

Nelson City Council Plan Changes: September 2010

Summary of Plan Changes and Assessment of Main Impacts

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Executive summary

The underlying basis for the plan changes is “Towards Better Urban Design”, with the overall intention of improving urban amenity and urban design.

The suite of plan changes will have wide ranging effects on land development and subdivision in Nelson. Plan changes 14 (subdivision, development and comprehensive housing) and 17 (parking) in particular will change resource consent processes and introduce rule changes. The plan changes impose a number of new consenting requirements for activities which are currently permitted, as well as increasing the information which needs to be provided with certain types of resource consent applications (subdivisions). Some changes are likely to result in an increase in resource consents costs with some tightening of controls around land use and development.

The following key impacts have been identified:

- *New maximum fence heights in all Residential Zones.*
- *General reduction of parking standards for the inner city and a likely reduction in the availability of inner city parking.*
- *New location, design and colour compatibility standards for garages.*
- *New resource consent requirements for new buildings or significant alterations (currently permitted), within parts of the Inner City Fringe.*
- *Tightening up on residential and some rural subdivision and an expectation of higher subdivision and design standards.*
- *New front yard setback and landscape requirements (50% of the front yard) for all residential zones.*
- *Extensive information requirements for certain types of subdivision and comprehensive housing developments.*
- *New transport policies focused on alternatives to cars.*
- *An exemption for certain types of Council signs from all sign rules.*

The plan changes also identify potential inconsistencies between district-wide objectives and policies and some objectives and policies.

The plan changes will potentially impact the whole of Nelson through the fence height rule and controls on front yards. The biggest impacts will be on property owners in Nelson city centre, Enner Glynn, and Upper Brook, as well as new residential buildings and subdivisions.

Council’s “rolling review” of the Resource Management Plan has also identified future plan changes affecting Suburban Commercial, City Centre and Industrial zones as well as intensification and affordable housing.

Disclaimer

This report has been prepared by ViaStrada (planners and traffic engineers) for the purpose of a general overview and analysis of the Nelson City Council plan changes. The report should not be relied upon as the sole basis of a submission, or as a full or detailed analysis of the effects of the plan changes on specific projects or specific sites. Anyone requiring more detailed analysis, or advice on the effects of the plan changes should contact the Nelson office of ViaStrada on 546 4256.

Plan change 14: Residential Subdivision, Land Development Manual and Comprehensive Housing

Key changes

Definitions

- Adds a range of definitions to chapter 2 Meaning of Words. New definitions for:
 - Accessway
 - Classified roads
 - CPTED
 - Design statement
 - Front yard
 - LID
 - LTCCP
 - NRMP
 - Sewerage
 - Sewage
 - Streetscape
 - Note – proposed definition includes privately owned front yards between buildings and the road boundary
 - Unclassified roads
 - Urban activity
 - Note includes **any** activity undertaken within specified zones, foreshore and on any subdivided rural land less than 0.5ha.
 - Includes **any** structure attached to the land and extending into the Coastal Marine Area
 - Urban design
 - Wastewater
 - Wastewater network

Amended definition for “landscaping” – note amended definition now **excludes** any lawn, rocks, or paved areas with “ability for vehicle access”.

Administration and explanations

- Changes and additions to Chapter 3 Administration to update Council administration processes and relationships with external documents. This also includes changes to the Services Overlay description.
 - Note – new text advises that “following review” of the plan “*may create some inconsistencies between District wide and individual Zone policies, however, this is to be expected...*”
- Implements Council’s Land Development Manual as an acceptable means of compliance with engineering standards and resource consent conditions.
- Amends services overlay to clarify that until Council commits to provide services, developers are required to fully fund services both upstream and downstream of the site to enable development to proceed. Note, **services overlay (and requirement for developer funding of infrastructure) applies to some areas which have been zoned for development.**

- Inserts new urban design issues and explanation into Chapter 4 Resource Management Issues.

Objectives and policies

- **Land transport:** amendments to land transport objectives and policies which promote development intensification and reduced car use.
- **Urban design:** new section of the Plan. Focus is on urban connections, local context, quality public spaces, mixed use and diversity, and collaboration.
- **Subdivision and development.** Changes include focus on higher quality subdivision and developer funding of all services within an adjoining services overlay as well as within the development site.

