding development which detracts from the amenity afforded by dominant ridgelines¹ and avoiding development which detracts from

¹ Policy NA2.3.2

the landscape and amenity values from viewshafts and gateways². In respect of significant indigenous flora and significant habitats of indigenous fauna, Objective NA3.2.1 requires its protection. There are no avoid policies. There are no prohibited activity rules in the NRMP that relate to either landscape and amenity values or indigenous biodiversity.

13. In my opinion, applying a prohibited activity status in the PPC28 provisions is not consistent with the existing framework in the RPS or the NRMP. Further the activity status is not supported by the bespoke policy framework proposed through PPC28. Accordingly, I do not consider that a prohibited activity status is best planning practice, and amending to non-complying is appropriate, and within scope.
14. I also listened carefully to the opening by Mr Hemi Toia and the submission from Matt Hippolite, Melanie McGregor and Kimiora McGregor from Ngāti Koata. While I appreciate that the activity status is what was sought through PPC28, I am concerned that the use of a prohibited activity status for this part of the site would not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, as per s6(e) of the RMA.

Non-notification

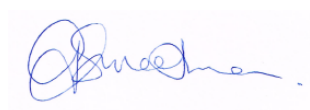
15. I listened to what Mr Lile said about the non-notification clauses. I remain of the view that the subdivision Rule X.3 should not benefit from a public or limited notification preclusion, given the sheer extent of matters and effects it addresses.
16. I would feel more comfortable with the Comprehensive Housing Development in the Higher Density Zone Rule X.2 benefiting from public or limited notification preclusion, if the rule was for land use only and not subdivision. That is, from my experience, standalone comprehensive housing development resource consents are generally more focused on design and location elements, with internalised effects. I would not be comfortable with precluding notification if subdivision is included given the sensitive location of the Higher Density Zone in the floodplain area.

² Policy NA2.3.3

PPC28 provisions

17. I have been very mindful in preparing my section 42A report and addendum and providing recommendations to the Panel on submissions that it cannot be assumed that, should the plan change be approved, whoever implements the plan change will be those who applied for it. Or, that who has been preparing resource consents or processing resource consents at the Council to date will be the same people who will be doing the same in respect of this development.
18. To that end, my focus has been on whether PPC28 “works”, in that there is a clear line of sight and logic between the Structure Plan and the objectives, policies and rules in PPC28 and the NRMP. And, that PPC28 is sufficiently robust to deliver what the applicant has promised would be delivered, particularly if it is not them who implement it, if approved. I trust that my s42A report and addendum have been sufficiently clear to identify what my areas of concern are.
19. The Panel is aware that Mr Lile and I have met to discuss the PPC28 provisions and how they could be improved. These discussions have focussed on the matters that the Council team has raised and are set out in my s42A report and addendum. In advance of our meeting, I provided Mr Lile with a marked-up version of PPC28 provisions, which included suggestions from the Council “team” of experts.
20. While Mr Lile and I have made good progress, in the absence of a revised version of PPC28 I cannot confirm to the Panel that my concerns have been addressed.

DATED this 21st day of July 2022



Gina Sweetman

NEED FOR ADDITIONAL GREENFIELD LAND FOR GROWTH

NRPS

No relevant objs or pols.

NRMP

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.

***DO15.1.i** 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. (Chapter 5, p77, emphasis added)*

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. (Chapter 5, p77, emphasis added?)

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. (Chapter 5, p77, emphasis added?)

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. (Chapter 5, p78, emphasis added)

HOUSING AFFORDABILITY

No relevant NRPS or NRMP objectives / policies.

CLIMATE CHANGE

NRPS

EN1.2 objective

EN1.2.2 *Greenhouse gas emissions being stabilised at or below their 1990 levels by the year 2000 and their adverse effects being remedied or mitigated.*

EN1.3 policies

EN1.3.2 *To promote energy conservation and efficiency in city form and in the design of developments*

EN1.3.3 *To encourage energy conservation and efficiency in transportation.*

EN1.3.4 *To promote actions or activities which remedy or mitigate the adverse effects of greenhouse gases.*

NA6.4 methods

EN1.4.3 *Council will ensure that subdivisions and developments take into account the need to provide safe and convenient pedestrian access, including footpaths, walkways and linkages.*

EN1.4.5 *Council will ensure that when making any decisions regarding the location of residential, industrial or commercial development, it gives due regard to minimising the likely demand for transport created by that development.*

NRMP

policy DO10.1.1 environmental effects of vehicles

The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle. (Chapter 5, p39).

NATURAL HAZARDS

NRPS

DH2.2 objectives

DH2.2.1 *Protection of property and human health and safety from the effects of natural hazards.*

DH2.2.2 *Adverse effects from hazard events being minimised.*

DH2.2.3 *Hazard proneness being minimised.*

DH2.2.4 *The avoidance, remedy or mitigation of the adverse effects on hazard related works.*

DH2.3 policies

DH2.3.1 *To record a first priority to avoiding or mitigating hazards which threaten human life and second priority to avoiding or mitigating hazards which threaten property or other values.*

- DH2.3.2 Where possible Council will avoid an appropriate development on hazard prone areas. Where this is not practical or achievable Council will require that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects to the extent practicable.*
- DH2.3.3 Two only permit development on hazard prone areas where the developer demonstrates to Council that the hazard be avoided or adequately mitigated. In making its decision, Council will take into account the following matters:*
- i) the types, levels of risk and any likely increase in the disaster or disc potential if development proceeds;*
 - ii) any measures that can be taken to avoid remedy or mitigate adverse effects of the development (both on and off-site);*
 - iii) the type risk and the consequent danger to human life;*
 - iv) the potential costs resulting from hazard events and where those costs will fall;*
 - v) the appropriateness of alternative uses of that particular site;*
 - vi) the tentative sites available for the proposed development;*
 - vii) the presence / likelihood of significant cumulative effects.*
- DH2.3.4 To prohibit developments in hazard prone areas which increase the potential for loss of human life or which result in potential damage to other resources and values which cannot be avoided or adequately mitigated.*
- DH2.3.5 To only undertake physical works, or issue resource consents for physical works to be undertaken to avoid mitigate the adverse effects of natural hazards is satisfied as to:*
- i) the need for the work;*
 - ii) the likely effects of the work on the environment;*
 - iii) available means of avoiding remedying or mitigating likely effects on the environment;*
 - iv) the costs and benefits of alternative means of achieving the desired outcome including the 'do nothing' option; and*
 - iv) the potential to offset adverse effects through environmental compensation.*
- DH2.3.6 To recognise the function of natural coastal features (such as beaches sand dunes wetlands and barrier islands) and natural processes in protecting subdivision, use, or development to maintain and, where appropriate, enhance that ability.*
- DH2.3.7 To decline consent to an appropriate development in hazard prone areas or to otherwise required that remedial or mitigation measures are undertaken in such a way as to avoid adverse environmental effects of the core hazards.*

NRMP

objective DO2.1 natural hazards

An environment within which adverse effects of natural hazards on people, property, and the environment are avoided or mitigated. (Chapter 5, p5)

policy DO2.1.1 health and safety

Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger human health and safety. (Chapter 5, p5)

policy DO2.1.2 property and environment

Development, redevelopment, or intensification of activities should not occur in natural hazard prone areas where the hazard is likely to endanger property or the environment, unless the hazard can be adequately mitigated. (Chapter 5, p5)

policy DO2.1.3 aggravation of hazard

No activity should aggravate any known or potential natural hazard on its own site or any other site. (Chapter 5, p6)

policy DO2.1.4 flood mitigation

Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works. (Chapter 5, p6)

