

NELSON RESOURCE MANAGEMENT PLAN

PRIVATE PLAN CHANGE 05/03 and 05/04

**DECISIONS ON
PRIVATE PLAN CHANGES BY:**

**STOKE VALLEY HOLDINGS LIMITED (05/03)
SOLITAIRE INVESTMENTS LTD (05/04)**


**DATE: 1 March 2007
NELSON CITY COUNCIL**

1. Decision on Submissions to Private Plan Change 05/03 – Stoke Valley Holdings Ltd

Rezoning of approximately 52 hectares from an existing Residential Zone and part Rural Zone to be largely incorporated into the Standard Residential Zone with provision for a High Density Residential Zone and a Suburban Commercial Zone.

SUBMISSION 1 Ministry of Education

Formally Withdrawn

SUBMISSION 2 Ngawhatu Bowling Club

Decision

Accept submission 2.1 supporting the proposed plan change.

Reasons

The submission supports the plan change, which has been approved.

SUBMISSION 3 Nelson Marlborough District Health Board

Decision

- A) Accept in part submission 3.1 to the extent that it supports the plan change.
- B) Reject in part submission 3.1 to the extent that it seeks recreation reserve status for the Ngawhatu swimming pool.
- C) Accept in part further submissions 1.1 (Ngawhatu Pool Users Inc.); 2.1 ((Arthritis New Zealand); and 3.1 (Physiotherapy Clinic) to the extent that submission 3 supports the plan change.
- D) Reject in part further submissions 1.1 (Ngawhatu Pool Users Inc.); 2.1 ((Arthritis New Zealand); and 3.1 (Physiotherapy Clinic) to the extent that submission 3 seeks recreation reserve status for the Ngawhatu swimming pool.

Reasons

The submission and further submissions support the plan change in part, which have been approved.

The submission, supported by further submissions, also seeks recreation reserve status for the swimming pool. Recreation reserves status would oblige the Council to own the pool. This would also reduce the effective area available of the Suburban Commercial Zone.

Council has indicated that at this point in time, it does not wish to take over ownership / management / maintenance obligations for the pool. Both Council and the District Health

Board have in the past had the opportunity to acquire the pool, and decided through separate processes not to take up this opportunity. The pool requires on-going maintenance, and its therapeutic nature and design limits its use for the wider community.

It is noted that the Council decision on the plan change recommends an investigation to determine whether the Council should acquire the Ngawhatu Pool as a Community Asset.

SUBMISSION 4 Julian Raine

Decision

A) Accept in part submission 4.1 to the extent that NUGS has been finalised.

B) Reject in part submission 4.1 to the extent that the submission seeks covenants on titles, and legalization of existing access.

C) Accept in part further submissions 4.1 (Tim Percival); 5.1 (Julian Day); and 6.1 (Stewart Karstens) to the extent they support the plan change not being adopted until NUGS is finalised.

D) Reject in part further submissions 4.1 (Tim Percival); 5.1 (Julian Day); and 6.1 (Stewart Karstens) to the extent they support covenants on titles and legalising of existing access.

Reasons

The Raine submission (with 3 further submissions in support) seeks three separate remedies:

- limit development until NUGS is finalised
- covenants to avoid negative cross boundary effects
- provision for legal access to the Raine property

NUGS has now been adopted by Council, and the Raine submission can be accepted in that respect.

The submission also seeks covenants on titles, and legalisation of an existing access. The plan change process is not the appropriate process to require covenants on titles. Covenants can be required as part of subdivision consent through a resource consent process. For this reason, this part of the submission is rejected. It is noted that there is scope within the existing plan rules to consider covenants on titles through subdivision consent.

Similarly, the plan change process is an inappropriate mechanism for legalising access. This issue is best resolved through the civil legal process. It is again noted there is scope within the plan rules to consider access arrangements as part of subdivision consents.

Decision

Accept in part submissions 5.1 and 5.2.

Reasons

Submission 5.1 opposes the plan change, and seeks that adequate provision be made for high intensity rainfall stormwater flow. Council's engineers have reviewed the plan change. They advise that they are satisfied that the proposed stormwater treatment combined with the services overlay will provide adequate control of rainfall events. This addresses the concerns of the submitters.

Submission 5.2 opposes the traffic aspects of the plan change, but does not seek any specific relief. The submission can be accepted to the extent that future traffic can be accommodated as the plan change is given effect.

2. Decisions on Submissions to Private Plan Change 05/04 – Solitaire Investments Ltd

Rezoning of approximately 138 hectares from Rural to Residential, including a small area of High Density Residential land and an area with Higher Density Smallholdings zoning.