Zone Changes

Residential Zone

- Objective and policies: focus on quality urban design, comprehensive housing and streetscape
- Rules:
 - Changes to **comprehensive housing rules**
 - New rule, comprehensive housing is non-complying within port or airport effects control overlay
 - New **front yard setbacks** for garages
 - New requirement for **garages etc to be compatible with design and colour** of principle building.
 - **New residential zone landscaping requirement - where buildings located within 4 metres of road boundary, front yard must be landscaped at least 50% of the front yard for local roads, or 30% landscaping for classified roads.**
 - **Removal of controlled activity status for any breaches of front yard rules – all breaches become restricted discretionary activities** (which may be declined) with wide discretion (includes location, design and appearance of buildings, landscaping, fences, public safety, visual and amenity). Applications will not be notified but affected party approvals still required.
 - **New fence height rule** – 1.2m maximum height fronting unclassified roads, 2m maximum fronting classified roads. Fences which breach this rule as restricted discretionary activity.
 - **Services overlay** – changes so that buildings in the services overlay are only permitted if services are provided.
 - **Subdivision** – new requirement to comply with the Land Development Manual; lower density in port effects and airport effects control overlays; new information requirements for restricted discretionary subdivisions (Appendix 14); new controls on subdivision within Grampian Slope Risk Overlay
 - **Landscape overlays** - removal of controlled activities for subdivision in the landscape overlays. All subdivision becomes restricted discretionary (only if certain information is provided).
 - **Notification** - many new rules allow resource consent to be considered “without notification”. Written approvals from affected parties are still required.

Rural Zone - rules

- **Subdivision** – new requirement to comply with the Land Developed Manual; new information requirements for restricted discretionary subdivisions (Appendix 14); new control on subdivision within the Grampians Slope Risk Overlay;
- **Rural zone between The Glen Road and Whangamoia Saddle** – any subdivision not meeting the minimum lot sizes changes from discretionary to non-complying activity.
- **Services overlay** – changes so that buildings in the services overlay are only permitted if services are provided; rural subdivision within a rural services overlay is required to provide reticulated water, stormwater and wastewater

Riparian and Coastal Margin Overlays – Appendix 6

- Amends Appendix 6 Riparian and Coastal Margins to add additional values for esplanade reserves.

Landscape Overlay - Appendix 7

- Clarifies that subdivision in landscape overlays changes from controlled activity to restricted discretionary.

Parking and Loading – Appendix 10

- Amends Appendices 10 Parking and Loading to update content and align with the NCC Land Development Manual 2010.
 - Changes design vehicle form 90% to 85%
 - Generally reduced parking requirements for residential activities

Access standards - Appendix 11

- Amendments to align with Land Development Manual:

Engineering Standards - appendix 13

- Deleted and replaced with the Land Development Manual

Design and information requirements – appendix 14

- Replaces existing Appendix 14 (design standards) with new extensive information requirements for subdivision and development.
- Appendix 14 introduces **very extensive information requirements for restricted discretionary subdivision and development**, including:
 - preliminary engineering plans;
 - design description;
 - movement analysis including existing and desired pedestrian and cycle links and traffic assessment of speed environments;
 - streetscape analysis (including lighting types and proposed signage);

- landscape plan
- **context analysis for all activities within 1km of the site** including footprint of neighbouring buildings and location of all commercial, service and recreational facilities within 1km
- **Information within appendix 14 is a mandatory requirement for restricted discretionary subdivision applications.**

Comprehensive Housing – Appendix 22

- Amends existing appendix 22 Comprehensive Housing to clarify the outcomes desired and to **require significant additional information**
- Focus is on achieving high amenity and good urban design.
- Information required to accompany comprehensive housing proposals includes
 - Standard information requirements
 - Visual simulations
 - 3D views showing true perspective
 - Landscape plan
 - Site context plan showing **features within a 400m radius of the site** including open space, transport routes, shops and commercial areas, schools, “all possible vehicle access points”, orientation of neighbouring buildings, stormwater flow paths

Planning Maps

- Amended road hierarchy – new “central city” and “stoke city” road classifications.
- Amended services overlays.
- Externally reference throughout the Plan the NCC Land Development Manual 2010 as a means of compliance for controlled activity subdivisions, and as an assessment criterion for restricted discretionary and discretionary activity subdivisions. Amends all references to Appendix 14 throughout the Plan to instead reference to the new roading tables in the NCC Land Development Manual 2010.