LAND CONTAMINATION / PRODUCTIVE SOILS

NRPS

SO1.2 objectives

- SO1.2.1 *To maintain the life supporting capacity of soils in Nelson.*
- SO1.2.2 *To avoid, remedy, or mitigate off-site adverse effects of land use activities on soils.*
- SO1.2.3 *To avoid significant adverse effects on adjoining properties from the application of agricultural chemicals.*
- SO1.2.4 *To avoid, remedy, or mitigate contamination of soil.*

SO1.3 policies

- SO1.3.5 *To require that the adverse off-site effects, including those on water quality, of earthworks and other forms of soil disturbance are avoided, remedied or mitigated.*
- SO1.3.7 *To recognise that some activities such as urban expansion or transport infrastructure remove soils from primary production and to provide for these activities where their adverse environmental effects can be remedied or mitigated, or it achieves the purpose of the Act*

to do so. Matters to be taken into account when considering establishment of uses likely to remove soils from primary production include:

- i) the quality of the land being removed from primary production and its versatility for a range of uses
- ii) the extent of land of that particular quality or type within the wider region (Tasman Bay lowlands and foothills)
- iii) effect of removing the land in question from primary production on adjoining land use
- iv) the permanence of the activity proposed and the feasibility of returning the land to primary production following cessation of the activity.
- v) the alternatives available to the use of the proposed site.
- vi) the potential for adverse effects to be offset by environmental compensation or development contributions.
- vii) the costs and benefits to the community and the sustainable management of other natural and physical resources from the proposed development.
- viii) the costs and benefits to the community and the sustainable management of other natural and physical resources from not proceeding with the proposed development. (emphasis added)

NRMP

policy DO3.1.3 contaminated sites

Management of contaminated sites to contain effects, and to promote the rehabilitation of sites to a level where risk to the environment or health is remedied or mitigated.

objective RU1 protect resources and capacities

Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations. (Chapter 12, p2)

INFRASTRUCTURE SERVICING AND FUNDING (WATER AND WASTEWATER)

NRPS

DH1.2 objectives

- DH1.2.1 *To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.*

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
- vii) are outstanding natural features and landscapes.

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

DH1.3.3 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.*

DH1.3.4 To ensure that any proposals for urban subdivision and/or development include adequate and appropriate provision of services including waste disposal, stormwater, water supply, electricity and other network services.

NRMP

objective DO13A.5 sustainable places & communities

Urban development that meets the community's current needs without compromising future needs. (Chapter 5, p62)

policy DO13A.5.1 environmentally responsive

Subdivision and development should be environmentally responsive, which for the urban environment includes considering the following opportunities:

- a) *the efficient use of existing infrastructure and the sustainability of new infrastructure.*
- b) *the containment of urban sprawl and avoidance of inefficient use of the urban land resource.*
- c) *interconnection within and between neighbourhoods to reduce vehicle dependence.*
- d) *the reuse of existing buildings and sites, and the adaptability of proposed buildings and sites.*
- e) *the establishment of small neighbourhood village areas for local shopping/services.*
- f) *the consideration of connections to public transport or future public transport networks.*
- g) *the collection and reuse of rainwater to supplement potable supplies.*
- h) *low impact stormwater design treatment and disposal.*

- i) *the solar orientation of buildings and sites.*
- j) *the encouragement of the use of renewable energy sources and sustainable building materials.*
- k) *responding to sea level rise predictions.*
- l) *the inclusion of innovative and sustainable options for the treatment of human waste. (Chapter 5, p62)*

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. (Chapter 5, p67)

policy DO14.1.3 orderly development

Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services. (Chapter 5, p68)

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. (Chapter 5, p69)

policy DO14.3.2 drainage, water and utilities

Subdivision and development should provide for:

- a) *Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and*
- b) *The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and*
- c) *The treatment and disposal of wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and*
- d) *Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and wastewater treatment and disposal system, where such systems are available, and*
- e) *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*

- f) *Any necessary additional infrastructure for water supply, stormwater disposal or wastewater treatment and disposal or power and telecommunications, and*
- g) *Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*
- i) *All wastewater, water and stormwater infrastructure specified in Section 3 of the NCC Land Development Manual 2010 to become public shall be vested in Council.*

The costs of additional new or upgraded infrastructure shall be paid for by the developer, or as part of the development. (Chapter 5, p72)

policy DO14.3.3 areas without services

Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where:

- a) *it will result in significant adverse effects, or*
- b) *the services listed in policy DO14.3.2 cannot be provided. (Chapter 5, p73)*

FUNDING

NRPS

No relevant objs or pols.

NRMP

objective FC1

To ensure that costs of avoiding, remedying, and mitigating actual and potential adverse effects of development are recognised and included in the cost to the developer.

policy FC1.1 responsibility for costs

The costs of and responsibility for avoiding, remedying, and or mitigating direct effects relating to activities will remain entirely with the consent holder (which

includes, for a permitted activity, the person to whom a building or other relevant consent is issued).

policy FC1.2 Financial contributions in money

A financial contribution in the form of money will be imposed on the creation of new activities, including new allotments and new development, for the purpose of avoiding, remedying, mitigating, or offsetting actual and potential effects of such activities on the environment.

policy FC1.3 purpose of contributions

Financial contributions in money will be used to meet additional or enhanced needs for services and infrastructure within the District arising from the activity, and to avoid, mitigate or remedy any adverse effects arising from new activities. These services and infrastructure will include roads (including footpaths and cycleways), solid waste management, waste water management, water supply, stormwater management, and the provision and development of reserves and community services.

policy FC1.4 exemptions and reductions

In certain limited circumstances the Council may exempt an activity from the need to make a financial contribution or may, at its own discretion, accept a reduced financial contribution, when the effect that the financial contribution relates to is not present or is remedied or mitigated in an alternative manner.

policy FC1.5 offsets

The Council may accept or require a financial contribution in the form of money to offset actual or potential adverse effects of an activity, when the effects cannot be addressed in terms of any of the other financial contributions policies.

policy FC1.6 financial contributions in land

A financial contribution in the form of land may be required in areas of new subdivision, or major redevelopment, to provide for access and infrastructure in accordance with other policies and for some types of open space and reserves.