SUBMISSION 1 Ministry of Education

Formally Withdrawn

SUBMISSION 2 George Truman

Decision

- A) Reject submission 2.1 seeking to amend the pedestrian linkages to provide for more linkages.
- B) Reject submission 2.2 seeking to create the pedestrian linkages as a whole and not at each stage of development.
- C) Accept submission 2.3 seeking to change references to “Barnicoat Range” to “Barnicoat Walkway”
- D) Reject further submissions 1.1 (George Truman); 2.1 (Tim Percival); 3.1 (Julian Day); and 4.1 (Stewart Karstans) in part, to the extent that they support amendments to pedestrian linkages and the non-staging of walkways.
- E) Accept further submissions 1.1 (George Truman); 2.1 (Tim Percival); 3.1 (Julian Day); and 4.1 (Stewart Karstans) in part, to the extent that they support amendments to terminology.

Reasons

- A) Identifying further additional walkways before a subdivision plan has been developed could restrict subdivision layout. It would be difficult to identify the best locations for walkways (and cycleways), without a subdivision scheme plan. This is best decided at the time of subdivision consent.
- B) Developing all the walkways as a whole rather than at each stage of development may result in expectations of public access during the development, before the subdivision stages have been completed. This could give rise to possible health and safety issues, and create an expectation of public access across private land. It may also give rise to stock management complications. It is considered most appropriate to create walkways and cycleways during each subdivisions stage, as part of a wider network of walkway and cycle way linkages.
- C) The submitter seeks minor terminology changes. These changes are appropriate.

SUBMISSION 3

Julian Raine

Decision

A) Accept in part submission 3.1 to the extent that NUGS has been finalised.

B) Reject in part submission 3.1 to the extent that the submission seeks covenants on titles, and legalisation of existing access.

B) Accept in part further submissions 2.2 (Tim Percival); 3.2 (Julian Day); and 4.2 (Stewart Karstens) to the extent they support the plan change not being adopted until NUGS is finalised.

C) Reject in part further submissions 2.2 (Tim Percival); 3.2 (Julian Day); and 4.2 (Stewart Karstens) to the extent they support covenants on titles and legalising of existing access-.

Reasons

The Raine submission (with 3 further submissions in support) seeks three separate remedies:

- limit development until NUGS is finalised
- covenants to avoid negative cross boundary effects
- provision for legal access to the Raine property

NUGS has now been adopted by Council, and the Raine submission can be accepted in that respect.

The submission also seeks covenants on titles, and legalisation of an existing access. The plan change process is not the appropriate process to require covenants on titles. Covenants can be required a part of subdivision consent through a resource consent process. For this reason, this part of the submission is rejected. It is noted that there is scope within the existing plan rules to consider covenants on titles through subdivision consent.

Similarly, the plan change process is an inappropriate mechanism for legalising access. This issue is best resolved through the civil legal process. It is again noted there is scope within the plan rules to consider access arrangements as part of subdivision consents.

SUBMISSION 4

Graham and Gillian Wright

Decision

Accept in part submissions 4.1 and 4.2.

Reasons

Submission 4.1 opposes the plan change, and seeks that adequate provision be made for high intensity rainfall stormwater flow. Council's engineers have reviewed the plan change. They advise that they are satisfied that the proposed stormwater treatment combined with the services overlay will provide adequate control of rainfall events. This addresses the concerns of the submitters.

Submission 4.2 opposes the traffic aspects of the plan change, but does not seek any specific relief. The submission can be accepted to the extent that future traffic can be accommodated as the plan change is given effect.

3. Hearing Decision

THAT pursuant to clause 29(4) of the first Schedule to the Resource Management Act 1991, Plan Change 05/03 and 05/04 as set out within the “Statutory Form” within Volume 1 of the request by Solitaire Investments Ltd and Volume 1 of the request by Stoke Valley Holdings Ltd, as prepared by Staig and Smith dated February 2006 (reference 8361 and 8360 respectively), be adopted subject to the following amendments:

- i) *Within the new schedule E-Ngawhatu Residential Area clause E.2 references to “generally in accordance” be changed to “generally accord”.*
- ii) *In respect of Plan Change 05/04 (Solitaire Investments Ltd) the proposed amendments to rule RUr.54 and RUr.56, as set out within clauses 3.16 and 3.17 of the relevant Statutory Form, be deleted.*
- iii) *All areas indicated as “possible reserves” on Plan 3 of Change 05/03 and Change 05/04 be shown as “reserves”, except for the triangular “possible reserve” near the southern boundary of the land owned by Solitaire Investments Ltd.*
- iv) *All areas shown as reserves and possible reserves on Plan 3 of Change 05/03 and 05/04, with the exception of the triangular possible reserve near the southern boundary of the land owned by Solitaire Investments Ltd, be zoned “open space and recreation” and given the appropriate notation within the Neighbourhood Park Schedule (OSs.5) of the Nelson Resource Management Plan.*
- v) *The proposed schedule E.2 relating to Plan Change 05/03 and 05/04 be amended by replacing (i) and (ii) with the following:*
 - i. *Activities and subdivision in the Ngawhatu Residential Area as zoned are subject to the standards, conditions, and activity status of the Residential Zone, the Suburban Commercial Zone, and the Rural Zone (as it applies to the High Density Small Holdings area) except where specific standards apply in Schedule E.2.*
 - ii. *In respect of subdivision development infrastructure layout shall generally accord with the outline development plan within Schedule E.*
 - iii. *Ngawhatu Road is noted as a Collector Road in the roading hierarchy. Ngawhatu Road and the roads connecting with it generally meet a 10m wide standard, with the exception of some pinch points to address the issue of protecting heritage trees, and a single threshold treatment at the entrance of the subdivision.*

Subdivision and development within the valleys served by Ngawhatu Road will not necessitate an upgrade of the physical formation of Ngawhatu Road as its existing formation is sufficient to carry the full future growth of traffic from the valleys served by Ngawhatu Road and to fulfil its function as a Collector Road. As such, any future subdivision development within the areas shown in the outline Development Plan in Schedule E will be deemed to comply with roading standards by maintaining the existing formation of Ngawhatu Road.

vi) *Schedule E.3 relating to Plan Changes 05/03 and 05/04 be amended to read:*

“E.3 Discretionary Activities

Activities that contravene any general rule E.2(ii), E.2(iii), or E.2(iv).”

vii) *The amendment to rule REr107.2 and rule REr107.4 proposed by Plan Changes 05/03 and 05/04 be modified to add the following as a new matter of control and a new assessment criteria:*

“Within the Ngawhatu Residential area (Schedule E) provision of adequate cycle and or pedestrian routes and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west”.

viii) *Planning Maps A2.1 and A2.2 be amended to show Ngawhatu Road as a Collector Road.*

ix) *Plan 3 relating to Plan Change 05/03 and Plan Change 05/04 be amended by replacing “Fault Line Overlay” in the legend with “Fault Hazard Overlay”.*

AND THAT *the reasons for the decision be as set out within the report of Mr T Quickfall dated 18 December 2006 or that of Mrs J McNae number 8360-8361 as the case might be;*

AND THAT *the Council initiate a variation to the proposed Air Quality Plan to delete the words “other than a privately initiated change” from the definition of “urban area” (clause A2-86);*

AND THAT *it be recommended to the Community Services Committee that an investigation be undertaken to determine whether it would be appropriate for the Council to acquire the Ngawhatu Pool as a Community Asset.*

4. Amendments

Amendments:

Underlined and strikethrough text relate to insertions and deletions as a result of Council decisions on Private Plan Changes 05/03 and 05/04. (Underlined and strikethrough text that is **also highlighted** relates to proposed insertions and deletions under proposed plan changes **other** than those relating to Private Plan Changes 05/03 and 05/04).

The reference number for each decision (e.g. 05/04 Decision 2) relates to the statutory form in Volume 1 of the relevant proposed plan change document (i.e. 05/03 = Stoke Valley Holdings Ltd, 05/04 = Solitaire Investments Ltd) as produced by Staig and Smith.

NRMP Volume 1

05/04 Decision 2.1 AD8.3

AD8.3 Information to be included with subdivision applications

cc) In Ngawhatu (between York Valley and Highland Valley), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:

* Pedestrian linkages which provide connection between York Valley and Highland Valley through to the Barnicoat Walkway and provide pedestrian linkages across the Ngawhatu area into Marsden Valley, with specific reference to the Outline Development Plan contained in Schedule E.

* Pedestrian linkages should be provided between residential neighbourhoods, open space/reserve areas and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E.

* Landscape analysis demonstrating the subdivision design results in the creation of neighbourhoods/clusters separated by open space/landscaped areas.

* In areas within the High Density Small Holdings zone, the subdivision design must provide for small enclaves of development surrounded by open space/landscaped areas clearly separating the enclaves to avoid the appearance of a continuous sprawl of development in the more elevated parts of the site.

* The measures proposed to avoid, remedy or mitigate potential cross-boundary effects on the interface with the adjacent Rural zone.

05/03 Decision 2.1 AD8.3

AD8.3 Information to be included with subdivision applications

dd) In respect of Ngawhatu Valley land (i.e. York Valley and Highland Valley - ex Ngawhatu Hospital land), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:

* Pedestrian linkages which over time allow connection into the Barnicoat Walkway, and provide connections between Open Space/Reserve areas, Residential neighbourhoods, and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E.