Assessed impact

| Change | Impacts |
|-----------------------------|---|
| Plan Wide Amendments | Amends references to sections of Plan that have been changed. Provides consistency throughout plan. |
| Definitions | <ul style="list-style-type: none"> • Generally provides clarity • “Landscape” now excludes landscaping with ability for vehicle access (e.g. grassed areas) • “Streetscape” includes privately owned front yards. • “Urban activity” is very wide and includes <u>any</u> activity within <u>any</u> zone other than Rural and Conservation zones. |
| Administration | <ul style="list-style-type: none"> • Additional explanatory statements. • An expectation of inconsistent policies and objectives – incompatible policies and difficulty in interpretation. |
| Notification | Public notification has been limited for many activities, but written approvals still required. Overall effect will be minimal changes to current notification processes (written approvals still required). |

| Change | Impacts |
|---|--|
| Objectives and Policies – land transport | Focus is on: <ul style="list-style-type: none"> • mixed use development in areas that are well connected to existing area • increased intensification • reducing reliance on motor vehicles • promoting the use of alternative transport means • promotes development intensification and reduced vehicle use and discourages new road connections • move from requiring parking/manoeuvring on-site to accommodated in a manner reflective of road type/design • provision for reducing parking |
| Objectives and Policies – urban design (new section) | <ul style="list-style-type: none"> • all new development will be assessed against a comprehensive set of new objective and policies • open to wide interpretation (e.g. objective DO13A.5 – an urban environment that is “inspiring, enriching, beautiful and outstanding”) • uncertainty because of some ambiguous wording • will require a higher standard of development and design |
| Objectives and Policies – subdivision and development | <ul style="list-style-type: none"> • higher standard of subdivision design required • developers required to fully fund any services and roading in adjoining services overlays (upstream and downstream), not forming part of the development |
| Residential Zone Rules | <ul style="list-style-type: none"> • New restrictions on development within front yards. • New front yard landscaping requirements (currently none). • New controls on subdivision. • Removal of controlled activity status, replaced with restricted discretionary. • Increased information requirements (new Appendix 14). • Written approvals from affected parties still required. <p>Overall, these changes increase the controls on residential land development and subdivision and represents a “tightening up”.</p> <p>Restricted discretionary activities must be accompanied by extensive information, and the extent of Council discretion is very wide ranging.</p> <p>Most restricted discretionary resource consents will not be publicly notified, but written approvals of affected parties is still required, and limited notification may still apply.</p> |
| Rural Zone Rules | <ul style="list-style-type: none"> • Some tightening up of rural subdivision with new controls • Tightening up on below-minimum size rural subdivision between The Glen Road and Whangamoia Saddle (from discretionary to non-complying). • Extensive and mandatory information requirements for restricted discretionary subdivisions (new Appendix 14). |
| Appendix 6 - Riparian and Coastal Margin Overlays | Clarifies meaning for riparian values |
| Appendix 7 - Landscape Overlay | Clarifies new activity status for subdivision (restricted discretionary) |

| Change | Impacts |
|---|--|
| Appendix 10 - Parking and Loading | Reduce parking requirements for residential activities. |
| Appendix 11 - Access Standards | Access standards replaced by Land Development Manual . Generally allows more flexibility in design and additional design options. |
| Appendix 13 Engineering Performance Standards | Deleted, replaced by Land Development Manual . |
| Appendix 14 - Residential Subdivision Information and Design Requirements | <ul style="list-style-type: none"> • Significant change from existing information requirements • Requires extensive information “up front” • Information must accompany subdivision applications for restricted discretionary activities. • Open to some interpretation as to what information is required. <p>The overall impact of Appendix 14 is to require so much information up front, to impose additional up-front costs, and to create additional uncertainty, so that Appendix 14 is likely to be ineffective.</p> <p>The anticipated effect is that many / most subdivision applications will follow the normal discretionary application process rather than impose the additional costs needed to meet restricted discretionary criteria.</p> |
| Appendix 22 - Guidelines for Comprehensive Housing | <ul style="list-style-type: none"> • Strong focus on urban design aspects • Additional mandatory information requirements • Wide discretion in interpretation • It is not clear what the activity status is if the mandatory information is not provided – possibly non-complying. <p>Overall effect will be to require considerably more information “up front”, and to increase costs of comprehensive housing developments without any real increase in certainty of consent.</p> |
| Design Guide and Rules for Wakefield Quay | Clarifies relationship between appendices AP 23 and AP 22. |
| Road Hierarchy | Updates map, new hierarchies for “city centre” and “stoke city” |
| Services Overlay | Amends services overlays. |
| Plan Wide Wording Amendments | Updates references to LDM rather than Engineering Performance standards and Residential Subdivision Design and Information Requirements rather than Design standards. |

Plan change 17: Enner Glynn and Upper Brook Valley Rezoning and Structure Plan

Main changes

- New areas of Residential Zoning identified;
- Increased areas of Rural Zone – Higher and Lower Density Small Holdings in Enner Glynn Valley;
- Rural Zoning retained in Upper Brook Valley, and above the Landfill and York Valley Quarry;
- A network of walkway/cycleway, future roads and biodiversity corridors provided through a structure plan;
- Landscape, Services, Land Management, Fault Hazard and Riparian Overlays revised;
- Properties in Marsden Valley that were not included in Plan Change 13 are included here to ensure zoning is consistent.