WATER QUALITY, FLOODING, STORMWATER, WATER SENSITIVE DESIGN AND EROSION AND SEDIMENT CONTROL

NRPS

WA1.2 objectives

WA1.2.1 Maintenance and enhancement of the quality of inland water to protect the life-support incapacity of reported ecosystems, and in specific areas, for the water supply. (p97)

WA1.2.2 Maintenance and enhancement of coastal water quality to protect fishery, fish spawning and aquatic ecosystems and, in specific areas, to protect shellfish gathering contact recreation and cultural and spiritual values. (p97)

WA1.3 policies

WA1.3.1 *Following consultation with appropriate agencies including tangata whenua and the wider community, to classify all inland and coastal waters within the Nelson City area, based on one or more of the following:*

- i) protection of urban water supplies to a drinking water standard;*
- ii) protection of instream fisheries and wildlife values;*
- iii) protection of areas of cultural value;*
- iv) protection of recreation values for contact recreation purposes; and/or*
- v) protection of coastal waters to preserve aquatic ecosystems, fisheries, fish spawning, gathering of shellfish and other food, and to safeguard the potential development of aquaculture.*

WA1.3.2 *To minimise the volume of contaminant entering water from non-point sources, including sediment chemicals, refuse in debris (p97)*

WA1.3.3 *To control point discharges through the use of resource consents and appropriate conditions in order to ensure their water quality classifications are met and sustained (p97)*

WA1.3.5 *To maintain riparian and coastal margins such a way as to enhance or maintain the water quality (p98)*

WA1.3.6 *To recognise and, where possible, reduce, adverse effects of water quality resulting from contaminated stormwater (p98)*

WA1.3.7 *To recognise and provide for the cultural and spiritual values of water to tangata whenua (p98)*

WA2 objectives

WA2.2.1 *Maintenance and enhancement of the ability of rivers, the coast and other waterbodies to support aquatic life.*

WA2.2.2 *Maintenance of other instream values, including recreation.*

NA6.2 objective

NA6.2.1 *Minimal adverse environmental effects from structures on river and lake beds.*

NA6.3 policies

NA6.3.1 *To manage river and lake beds in a manner which gives priority to the natural functioning of the river including the ecosystems they contain and the life supporting capacity of those ecosystems.*

NA6.3.2 *To provide for structures or physical works on river or lake beds where the adverse effects of such structures or works can be avoided, remedied or mitigated.*

NA6.3.3 *To recognise the importance of maintaining and enhancing the flood carrying capacity of rivers and to only permit structures which conflict*

with this function where their adverse effects can be avoided, remedied, or mitigated.

- NA6.3.4 *To control new works and new structures in the beds of rivers and lakes which have potential to result in significant adverse effects on riparian values.*

NRMP

policy DO2.1.4 flood mitigation

Access to riparian areas should be provided, maintained, or acquired where it is necessary for maintenance and flood mitigation works. (Chapter 5, p6)

objective DO17.1 effects of activities and structures in the beds and margins of rivers and lakes on the natural environment

Activities, works or structures within the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values.

policy DO17.1.3 flood damage

Structures in river beds and their margins should be constructed to allow for flood flows from significant storm events without causing or exacerbating flood damage to natural and physical resources.

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.

objective DO7.2 coastal water quality

Maintenance and enhancement of the quality of Nelson's coastal water at or to a level which safeguards its life supporting capacity and is safe for contact recreation and for gathering and consumption of seafood.

policy DO7.2.1 discharges (general)

Discharges of contaminants to water or land within the coastal environment should not, after reasonable mixing, result in a breach of classification standards or a reduction in water quality and the discharge should not (either by itself or with other discharges) give rise to any significant adverse effects on habitats, feeding grounds, or ecosystems, either in the Coastal Marine Area or on land.

policy DO7.2.2 stormwater discharges

The level of contaminants in storm water discharges to the Coastal Marine Area should be minimised to the greatest practicable extent.

policy DO7.2.4 "non-point" discharges

Land use management practices should minimise the contribution of diffuse (or “non-point”) source contaminants to water in the coastal environment.

objective DO13.1 soil erosion and sedimentation

An environment where the adverse effects of accelerated soil erosion are avoided, remedied or mitigated.

policy DO13.1.1 soil erosion

Land uses should not accelerate soil erosion beyond natural levels.

policy DO13.1.2 sedimentation

The adverse effects of soil erosion, particularly sedimentation, should be avoided, remedied or mitigated.

objective DO18.1 maintaining and enhancing flows and levels

Flow regimes and water levels within the region’s water bodies maintained, and enhanced where necessary, to ensure a water level which:

- a) provides for natural, intrinsic, cultural, and spiritual values, including aquatic ecosystems, natural character, native fishery habitats, existing trout and salmon habitats, and recreational values, and*
- b) provides for a range of uses, in particular reasonable domestic and stock water use and fire fighting, and*
- c) provides for the adequate dilution of contaminants arising from natural sources, while preserving the life-supporting capacity (the mauri) of the water.*

policy DO18.1.1 flow regimes: specific rivers

Manage flows and levels for specific rivers in accordance with the minimum flows and trigger flows set out in Appendix 28.2.

policy DO18.1.2 flow regimes: other rivers and streams

Manage water flows and levels in other rivers and streams not specified in Appendix 28.2 through allocation limits on resource consents.

Policy DO18.1.3 increased demands for water

Address increased demand for water created by population growth.

policy DO18.1.4 water quantity (NPS – Freshwater Management 2014)

1. When considering an application for a discharge, the consent authority must have regard to the following matters:

- (a) The extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem and*

(b) The extent to which it is feasible and dependable that any adverse effect on the life supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.

2. This policy applies to:

(a) Any new activity and

(b) Any change in the character, intensity of scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

objective DO19.1 highest practicable water quality

All surface water bodies contain the highest practicable water quality.

policy DO19.1.4 Class C freshwater – moderately affected

Upgrade Class C water bodies to Class B where practicable.

policy DO19.1.5 minimum quality

No water bodies which are of a quality less than Class C. Top priority for improvement will be those waterbodies listed as first priority in Appendix 28.4.

policy DO19.1.6 enhancing water quality

To identify and take opportunities to enhance existing water quality.

policy DO19.1.7 effect of land use activities on surface water bodies

To control land use activities which have potential to adversely affect surface water quality and to encourage land use activities that minimise and filter contaminants entering water bodies.

policy DO19.1.8 stormwater discharges

The level of contaminants in point source stormwater discharges to water bodies will be avoided or remedied.

policy DO19.1.10 new development

Maintain existing water quality by requiring use of techniques to limit both non-point 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.

policy DO19.1.11 new and existing discharges to water

To review all existing discharge permits (other than stormwater) by January 2006 and apply a standard condition so that the new water quality discharge standards are fully complied with within five years of the freshwater plan change becoming operative.

ECOLOGY

NRPS

NA3.2 objectives

NA3.2.1 *Protection of areas of significant indigenous flora and significant habitats of indigenous fauna.*

NA3.2.2 *Restoration and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna, undertaken as appropriate.*

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:*

i) the extent of that habitat type within the ecological region or district;

ii) the quality of the vegetation, or of the habitat, for the species including its degree of modification;

iii) the diversity and abundance of species of plants and animals supported by that habitat;

iv) habitats, communities or areas important to the continued survival of indigenous species of plants and animals;

v) habitats, communities or areas containing nationally or regionally rare or vulnerable species of plants and animals;

vi) habitats or areas that support indigenous species or subspecies of plants or animals that are uncommon or threatened with extinction (rare, vulnerable, or endangered) within the ecological region or district and ecological corridors connecting such areas;

vii) the representativeness of the area, habitat, or community within the ecological region or district;

viii) the contribution of the area or habitat as an integral part of an association, community or ecosystem;

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;

x) the importance of the area for the maintenance and enhancement of water quality and quantity, fishery habitat including the habitat of indigenous fish, soil conservation, and natural hazard avoidance and mitigation;

xi) areas which contain regionally endemic species or communities;

x) wetlands, estuaries and lagoons of regional, national or international importance, including those:

a) necessary to act as buffer areas;

b) of importance as spawning grounds or nurseries for marine and fresh water species;

c) where related catchments, marginal lands and tidal flats have been minimally modified;

d) strategically situated to act as stepping stones for migratory species along coastal tracts;

e) of importance to marine mammals and birds; and/or

f) containing significant or threatened ecosystems, flora, fauna, and/or habitats.