Assessed Impact

| Change | Impact |
|--|--|
| Meanings of Words | Adds definitions for biodiversity corridor, eco-sourced, generally accord and structure plan. Provides clarity regarding the use of the terms in the NRMP. |
| Administration | Adds section on structure plans. Clarifies their purpose, their effect in the NRMP and what is included in a structure plan. |
| Objectives and Policies | Adds new explanations for district wide objectives relating to urban design, biodiversity corridors and structure plans. |
| Residential Zone and rural zone - vegetation clearance | No clearance of indigenous forest and vegetation in biodiversity corridor unless pest, maintenance of State Highway, installation or maintenance of utility lines, formation or maintenance of roads, walkways or cycle ways. Vegetation clearance that contravenes controlled standard is restricted discretionary instead of discretionary. |
| Rezoning, Residential and Rural - Enner Glynn and Upper Brook Valley | New schedule w (structure plan). |
| Residential Zone-Subdivision | <ul style="list-style-type: none"> • Area covered by structure plan, its layout and design generally accords with plan. • Control reserved over design and layout of subdivision in Marsden Hills, Marsden Valley, and Enner Glynn. • Control reserved over matters included in structure plan. • Structure plan may restrict some development but increases certainty regarding the development of the area. |
| Rural Zone –objectives and policies | <ul style="list-style-type: none"> • Outlines intentions for new higher density small holdings zones created in Marsden and Enner Glynn Valleys. • New policy regarding the effects of connections on structure plans, roads, walkways and cycle ways to be located in a manner that does not result in unreasonable reverse sensitivity. |
| Rural Zone- Earthworks, buildings | New standard - earthworks do not compromise achievement of indicative road, walkway or cycle way shown on structure plan |

| Change | Impact |
|---|--|
| Rural zone- Subdivision (controlled) | <ul style="list-style-type: none"> • Provides for 1ha average size and 2000m² minimum lot sizes in Enner Glynn Valley. • Standard density is 5000m² minimum. |
| New Schedule W Enner Glynn and Upper Brook Valley | <ul style="list-style-type: none"> • Development to occur according to structure plan. • No buildings permitted in biodiversity corridor. • Outlines where biodiversity corridors must be and what they shall consist of. • Additional assessment criteria. <p>Overall impact is to provide new development opportunities in Enner Glynn / Upper Brook, with some limitations on development.</p> |

Plan change 19:Blackwood St Reserve (West) Rezoning

The Council owns land which is zoned as a neighbourhood reserve, but is not well used because it is isolated and it has poor visibility.

Council proposes to rezone the land as two industrial titles and one residential title, and to create an esplanade reserve adjacent to Jenkins Creek. Intention is to make better use of this land, while still providing for recreation and access along Jenkins Creek.

Assessed Impact

| Change | Impact |
|--|--|
| Deletion Blackwood Street Reserve (West) from neighbourhood parks and rezone land industrial and residential | Land will be subdivided and sold. Esplanade reserve maintained next to creek. Minimal impact as reserve is infrequently used. |

Plan change 21: Parking and related changes

Main Changes

This Plan Change **reduces the parking requirements** across the region for some activities where research has shown the levels required are excessive. It also introduces new parking requirements and definitions for **shopping malls, supermarkets and large format retail**.

It **introduces a new parking standard for motels, backpackers and other travellers' accommodation**, which to date have needed resource consent for parking.

As well as parking standards, the plan change amends the activity status for **new buildings or substantial exterior alterations** in part of the City Fringe **from permitted to controlled activity, requiring resource consent**.

A **new policy** is added to **guide applicants and decision makers on when a reduction in parking may, or may not, be appropriate** to allow by resource consent.

A **new district-wide rule** allows the number of **car parks to be reduced by 10% as a restricted discretionary activity if a Travel Management Plan is included**, New assessment criteria describe what a travel management plan must include.

New reduction in car parking spaces up to 10% where cycle parks are provided (reduction of 1-2 car spaces per 5 cycle spaces).

New **City Centre maximum parking rules** for the City Centre (bounded by Collingwood, Rutherford, Halifax and Nile Street):

- **Limit on “private parking”** (not defined, described as parking not associated with an activity on the site) to **maximum of 10 spaces**.
- **Limit on “volunteered parking”** (parking associated with an activity on the site but which is not required to be provided) to a maximum not exceeding the parking standards in Appendix 10.
- **A Travel Management Plan must be provided** where volunteered parking exceeds 15 spaces or 20% more than maximum.