NA3.3.2 To recognise and provide for the protection of those attributes which contribute to a site being recognised as an area of significant indigenous vegetation or significant habitat of indigenous fauna, 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.

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

NA3.3.4 To advocate to landowners or occupiers the need for protection of priority areas where they occur outside the Crown Estate, and to consider methods and mechanisms to ensure that this protection occurs.

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.*

NA3.3.7 *To take into account the conservation of areas of indigenous vegetation and significant habitats of indigenous fauna and regenerating shrubland when managing Council's own land holdings.*

NA6.2 objective

NA6.2.1 *Minimal adverse environmental effects from structures on river and lake beds.*

NA6.3 policies

NA6.3.1 *To manage river and lake beds in a manner which gives priority to the natural functioning of the river including the ecosystems they contain and the life supporting capacity of those ecosystems.*

NA6.3.2 *To provide for structures or physical works on river or lake beds where the adverse effects of such structures or works can be avoided, remedied or mitigated.*

NA6.3.3 *To recognise the importance of maintaining and enhancing the flood carrying capacity of rivers and to only permit structures which conflict with this function where their adverse effects can be avoided, remedied, or mitigated.*

NA6.3.4 *To control new works and new structures in the beds of rivers and lakes which have potential to result in significant adverse effects on riparian values.*

NA6.4 methods

NA6.4.1 *Council will require resource consents for structures in river or lake beds and will consider applications against the following criteria:*

- i) the need for the work;*
- ii) the likely effects of the work on the environment;*
- iii) available means of avoiding, remedying or mitigating likely effects on the environment;*
- iv) the net costs and benefits of the proposed works (including environmental and associated costs);*
- v) costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and*
- vi) the potential to offset adverse environmental effects through environmental compensation.*

NA6.4.2 *Council will give consideration to the preparation of a regional plan to manage structures and works in river beds. This will specify appropriate rules for the authorisation and management of activities considered to have significant adverse effects and will permit activities where the adverse effects are not considered significant.*

- NA6.4.3 *Until such time as a regional plan may be prepared Council will continue to administer the provisions of the Transitional Regional Plan and the Act through the resource consent procedures. Where appropriate, Council will impose conditions on resource consents to protect the natural functioning of lake and river beds.*
- NA6.4.4 *Council will, through literature, personal contact and discussions with resource consent applicants, seek to reduce the environmental impact of structures and works on river and lake beds.*
- NA6.4.5 *Council will undertake river control work including clearance of obstructions where this is shown to be the most appropriate option for hazard mitigation.*
- NA6.4.6 *Council will require resource consent applications for the erection of new structures in river and lake beds and will place suitable conditions on any consents granted to ensure that structures are appropriately designed, maintained and are removed when no longer required.*
- NA6.4.7 *Council will provide for the maintenance of existing works and structures within the beds of rivers and lakes provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.*

NRMP

objective DO5.1 natural values

An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting. (Chapter 5, p19)

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. (Chapter 5, p19)

policy DO5.1.2 linkages and corridors

Promotion of linkages and corridors between areas of natural vegetation. (Chapter 5, p20)

policy DO5.1.3

Active participation of landowners is seen as vital to the protection and enhancement of significant natural areas. Council will work with landowners, recognise their stewardship and current management practices, and will favour the use of non regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives. (Chapter 5, p20B)

policy DO5.1.4

Plan provisions related to protection and enhancement of significant natural areas will be reviewed and a plan change notified not later than 5 years from those provisions becoming operative. (Chapter 5, p21)

objective DO17.1 effects of activities and structures in the beds and margins of rivers and lakes on the natural environment

Activities, works or structures within the beds of lakes and rivers and their margins, and in wetlands, are undertaken or constructed in a way which avoids, remedies or mitigates adverse effects on freshwater bodies and their associated uses and values.

policy DO17.1.1 Disturbance of river and lake beds, excluding extraction of aggregate

Activities which disturb the bed of a river or lake, or a wetland, including vehicles and vehicle crossings, should be avoided, unless the disturbance is necessary:

- a) for the maintenance of lawfully established structures or network utility operations, or*
- b) for the restoration or enhancement of any in-stream or out-of-stream values, or*
- c) where no practicable alternative vehicle crossing is available, and adverse effects can be mitigated.*

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.

policy DO17.1.3 flood damage

Structures in river beds and their margins should be constructed to allow for flood flows from significant storm events without causing or exacerbating flood damage to natural and physical resources.

policy DO17.1.4 planting in the beds of rivers and lakes

The introduction of plants in the beds of rivers and lakes should be avoided except where such planting is necessary to control erosion.

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.

policy DO17.1.6 structures in and under the beds of rivers and lakes, and wetlands

Structures in, on or under the beds of rivers and lakes, or in wetlands, should only be constructed where adverse effects can be avoided, remedied or mitigated.

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.

AIR QUALITY

NRPS

DA1.2 objective

DA1.2.1 Improvement in Nelson's ambient air quality.

DA1.3 policies

DA1.3.1 To set minimum ambient air quality standards that are at levels which ensure that adverse effects on people or ecosystems at ground level are avoided or mitigated.

DA1.3.2 Where existing air quality is higher than the standards set under the above policy, no significant degradation to existing ambient air quality shall be permitted.

DA1.3.3 To control and/or reduce the volume or concentration of point source discharges so that the adverse effects on people or ecosystems at ground level are avoided or mitigated.

DA1.3.4 To ensure industrial, commercial, rural and domestic discharges avoid significant adverse effect on the environment, including people, plants or animals.

DA1.3.5 To minimise the adverse effects of odours on public amenity by requiring new or existing activities seeking new sites, which discharge contaminants into air, to locate away from residential dwellings, educational facilities, hospitals, shops or other similar public buildings, unless adverse effects can be avoided, remedied, or mitigated.

DA1.3.6 To promote energy conservation in buildings.

DA1.3.7 To seek to minimise vehicle emissions from motor vehicles while acknowledging the effects of primary transport corridors on air quality and the resultant incompatibility between some land use activities and those primary transport corridors.

NRMP

No relevant objs or pols.

TRANSPORTATION / TRAFFIC EFFECTS

NRPS

IN2.2 objectives

IN2.2.1 A safe and efficient land resource system that promotes the use of sustainable resources whilst avoiding, remedying or mitigating its

adverse effects on human health and safety, and natural and physical resources.

IN2.3 policies

IN2.3.1 To promote the development of transportation systems which:

- i) meet community needs for accessibility;*
- ii) use energy-efficiently;*
- iii) discourage dispersed development;*
- iv) avoid or reduce or adverse effects on human health, water, soil, air and ecosystems;*
- v) are consistent with the provisions of Part II of the Act and the New Zealand Coastal Policy Statement*

IN2.3.2 Where the adverse effects of expansion of transport infrastructure can be avoided, remedied or mitigated, and expansion is considered to have greater net benefit than intensification of the use of existing transport infrastructure, to provide for the most appropriate form of expansion. In determining what is most appropriate, to assess the costs and benefits of the various options according to the criteria outlined in Section 5.1.

IN2.3.3 To implement methods of controlling the effects of activities, including subdivision, on the land transport system.

IN2.3.4 To provide for the continued safe and efficient operation, maintenance and upgrading of the land transport system and its linkages with maritime and air transport.

IN2.3.5 To encourage walking and cycling as alternatives to the use of private motorcars.

NRMP

DO10.1 land transport system

A land transport system that is safe, efficient, integrated and context responsive, and that meets the needs of Nelson in ways that are environmentally, socially and economically sustainable. (Chapter 5, p38)

policy DO10.1.1 environmental effects of vehicles

The environmental effects of vehicles should be avoided or mitigated by promoting more intensive development and co-location of housing, jobs, shopping, leisure, education and community facilities and services to minimise the number and length of vehicle trips and encourage the use of transport modes other than private motor vehicle. (Chapter 5, p39)

policy DO10.1.2 road network

The road network should be maintained and developed to accommodate a range of road types to support a range of functions and streetscape characteristics. (Chapter 5, p39)

policy DO10.1.3 expansion of the road network

New roads and intersections should integrate with the adjoining road network while not adversely affecting the environment, or the safety or efficiency of the road network. (Chapter 5, p40)

policy DO10.1.4 traffic effects of activities

Activities should be located and designed to avoid, remedy or mitigate the effects of traffic generation on the road network and encourage a shift to more sustainable forms of transport. (Chapter 5, p41)

policy DO10.1.5 access to sites

Every site should have an access that provides safe entry and exit for vehicles from the site to a road (except for defined sites in the City Centre), without compromising the safety or efficiency of the road network, the safety of different types of road users or the streetscape values. (Chapter 5, p41A)

policy DO10.1.7 pedestrian and bicycle traffic

A safe, pleasurable and convenient network for pedestrian and bicycle traffic should be developed and maintained as an integral part of the land transport system. (Chapter 5, p42)

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. (Chapter 5, p69)

policy DO14.3.1 roading

Subdivision and development should provide for:

- a) The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects the function of the road and the safe and well-integrated management of vehicles, cyclists, and pedestrians, and*
- b) Safe and efficient access to all lots created by subdivision and to all developments, and*
- c) Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and*
- d) Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*

- e) *Public to private space relationships and roading design that represents a high quality urban streetscape, and*
- f) *The road network requirements to support the access and connectivity of future developments on other land in the Services Overlay.*
- g) *The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant). (Chapter 5, p70)*

HISTORIC HERITAGE

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 and recreational attributes.*

For sites or objects of historic or cultural significance, including archaeological sites, historic buildings or objects, the following additional criteria shall apply:

- iii) associations with significant persons or events, culture or traditions;*
- iv) length of occupation of any place, including the significance of that occupation;*
- v) whether the site is registered on any national data base;*
- vi) the rarity or uniqueness of a particular site or object; and/or*
- vii) the degree to which the site or object contributes to the aesthetic coherence of the wider townscape setting.*

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.

NA1.3.3 To avoid and as far as possible remedy or mitigate the conflicts between adjoining land uses including the provision of services and/or facilities.

NA1.3.4 To allow a wide range of potential uses, as an incentive for the retention of historic sites or buildings, providing these uses protect the heritage value of the resource. Council will actively encourage retention, reuse, care of and interpretation of older buildings and their histories on their original sites.

NA1.3.5 To prevent any activity on or adjacent to any significant township feature, cultural site, tree, or historic site or building, unless the adverse effects of that activity on the sites or features can be avoided, remedied, or mitigated.

NA1.3.6 To consider the use of development impact levies if appropriate to fund amenity and heritage protection and enhancement.

NRMP

objective DO4.1 heritage values

Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items. (Chapter 5, p13)

policy DO4.1.1 heritage identification and classification

Heritage buildings, places, or objects, and important trees, should be identified in this Plan and classified according to the criteria set out in Appendices 1 and 2 in the following categories:

Buildings, Places or Objects

Group A - Protection and retention highly desirable

Group B - Protection and retention important

Group C - Protection and retention desirable

Trees

Heritage Trees - Protection and retention highly desirable

Landscape Trees - Protection and retention important

Local Trees - Protection and retention desirable

policy DO4.1.5 archaeological sites and overlay

Archaeological sites, and places of special significance to tangata whenua, as identified as an individual site and/or falling within the Archaeological Overlay, as well as the cultural and spiritual values associated with those places, should be protected from activities which would have adverse effects on those sites, places and values. (Chapter 5, p15, emphasis added)

MAORI CULTURAL VALUES

NRPS

TW1.4 objectives

- TW1.4.1 Resource use which provides for the relationship of the Maori and their culture with their ancestral lands, water and sites, waahi tapu, urupa, and other taonga.*
- TW1.4.2 A mutually satisfactory relationship between Council and tangata whenua regarding resource management.*
- TW1.4.3 Increased opportunities for tangata whenua to exercise kaitiakitanga in the region.*
- TW1.4.4 Increased opportunities for the cultural aspirations and tikanga of the tangata whenua with regard to natural and physical resources to be met. (p39)*

TW1.5 policies

- TW1.5.1 To ensure that all persons exercising functions and powers under the Act take into account the Principles of the Treaty of Waitangi. (p39)*
- TW1.5.2 In consultation with tangata whenua, to seek to identify and protect specific matters or sites of cultural significance to the tangata whenua. (p39)*
- TW1.5.3 To seek the views of the tagmata whenua when developing objectives, policies, or rules relating to matters which tangata whenua themselves have indicated to Council are of significance to them. (p39)*
- TW1.5.4 To provide for matters stated to be of significance to the tangata whenua (as outlined in Appendix 2) or as otherwise defined in the future as far as is consistent with the purpose and principles of the Resource Management Act and the powers of Council to do so. (p39)*
- TW1.5.5 To ensure that tangata whenua views are sought and considered prior to Council consideration of any resource consent application which relates to matters which the tangata whenua themselves have indicated are of significance to them. (p39)*
- TW1.5.7 To implement policies and procedures to ensure that those undertaking works which may potentially result in damage to sites of*

significance to the tangata whenua are informed of the presence of such sites. (p39)

TW1.5.11 To have regard to environmental plans prepared by iwi authorities. (p40)

[Note from Greg: see also NRPS historic heritage provisions above]

NRMP

objective DO1.1 Maori and resources

Management of natural and physical resources that recognises the needs of Maori communities and enables them to provide for their social, economic, and cultural well being and their health and safety. (Chapter 5, p2)

policy DO1.1.1 relationship with ancestral resources

Natural and physical resources should be managed in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (Chapter 5, p2)

policy DO1.1.2 treaty principles and kaitiakitanga

Management of natural and physical resources that takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga. (Chapter 5, p2)

policy DO1.1.3 management by tangata whenua

Tangata whenua should have opportunities to manage their ancestral land and resources in a sustainable manner. (Chapter 5, p3)

policy DO1.1.4 traditional resources

Access should be provided to traditional resources within public reserves, water bodies, and coastal water, consistent with preserving natural values. (Chapter 5, p3)

policy DO1.1.5 cultural activities

Opportunities should be given to maintain Maori cultural values within the District by enabling the Maori community to establish (in appropriate zones) a range of housing types, and educational, health, and community activities. (Chapter 5, p4)

policy DO1.1.6 water management

Make policy decisions on water management having regard to the provisions of resource management plans such as eel management and iwi environmental management plans that promote the sustainable use of water and associated resources. (Chapter 5, p4)

LANDSCAPE, VISUAL IMPACT AND NATURAL CHARACTER

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 (p62)*

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 with 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.*

NA2.3.6 *To identify landscape areas and natural features of significant conservation value based on the following criteria:*

- i) significant Maori cultural sites identified now or in the future in accordance with tikanga maori;*
- ii) protected areas such as reserves, sanctuaries and parks;*
- iii) scenic sites of national or international significance, including their collective characteristics;*
- iv) representative examples of regionally, nationally or internationally significant or outstanding landforms; and*
- v) geologic features of regional, national or international significance and of high vulnerability.*

Note: Identification of areas of significant conservation value will be undertaken in consultation with Department of Conservation, tangata

whenua, and other appropriate organisations, agencies and individuals.