New **City Fringe rule** where the **block bounded by Collingwood, Riverside, Malthouse Lane, Harley St and Hardy St is treated as for the City Centre** – activities within the area are **not required to provide car parking** (and sites will later become subject to the special City Centre rate). The **design and appearance of new or altered buildings in this block will be regulated** to promote better quality development.

New **City Fringe rule** for area bounded by Collingwood St, Riverside, Malthouse Land, Harley St and Hardy St - **erection of new buildings or “substantial exterior alteration” [not defined] of buildings is not permitted** (controlled activity). Control is reserved over design, external appearance, access, and landscaping.

New **district-wide definitions and new district-wide parking standards:**

- “**Large format retailing**” (new definition as “**retail store with gross floor area of 1000m²**”) new parking standard 3.5 spaces/100m².
- “**Shopping centre / shopping mall**” (new definition is 5 or more retailing, commercial or retail service activities on a site) new parking standards apply.
- “**Supermarket**” (new definition as not less than 500m² and selling a comprehensive range of items (specified in the plan change) new parking standard of 5 spaces per 100m².
- Short term living accommodation “**Unit**” (new definition) new parking standards apply.

Amended minimum parking spaces standards as follows:

- New parking standard for **golf courses**)
- New parking standard for **café** (4 spaces / 100m²).
- Amended parking standard for **retail activities** (4 spaces/100m² for all floor areas – currently 3 spaces/100m² if <1000m² and 5 spaces/100m² if > 1000m²).

A minor change is proposed to the **sign rules** to **exempt Council-erected “directional and information signs”** from meeting **all** sign standards (including maximum size, maximum height, illumination and rotating signs).

Assessed Impact

| Change | Impact |
|---|--|
| Policy and Methods | <ul style="list-style-type: none"> • Consideration to be given to reductions in required levels of parking having regard to several factors. • Ability to provide fewer parking spaces. |
| Inner city objectives and policies | <ul style="list-style-type: none"> • Amendment to parking policy: within city centre provision of private parking voluntary. • Reduced parking requirements for city centre. |
| New Definition, Large Format Retail | <ul style="list-style-type: none"> • defined as “retail of 1000m²” and new parking standard • greater certainty • Major interpretation issue - LFR is defined as 1000m² (exactly) rather than a minimum of 1000m². |
| New Definitions, Shopping Centre, Supermarket, Unit | <ul style="list-style-type: none"> • new parking standards apply to these activities • provides greater certainty • reduces the ambiguity of parking requirements for these activities |
| Inner city rules- New rule ICr.31A Private car parking | <ul style="list-style-type: none"> • maximum number of spaces is 10 • limits the number of “private spaces” • potential for confusion over interpretation and relationship to “volunteered parking” • no provision or changes in use of car parks (e.g. form “voluntary” to private”) |
| Inner city rules-Parking maximums City Centre, | <ul style="list-style-type: none"> • maximum number of spaces not to exceed the spaces required for the activity |

| Change | Impact |
|--|---|
| volunteered parking | <ul style="list-style-type: none"> • impact is to limit the number of parking spaces that can be provided in the city centre • potential for confusion over interpretation and relationship to “private parking” |
| Inner city rules-Parking (area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St, Hardy St) | <ul style="list-style-type: none"> • no parking is required • Increased options for site development. • new restricted discretionary status (ICr.76.3) if proposed reduction in parking spaces is not more than 10% and application accompanied by Travel Management Plan • new requirement for “travel management plan” |
| Inner city rules-building Design and Appearance (area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St, Hardy St) | <ul style="list-style-type: none"> • change from permitted to controlled activity for new buildings or “substantial exterior alterations” • “substantial exterior alterations” not defined, ambiguous and open to interpretation • impact is to require resource consent (controlled) for building works in this area, where currently buildings are permitted |
| AP 10 Parking requirements | <p>Restaurants and taverns (and cafes).</p> <ul style="list-style-type: none"> • reduced parking requirements <p>Retail activities and services.</p> <ul style="list-style-type: none"> • simplified standards • minor increase in parking required for buildings less than 1000m² • minor reduction for buildings exceeding 1000m². <p>Short Term Accommodation unit.</p> <ul style="list-style-type: none"> • greater certainty over parking requirements |
| AP 20 Signs and Advertising | <ul style="list-style-type: none"> • Signs erected “by or on behalf of” NCC excluded from definition of a sign • Impact is that Council–erected information or directional signs are exempt from meeting all sign standards. |

Plan change 22: Heritage trees

Key changes:

This Plan Change seeks to add 24 additional trees to Appendix 2 - Heritage Trees of the NRMP. These trees have been assessed by Council as justifying protection in the NRMP.