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.

DA2.2 objectives

DA2.2.1 An environment in which unreasonable noise is avoided, remedied or mitigated.

DA2.23 policies

DA2.3.1 To the extent that it is within Council's statutory power to do so, to protect existing and proposed residents and other noise sensitive land uses from the adverse effects of excessive and unreasonable noise from industrial, commercial, transportation (including land, sea and air), community or recreational activities.

[Note from Greg: see also NRPS historic heritage provisions above re conservation values]

NRMP

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. (Chapter 5, p36)

policy DO9.1.1 significant features

Significant landscape and coastal features which contribute to the setting of Nelson should be protected. (Chapter 5, p37)

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. (Chapter 5, p37)

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. (Chapter 5, p37)

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. (Chapter 5, p37)*

objective RE3 streetscape, landscape, and natural features

Attractive streetscapes, and the maintenance and enhancement of those significant public views, natural features, and landscapes that contribute to Nelson's character and setting.

policy RE3.1 landscape values

Roads, buildings and other structures should not dominate landforms and vegetation, and should minimise intrusiveness into the landscape, so as to retain amenity values and the pleasant and natural appearance of the hills.

policy RE3.2 view shafts and gateways

View shafts and gateways which contribute significantly to Nelson's visual amenity should be protected and enhanced.

policy RE3.3 vegetation

Trees and vegetation which contribute to the amenity values of the area should be retained where this is compatible with site development.

policy RE3.4 indigenous vegetation

Indigenous vegetation should be preserved if it contributes to the amenity values of the area, except for the minimum area reasonably necessary for the safe development and use of a site.

policy RE3.5 streetscape

Sites, buildings, fences and landscaping fronting onto roads should present an appearance which enhances the overall streetscape, and maintains the open, landscaped character of front yards that is typical of Nelson. Hard landscaping including car parking, should be minimised. The design of buildings, structures (including fences), roads and parking spaces (in front yards and on the street) should assist in making streets safer environments by enhancing informal surveillance, enabling community interaction, and being people-orientated.

URBAN DESIGN

NRPS

No relevant objs or pols.

NRMP

objective DO13A.1 recognising the local context

Subdivision and development that reflects, and creates positive relationships with, our local environment, heritage and urban context. (Chapter 5, p55)

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. (Chapter 5, p56)

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. (Chapter 5, p56)

policy DO13A.2.1 accessibility

Accessibility is maximised through subdivision and development design which provides for:

- a) safe and pleasant transport networks for all modes of movement, including pedestrians, cyclists, public transport and motor vehicles.*
- a) a variety of logical and effective connections between different transport networks and between different parts of the city and urban areas. (Chapter 5, p57)*

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. (Chapter 5, p57)

policy DO13A.2.3 public to private connections

Public spaces created as part of subdivision and development should be connected to and overlooked by private buildings and spaces in a manner that is human scaled and encourages interaction and safety. (Chapter 5, p58)

objective DO13A.3 creating high quality public spaces

Buildings, reserves and roads that are created as part of subdivision and development result in quality public spaces that are beautiful and inspiring, provide for and enable social, cultural, economic and environmental wellbeing and enhance amenity values. (Chapter 5, p58)

policy DO13A.3.1 high quality public spaces

Subdivision and development of, or adjoining, urban public spaces should where appropriate provide for:

- a) *landscape and streetscape design that is of high quality, is people rather than vehicle orientated and maintains or enhances social, cultural and amenity values.*
- b) *a sense of human scaled elements at the interfaces of buildings, infrastructure and urban public spaces.*
- c) *the public space to have a variety of distinctive spaces appropriate to the context that function well as places for a range of activities including meeting people, relaxing, playing and walking through them.*
- d) *a range of public open spaces and parks that cater for the different needs of people both in terms of ages and abilities, and levels of recreational and leisure use. (Chapter 5, p59)*

policy DO13A.3.2 multi use

Public spaces which facilitate multiple uses to achieve a range of social, cultural, economic and environmental benefits. (Chapter 5, p60)

objective DO13A.4 providing for diversity

Subdivision and development that provides for a range of choices in housing types, neighbourhood types, compatible employment opportunities and leisure and cultural activities. (Chapter 5, p60)

policy DO13A.4.1 flexibility, choices and adaptability

Subdivision and development should facilitate, where appropriate:

- a) *mixed use developments that support a variety of compatible land uses and reflect local needs.*

- b) *flexibility to adapt buildings and spaces to accommodate a range of uses both now and in the future.*
- c) *a range of building types to provide accommodation and offer opportunities for all groups within the community.*
- d) *a range of subdivision layouts that contribute to a diversity of neighbourhood types and identities. (Chapter 5, p61)*

objective DO13A.5 sustainable places & communities

Urban development that meets the community's current needs without compromising future needs. (Chapter 5, p62)

policy DO13A.5.1 environmentally responsive

Subdivision and development should be environmentally responsive, which for the urban environment includes considering the following opportunities:

- a) *the efficient use of existing infrastructure and the sustainability of new infrastructure.*
- b) *the containment of urban sprawl and avoidance of inefficient use of the urban land resource.*
- c) *interconnection within and between neighbourhoods to reduce vehicle dependence.*
- d) *the reuse of existing buildings and sites, and the adaptability of proposed buildings and sites.*
- e) *the establishment of small neighbourhood village areas for local shopping/services.*
- f) *the consideration of connections to public transport or future public transport networks.*
- g) *the collection and reuse of rainwater to supplement potable supplies.*
- h) *low impact stormwater design treatment and disposal.*
- i) *the solar orientation of buildings and sites.*
- j) *the encouragement of the use of renewable energy sources and sustainable building materials.*
- k) *responding to sea level rise predictions.*
- l) *the inclusion of innovative and sustainable options for the treatment of human waste. (Chapter 5, p62)*

objective DO13A.6 urban design process

Sustainable management of Nelson's urban resources achieved through quality urban design processes. These processes holistically manage urban systems and interconnections rather than focusing on the effects of individual activities. (Chapter 5, p63, emphasis added)

policy DO13A.6.1 policy and administration

Quality urban design should be supported through flexible and responsive policy and administration systems that use a holistic approach to the management of urban environmental effects. (Chapter 5, p63, emphasis added)

policy DO13A.6.2 coordinated approaches

Subdivision and development should use a coordinated multi disciplinary approach to avoid the adverse effects and cumulative adverse effects of managing urban resources individually and from a single discipline's perspective. (Chapter 5, p63, emphasis added)

policy DO13A.6.3 collaboration

To encourage the collaboration of the private and public sector where there are opportunities for projects to assist with the Council's role of achieving a quality urban design vision for the community in a sustainable and equitable manner. (Chapter 5, p64, emphasis added)

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. (Chapter 5, p67)

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. (Chapter 5, p67)