The NRMP has three categories of listed trees: Local, Landscape and Heritage. Heritage Trees receive the highest level of protection under the planning rules, with Local Trees being the least protected. Twelve of the current proposed trees have been assessed as meriting Heritage status, with ten in the Landscape category and two Local.

| Trees proposed for protection through Plan Change 22 | | | |
|--|--------------------------|--------------------|---------------|
| Address | Botanical name | Common Name | NRMP Category |
| 42 Arapiki Rd | Quercus robur | English Oak | Heritage |
| 18 Campbell St (Road Reserve) | Quercus robur | English Oak | Landscape |
| 7 City Heights | Quercus robur | English Oak | Landscape |
| 31 Cleveland Tce | Alectryon excelsus | Titoki | Heritage |
| 31 Cleveland Tce | Podocarpus totara | Totara | Heritage |
| 277 Hampden St | Metrosideros robusta | Rata | Heritage |
| Harper St | Ulmus procera | English Elm | Landscape |
| 180 Kawai St | Magnolia grandiflora | Evergreen Magnolia | Landscape |
| 30 Marybank Rd | Dacrycarpus dacrydioides | Kahikatea (2) | Heritage |
| 16 Ngatitama St | Quercus robur | English Oak | Heritage |
| 1/138 Nile St | Quercus palustris | Pin Oak | Landscape |
| 142 Nile St | Liquidambar styraciflua | Sweet Gum | Local |
| 19 Richmond Ave | Liquidambar styraciflua | Sweet Gum | Heritage |
| 16 Riverside | Phoenix canariensis | Phoenix Palm | Heritage |
| 52 Russell St | Metrosideros excelsa | Pohutukawa | Heritage |
| 247 Rutherford St | Acer negundo | Box Elder | Landscape |
| 18 Sowman St | Magnolia soulangiana | Saucer Magnolia | Landscape |
| 166 St Vincent St | Quercus robur | English Oak | Landscape |
| 26 Stanley Cres | Metrosideros excelsa | Pohutukawa | Landscape |
| 39 Stansell Ave | Nothofagus solandri | Black beech | Local |
| 45 The Ridgeway | Erythrina crista-galli | Coral Tree | Landscape |
| 26 Todd Bush Rd | Quercus robur | English Oak | Heritage |
| 384 Trafalgar St Sth | Podocarpus totara | Totara | Heritage |

Assessed Impact

| Change | Impact |
|--------------------------------------|---|
| Additional of 24 new protected trees | Rules applying to heritage trees, local trees and landscape trees now apply to those added into appendix. Rules controlling the trimming, removing and activities within dripline of tree. |

Plan change 23: Daylight and solar panels

Main Changes:

Plan change 23 proposes to clarify the daylight provisions in Appendix 15 of the Nelson Resource Management Plan by amending text and diagrams.

Clarification to the definition of where to measure daylight – no change in the effect of the rule.

Clarification of which standard to use (daylight over or daylight around) – no change in the effect of the rule.

New exemption from the daylight provisions for solar panels – panels up to seven square metres in size are from northern boundary daylight intrusion and may be up to 0.5 metres above maximum permitted height. **Impact of the changes is to avoid resource consent being required for solar panels which are less than 7m² and no higher than 0.5m above maximum height.**

Plan change 24: Freshwater

Main Changes

The Freshwater rules are being moved to an appendix rather than being repeated in each zone chapter.

Plan Change 24.1 proposes Freshwater rules FWr.26 to FWr.29 (stock fences, stock access & crossings, stock effluent and effluent discharge) **applies in all zones**, rather than the **Rural Zone only**.

The rule related to effluent disposal fields (FWr.29) will now be able to be applied in cases where developers choose not to join up to reticulated services, as provided for in Proposed Plan Change 14 and the NCC Land Development Manual 2010.

Proposed change so that except for rural zones, **discharges to new on-site effluent disposal fields** for residential, commercial or industrial activities less than 10 lots are a discretionary activity requiring resource consent (**change from current permitted activity**). Discharges for lots exceeding 10 lots **become non-complying**.

Plan Change 24.2 **updates the water quality classifications** in Appendix 28.4 following a review by the Cawthron Institute. The Cawthron report made 16 changes to the classifications that are included in the Plan Change.