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. (Chapter 5, p68)

policy DO14.1.3 orderly development

Subdivision and development of land should provide for use of land in an orderly manner, in association with cost effective and efficient provision of facilities and services. (Chapter 5, p68)

objective DO14.2 amenity values

The amenity values of the built environment shall be maintained or enhanced through the subdivision and development processes. (Chapter 5, p68)

policy DO14.2.1 allotments

The pattern created by subdivision, including allotment sizes, shapes, and dimensions should take into account the range of future potential land uses and the development potential of the area, and any potential adverse effects on the environment and amenity values, and the relationship of the allotments to any public open spaces (including reserves and streets). (Chapter 5, p69)

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. (Chapter 5, p69)

policy DO14.3.1 roading

Subdivision and development should provide for:

- a) The integration of subdivision roads with the existing and future road network in an efficient manner, which reflects the function of the road and the safe and well-integrated management of vehicles, cyclists, and pedestrians, and*
- b) Safe and efficient access to all lots created by subdivision and to all developments, and*
- c) Roading connections as shown on Structure Plans and/or as described in Schedules in the NRMP, and*
- d) Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*
- e) Public to private space relationships and roading design that represents a high quality urban streetscape, and*
- f) The road network requirements to support the access and connectivity of future developments on other land in the Services Overlay.*
- g) The road network required to service the subdivision or development in accordance with a) to e) above shall be funded and constructed by the consent holder and vested in Council as part of the development. Provision of the necessary road network in (f) shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary roading shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant). (Chapter 5, p70)*

policy DO14.3.2 drainage, water and utilities

Subdivision and development should provide for:

- a) *Water supplies of sufficient capacity and of suitable standard for the anticipated land uses on each lot or development, including fire fighting requirements, and*
- b) *The disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of any land, and*
- c) *The treatment and disposal of wastewater in a manner which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment, and*
- d) *Connections from all new lots or buildings to a reticulated water supply, stormwater disposal system, and wastewater treatment and disposal system, where such systems are available, and*
- e) *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*
- f) *Any necessary additional infrastructure for water supply, stormwater disposal or wastewater treatment and disposal or power and telecommunications, and*
- g) *Provision of sufficient land and infrastructure with capacity to support the servicing requirements of future development on land in the vicinity that is in the Services Overlay.*
- h) *New or upgraded infrastructure required in accordance with a) to f) above shall be funded and constructed by the consent holder, as part of the development. Provision of land or pipe capacity under g) above shall be funded by the Council, if the project is provided for in the LTP. In this case, the relevant works have to be constructed prior to the section 224(c) certificate being sought for the development. In all other cases it is expected that the necessary land and pipe capacity shall be funded by the consent holder (with costs shared between benefiting landowners, where relevant).*
- i) *All wastewater, water and stormwater infrastructure specified in Section 3 of the NCC Land Development Manual 2010 to become public shall be vested in Council.*

The costs of additional new or upgraded infrastructure shall be paid for by the developer, or as part of the development. (Chapter 5, p72)

policy DO14.3.3 areas without services

Development and subdivision of areas that do not have access to reticulated services, or where the existing services are operating at full capacity, should not proceed where:

- a) *it will result in significant adverse effects, or*

- b) *the services listed in policy DO14.3.2 cannot be provided. (Chapter 5, p73)*

objective DO14.5 community services and facilities

Appropriate provision for community services and facilities in the district.

objective DO14.5.1 community services and facilities

Subdivision and development should provide for or contribute towards:

- a) *The provision of land for the reasonably foreseeable community needs of present and future generations for recreational and cultural pursuits and amenity values, and*
- b) *The development of land to provide for sport, play, recreation, culture and amenity for the community, and*
- c) *The protection or preservation of areas or items of natural or cultural value.*

objective DO16.1 management of resources by location

Management of the natural and physical resources of Nelson in a way that responds to the varying resource management issues and the varying actual and potential effects of use, subdivision, development, and protection arising in different parts of the District. (Chapter 5, p79)

policy DO16.1.1 zones (and areas)

The District should be divided into zones (and areas), for the purposes of resource management, as follows: (Chapter 5, p80)

1. Residential Zone

A quality residential environment that provides a choice of living styles, a high level of amenity, and a minimal occurrence of nuisances. (Chapter 5, p80)

DO16.1.1.i The primary goal of the Residential Zone is to provide the opportunity for residential accommodation. Past experience has shown that people want a wide range of living styles to reflect their various needs, while maintaining high levels of amenity. Nuisances have adverse effects on amenity values, and can affect health and safety in residential areas. (Chapter 5, p80)

3. Suburban Commercial Zone

Suburban commercial centres which enable community needs to be met, while minimising their impacts on surrounding areas.. (Chapter 5, p80)

5. Open Space and Recreation Zone

A framework for the present and future management of open space and recreation land. (Chapter 5, p81)

objective SC1 consolidation

Suburban commercial centres which enable the immediate or wider community to meet their needs, and which help reinforce community identity and focal points with due consideration to the appropriateness of development on any site. (Chapter 9, p2)

objective SC2 amenity and adverse effects

Suburban commercial centres which have a high level of on site amenity, and which do not have significant adverse effects on neighbouring areas or on the safe and efficient operation of the road network. (Chapter 9, p3)

objective SC3 Marsden Valley Suburban Commercial Zone

To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, provision of an area of publicly accessible open space central to the Zone, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment. (Chapter 9, p5)

policy RU1.3 management of effects of connections on structure plans

The provision for, and development of, road, walkway and cycleway linkages within Rural Zones where these have been identified on Structure Plans, at a time and in a manner that does not result in unreasonable reverse sensitivity effects with other land use activities. (Chapter 12, p3)

objective RU2 rural character

Maintenance or enhancement of an environment dominated by open space and natural features. (Chapter 12, p3)

policy RU2.2 density – small holdings

Small land holdings should be of sufficient size to provide for:

- a) maintenance of general rural character and amenities, and*
- b) being visually unobtrusive, utilising topography to avoid visual impacts, and*
- c) servicing from existing infrastructure, especially roads, and*
- d) privacy and separation of dwellings, and.*
- e) containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
- f) avoidance or mitigation of natural hazards, and should be in close proximity to the urban area of Nelson, to promote transport efficiency. (Chapter 12, p3)*

objective RU3 protection of amenity

Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment. (Chapter 12, p7)

HOUSING DESIGN

NRPS

DA1.2 objective

DA1.2.1 Improvement in Nelson's ambient air quality.

DA1.3 policies

DA1.3.6 To promote energy conservation in buildings.

NRMP

Objective RE1 living style

The option of a diversity of residential styles based on the differing characteristics of areas of the city, and differing community needs. (Chapter 7, p2, emphasis added).

Policy RE1.1 densities

A choice of building densities should be provided within the city, taking into account people's preferences, the existing character of neighbourhoods, topography, townscape, the capacity of infrastructure, and the constraints of the land resource. (Chapter 7, p2, emphasis added)

***RE1.1.ii** In addition to the residential densities referred to above, specific areas have different density provisions. This has usually been determined on account of the existing amenity and physical constraints of land, services and roading in the area concerned and is usually shown on a Structure Plan and through associated plan provisions. (Chapter 7, p2, emphasis added)*

Policy RE1.2 flexibility in development

Flexibility in density, building form, and site development below that specified in the rules should be allowed, provided that the development:

- a) integrates the design of residential units and any subdivision, and that all required resource consents are applied for concurrently, along with any building consent or building sketch plans, and*
- b) presents a high standard of on site and off site amenity, and*
- c) does not diminish the amenity of neighbouring sites, and*
- d) is designed with regard to the character of the area, and*

- e) *does not significantly affect the views or outlook from adjacent properties, and*
- f) *the cumulative effects of such developments do not significantly change the density of the area or detrimentally affect its character, and*
- g) *does not diminish the streetscape of adjacent roads, and*
- h) *represents quality urban design (refer to section DO13A District Wide Objectives and Policies) in particular a diversity of building forms and co location of activities. (Chapter 7, p3)*

RE1.2.vi *Development opportunities specific to individual areas are identified by way of Structure Plan. (Chapter 7, p3, emphasis added)*

Policy RE1.2A comprehensive housing

Encourage and promote higher density developments where such developments incorporate quality urban design principles (refer section DO13A District Wide Objectives and Policies), and where they are located in close proximity to services, shops, transport routes, open space and other urban amenities. (Chapter 7, p2)

Policy RE1.4 lower density areas

The open spaciousness of development should be maintained within those areas identified on the Planning Maps for lower density development. (Chapter 7, p5)

objective RE2 residential character

An environment that is principally residential in character.

policy RE2.1 noise

Noise levels received at adjacent site boundaries should be consistent with a predominantly residential environment.

policy RE2.2 nuisances

The pleasant qualities of residential areas should not be adversely affected by glare, light spill, dust, vibration, or odour.

policy RE2.3 daylight and sunlight

Buildings and structures should be designed and sited so that adjoining sites are not unduly shaded, and there is reasonable access to daylight.

policy RE2.4 privacy and outlook

The location and design of buildings should not unduly compromise outlook and privacy of adjoining development, having regard to the character of the area and the reasonable expectations for development.

policy RE2.5 scale

The size and scale of buildings, structures, and activities should be compatible with the character and amenity of the residential areas.

policy RE2.6 non-residential activities

No activity should have effects significantly greater than the normal residential use of any property, unless they can be adequately avoided, remedied or mitigated.

policy RE2.7 community dislocation

Activities should avoid breaking up community and neighbourhood coherence, having particular regard to the cumulative effects of activities.

policy RE2.8 community benefit

It is recognised:

that certain non-residential activities need to locate in the Residential Zone, and

that some existing non-residential activities may need to be explicitly provided for in the zone, and

that some non-residential activities may enhance the amenity and sense of community of residential areas.

PARKS, RESERVES AND RECREATION

NRPS

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.*

NA5.2.2 *Riparian and coastal margins where natural processes such as floods and erosion do not result in damage to structures or danger to human health and safety.*

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.*

NA5.3.3 *Where a riparian or coastal margin is considered to be of high priority for protection, to give preference to the establishment of an esplanade reserve.*

NA5.3.4 *Where a riparian or coastal margin is considered of moderate priority for protection, to give priority to the negotiation of esplanade strips.*

NA5.3.5 *Where a riparian or coastal margin is considered of low priority for protection, to encourage appropriate management through general provisions in the District Plan but otherwise not seek additional protection.*

NA5.3.6 *To assess the required width of esplanade reserves and strips in terms of the reasons for establishing them.*

NA5.3.7 *To consider the establishment of esplanade reserves and esplanade strips along water bodies of less than three metres in width if the values associated with these water bodies:*

- i) *satisfy the criteria outlined in Policy 1;*
- ii) *are under potential threat; and*
- iii) *cannot be protected through other mechanisms.*

NA5.3.8 *To compensate landowners where appropriate for taking esplanade reserves and strips in accordance with the provisions of the Act.*

NA5.3.9 *To permit public access of right to esplanade reserves and esplanade strips, except where:*

- i) *conservation values may be jeopardised by public access*
- ii) *emergency situations may arise and so make public access inappropriate; or*

- iii) *instruments creating esplanade reserves, esplanade strips or access strips themselves place restrictions on public access.*

NA5.3.10 *Unless legislative or operational requirements dictate otherwise, to manage riparian and coastal margins under Council's ownership or control in such a way as to protect habitats, natural processes, natural character, cultural values, natural features and landscapes, amenity values, the life-supporting capacity of ecosystems, water quality and public access.*

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.*

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

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

NA5.4 *methods*

NA5.4.1 *Council will, in consultation with tangata whenua, Department of Conservation, Nelson Marlborough Fish and Game Council, land owners, community interest groups, and other appropriate parties, identify riparian and coastal margins which are of priority for acquisition and will list these in the District Plan.*

NA5.4.2 *Council will, through its District Plan, require esplanade reserves in priority areas, at the time of subdivision.*

NA5.4.4 *Council will under section 33 of the Act consider transferring the administration of esplanade reserves to local iwi where the esplanade reserve itself, or the land or water adjoining it, are of significance to iwi and the transfer will not detract from the purpose for which the esplanade reserve was established.*

NA5.4.6 *Council will require resource consents for any significant land disturbance, vegetation clearance or the erection of new structures in existing or proposed esplanade reserves and esplanade strips, and will consider such activities against the following criteria:*

- i) *the reasons for establishing the esplanade reserve or strip.*
- ii) *the need for the work.*
- iii) *the likely effects of the work on the environment and on the integrity of the esplanade reserve or strip;*
- v) *available means of avoiding, remedying, or mitigating likely effects on the environment and the integrity of the esplanade reserve or strip;*
- v) *the costs and benefits of alternative means of achieving the desired outcome, including the 'do nothing' option; and*
- vi) *the potential to offset adverse effects through environmental compensation.*

- NA5.4.7 *Council will provide for the maintenance of existing works and structures within riparian and coastal areas, provided such maintenance does not exceed existing scale and intensity and any adverse effects are avoided, remedied, or mitigated.*
- NA5.4.8 *Council will require resource consents to be granted for works and structures in riparian and coastal margins other than those necessary for specific protection programmes, where such activities are likely to result in significant adverse effects on the environment. Council will place suitable conditions on any consents granted to ensure that works and structures are appropriately designed and maintained, and are removed when no longer required.*
- NA5.4.9 *Where priority riparian areas become available and protection can not be achieved in any other way, Council will consider purchase of these areas.*
- NA5.4.10 *Council will negotiate esplanade strips and access strips with the appropriate land owners in areas where these devices are most appropriate to achieving the purpose of the Act.*
- NA5.4.11 *Council will work with land managers, sector groups (in particular those involved with agriculture, horticulture, forestry, land-based aquaculture and network utilities) and other interest groups to develop strategies and/or codes of practice to avoid, remedy, or mitigate adverse effects caused by riparian land use releasing sediment, chemical or biological contaminants into water bodies.*
- NA5.4.12 *Council will take enforcement action as appropriate to protect the functioning and integrity of riparian margins where it believes that provisions of the Act, a relevant resource management plan or resource consent are being contravened.*
- NA5.4.13 *Council will promote the maintenance and enhancement of suitable indigenous riparian vegetation.*

NRMP

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. (Chapter 5, p24)

policy DO6.1.1 priority margins

Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation. (Chapter 5, p24)

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. (Chapter 5, p26)

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.

objective OS1 present uses

Maintaining the social well-being and health of the community by recognising and enhancing opportunities for use of open space and recreation land.

policy OS1.1 recognise amenity provided

The amenity provided by open space and recreation areas should be recognised and protected.

policy OS1.2 enable identified uses

Present uses of open space and recreation land should continue where there is benefit to the community, and where any adverse effects of those uses are minimised.

policy OS1.3 neighbouring zones

Activities on open space and recreation zoned land should be compatible with the amenity values of surrounding zones.