Assessed Impact

| Change | Impact |
|--|---|
| New Appendix 28.9 | <ul style="list-style-type: none"> FWr.26 Stock Fences and FWr.27 now apply in all zones Impact is to control stock access and discharges in all zones rather than the Rural Zone only. |
| RWr.29.3 discharges to effluent disposal fields | New non-rural discharges to on-site effluent disposal fields change from permitted to discretion if less than 10 lots, and from permitted to non-complying of more than 10 lots. |
| Update of water classifications | Provides up to date classification as result of new monitoring |

Plan change 25: **Technical fixes**

Plan Change 25.1 – Hazardous substances

Main changes

This change to Appendix 21 Hazardous Substances reflects the update of NZ Standard AS/NZS 1596:2008 The Storage and Handling of LP Gas. Two inconsistencies are also corrected between the total effects ratios rule (shown in Table 21.2.4) and the reasons for the Industrial Zone effects ratio (AP21.4.16).

Assessed impact

| Change | Impact |
|---------------|---|
| 25.1 | No impacts - corrects inconsistency and updates reference to new NZ standard. |

Plan Change 25.2 – Noise

Main changes

This change corrects an inconsistency in the noise rule in the Residential zone (REr.43) Inner City zone (ICr.42) and the Suburban Commercial zone (SCr.36).

Assessed impact

| Change | Impact |
|-------------------------------|--|
| REr.43.5, ICr.42.5 & SCr.36.5 | No impacts - corrects inconsistency in the plan. |

Plan Change 25.3 – Tahunanui Slump Slope Risk Overlay

Main changes

The change amends rule REr.76 which controls heavy structures in the Tahunanui Slump Slope Risk Overlay, to include control over reductions in structure weight as well as increases.

Assessed impact

| Change | Impact |
|---------------|---|
| REr.76.1 | Resource consent now needed to remove heavy structures as well as adding them. |

Plan Change 25.4 – Soil disturbance, earthworks and vegetation clearance

Main changes

This change requires remediation of bare soil areas as soon as practicable but no later than six months after the soil disturbance has occurred (**reduced from the current 12 months**). Specifically amended are:

- soil disturbance rules in three zones: Residential (REr.60), Open Space and Recreation (OSr.48) and Rural (RUr.26);
- earthworks rules in seven zones: Residential (REr.61), Inner City (ICr.55), Suburban Commercial (SCr.48), Industrial (INr.54), Open Space and Recreation (OSr.49), Rural (RUr.27) and Conservation (COr.25) and;
- vegetation clearance rules in four zones: Residential (REr.59), Open Space and Recreation (OSr.47), Rural (RUr.25) and Conservation (COr.25).

Assessed Impact

| Change | Impact |
|---|---|
| Soil disturbance, Earthworks and vegetation clearance rules | Requires that all bare soil is stabilised, vegetated, paved, metalled or built over as soon as practicable but no later than 6 months. Earthworks remediation timeframe reduces from 12 months to 6 months. |

Plan Change 25.5 – Definitions

Main changes

Several amendments are made to Chapter 2 Meaning of Words:

- amends the wording of the road boundary definition (with no change in effect);
- adds a definition for ‘drip line’ (around trees);
- amends the defensible space definition;
- amends the ‘net area’ definition ;
- adds a definition for ‘predominant slope’; and
- amends the definition for ‘revegetation’.

Assessed Impact

| Change | Impact |
|--------------------------------------|---|
| Road Boundary (amended) | <ul style="list-style-type: none"> • Removes inconsistency and confusion. • No change in effect of the definition. |
| Dripline (new) | Provides increased certainty of the implementation of rules regarding historic or landscape trees. |
| Defensible Space (amended) | Allows for reduced area if approved by Principal Rural Fire Officer. |
| Net Area (amended) | No change, simplifies the definition and avoids confusion |
| Predominant Slope (new) | Provides increased certainty regarding how to determine what is the predominant slope for implementing soil disturbance rules |
| Revegetation (amended) | <ul style="list-style-type: none"> • Removes 60% site coverage from definition, generalising what is meant by revegetation. • increases the uncertainty over the definition • could be interpreted as either meaning 100% coverage or minimal coverage |

Plan Change 25.6 – Landscape rules in the Rural Zone

Main changes

The changes to the landscape rules in the Rural Zone improve the link between the controlled activity rules related to structures (RUr.54), earthworks (RUr.56) and subdivision (RUr.80) within the Landscape Overlay and Appendix 7 (guide for subdivision and structures in the Landscape Overlay).

Definitions for construction and erection have been added, to provide certainty that these terms include the relocation of a building or structure

Assessed impact

| Change | Impact |
|------------------|--|
| RUr.56.2 | New matter of control, reserved over the “location of tracks and access roads”. May restrict desired or preferred location / placement. |
| RUr.80.2 | <p>New requirement for landscape assessment to take into account Appendix 7 (guide for subdivision & development in a landscape overlay) and identifies no-build areas.</p> <p>Imposes additional information requirement for resource consents (appendix 7).</p> <p>Amendments to what control is reserved over, now includes “alignment of road accesses with land contours”, “number” of allotments, “changes to landforms or landscape features” and “views from roads and public reserves”.</p> <ul style="list-style-type: none"> • Extends the information and assessment requirements and potentially constraints the number of lots applied for. |
| Meaning of Words | Adds definitions for “construction” and “erection”. Increases certainty of definitions. |

Plan change 26: Fire fighting provisions

Main Changes

This change affects new rural buildings, requiring a total of 45,000 litres of water storage for use in fire fighting and for domestic water supply, or a home sprinkler system through the house. This change reflects the revised New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

Assessed impact

| Change | Impact |
|------------------------------|--|
| RUR.28.1 | <p>New requirements for residential units in the Rural Zone - either water source for fire fighting, a sprinkler system with 7,000 litres of available water or storage capacity of 45,000 litres (includes domestic use).</p> <ul style="list-style-type: none"> • new requirement for fire fighting water supply • discretionary activity & resource consent if not provided. |
| RUR.28.4 Assessment Criteria | <p>If no sprinkler system, for rural fire fighting purposes a NZ Fire Service Fire Management Officer to confirm whether less storage required due to proximity to water source.</p> <ul style="list-style-type: none"> • tighter restriction on fire fighting supply below the minimum required. |

Proposed Plan Change A1: Air Quality Plan

Key Changes

- A1.1 A new rule to deal with the use of wood pellet fuel in industrial-scale fuel burning appliances
- A1.2 Transitional (grand parenting) provisions for domestic open fires and enclosed burners in rural properties which, through change in land use or rezoning, become subject to the Air Quality Plan's 'Urban Area' controls. The new rule allows some wood burners to continue to be used and replaced in the future with clean air approved burners if the owners wish. Open fires would become prohibited.
- A1.3 An update to the map showing what is 'Urban Area'
- Correcting an error that prevents existing 'Jetmaster'-type fires within the Urban Area (which can be used until 1 January 2013) from being replaced with a complying wood burner.
- Deleting rule AQR.55A which allows the burning of certain agricultural plastics. There are now two product stewardship programmes that operate in the region enabling the recycling rather than burning of bale wrap and agrichemical containers.
- A minor change to allow different stack (flue) arrangements for domestic burners running on diesel

Assessed Impact

| Change | Impact |
|-----------------|--|
| Plan change A.1 | Permits the use of industrial pellet burning appliance subject to standards. |
| Plan change A.2 | Allows those in rural dwellings (outside 2003 Urban Area) that become incorporated into the 'Urban Area' to continue to use and replace some wood burners and open fires. |
| Plan change A.3 | No impact, technical change to plan to update maps showing new Urban Area which was previously caught by the definition. |
| Plan change A.4 | No impact - technical fix that permits replacement of 'Jetmaster-type' fires. |
| Plan change A.5 | New requirement for resource consent to burn polythene wrap and plastic a discretionary activity in Rural Zone (excludes High Density Small Holdings). |
| Plan change A.6 | Allows for installation of diesel appliances according to manufacturers guidelines Removes need for resource consent. |

Plan change 18: Nelson South

Note: Plan change 18 publicly notified 28 August 2010

Submissions close 5pm Monday 1 November 2010

Key changes:

- Changes to the Appendix 6, riparian margin overlay.
- Rezoning the lower portion of 187 Champion Road and 203 Champion Road from Rural to Residential
- Rezone Hill Street and the upper portion of 187 Champion Road from Rural to Rural - Higher Density Small Holdings Area
- Apply a Services Overlay to the proposed Residential and Rural - Higher Density Small Holdings Area zones.
- Apply an Esplanade Reserve on both sides of the western arm of Saxton Creek

Assessed impact

| Change | Impact |
|--|--|
| Appendix 6 Riparian and Coastal Margin Overlay (amendment) | <p>Amendment to include Saxton Creek and requirement for 20m esplanade reserve except where land is already approved for subdivision and where creek meets specified lots in which case a 5m reserve required.</p> <ul style="list-style-type: none"> • reflects new zoning • allows for larger lots due to reduced setback requirements |
| Rezoning | <p>Rezones area already given subdivision consent and area above Hill Street on Champion Road to residential.</p> <ul style="list-style-type: none"> • Provides for additional development and subdivision of the rezoned areas |