* Mechanisms for identification and protection of essential and individual tree specimens to be protected to maintain the landscape setting beyond those trees individually listed as heritage trees in the Plan

05/03 Decision 2.2 DO4.1.1.vi

Methods

- DO4.1.1.ii** Indicating on the Planning Maps heritage buildings, places, and objects and protected trees.
- DO4.1.1.iii** Listing (in Appendices 1 and 2) groups of heritage buildings, places, and objects, and protected trees.
- DO4.1.1.iv** Planning Maps that show heritage precincts in respect of groups of heritage items.
- DO4.1.1.v** Rules that apply special regulatory provisions to the overlays.
- DO4.1.1.vi** At Ngawhatu Valley (ex Ngawhatu Hospital site) identification and protection of essential and significant trees beyond trees individually listed in the Plan.

05/03 Decision 2.3 New DO4.1.10 and renumber existing DO4.1.10, DO4.1.11, DO4.1.12

policy

DO4.1.10 work on trees and adjacent development - Ngawhatu

Recognition of the role that existing mature trees at Ngawhatu (ex Ngawhatu Hospital site) have on landscape and amenity character of the Valley.

05/03 Decision 2.4 DO4.1.10.i

Explanation and Reasons

- DO4.1.10.i** The historical use of the Ngawhatu Valleys (Highland and York Valley) has created a unique environment for residential development, where new housing can be sited within a mature landscape. In implementing this Policy, subdivision applications will need to include mechanisms to maintain the landscape setting.

policy

DO4.1.11 ~~10~~ work on trees and adjacent development

The heritage significance and integrity of any listed tree should not be unreasonably compromised by any work directly or indirectly affecting the tree, or any adjacent development, having regard to the category of protection afforded the tree, and the purpose of that protection.

Explanation and Reasons

- DO4.1.11 ~~10~~.i** Work on or near a tree can detract from its character, and needs to be done with care and sensitivity. The value and appreciation of any heritage item can be affected by development nearby. Buildings placed nearby might affect views of the tree or constrain its future growth. In implementing this policy, stricter standards will apply to Heritage Trees than to other trees, to reflect their relative importance.

policy

DO4.1.12 ~~11~~ incentive for protection

Flexibility in development controls should be allowed on sites containing listed heritage items, trees, sites within heritage precincts, archaeological sites, or places of significance to the tangata whenua identified by a Heritage Overlay, where:

- a) the values for which the site or item was listed are not adversely affected by the development, and*
- b) any adverse effects on adjoining sites are minor, and*
- c) there is a resulting environmental benefit from protection of the item identified in the Heritage Overlay. listed heritage item, tree, heritage precinct, archaeological site, or site of significance to tangata whenua.*

Explanation and Reasons

- DO4.1.12 ~~44~~.i** Those items which come within a Heritage Overlay are defined in MW.75 in Chapter 2 of this Plan. This policy provides an incentive to owners to protect heritage items, trees and other sites. It signals that trade offs on the remainder of the site may be possible where an item is protected. These could be in the form of being allowed to exceed building coverage, site size, parking or to depart from other rules in this Plan. Since it is the wider community that benefits from heritage protection and similar protection, the policy requires that any effects of the departure from the rules in this Plan are generally borne by the wider community. There should not be other than minor effects on neighbours. Thus, depending on the circumstances, increased coverage, or departure from the shape factor requirement for a site may have no significant effect on a neighbouring property. On the other hand, exceeding the daylight angles might have such effects. An important rider to the policy is that any incentives granted in the process should not adversely affect the values of the protected item.

policy

DO4.1.13 ~~12~~ heritage precincts

- a) Where there are groupings of heritage buildings or objects which together have particular merit, the group should be managed as a heritage precinct.*
- b) The special heritage character and streetscape value of heritage precincts shall be preserved and enhanced, having regard to the contribution existing buildings make, or new buildings would make, to the character of the precinct as a whole.*

Explanation and Reasons

- DO4.1.13 ~~42~~.i** Seven heritage precincts have been identified in the Residential Zone as having special streetscape and heritage significance. These are South Street; Elliott Street; Russell Street; Dear Cottages - Rutherford Street; Fountain Place, Alton Street and Seymour Avenue. In the Inner City Zone, five heritage precincts have been defined: Upper Trafalgar Street; Lower Trafalgar Street (East side); Bridge Street (East); Hardy Street (East, South side) and Albion Square.

- DO4.1.13 ~~42~~.ii** The qualities of these areas vary from specific architectural styles, the age and historical association of buildings, through to the character of a high level of building density. The focus of the precincts is on streetscape - that is, those parts of the buildings that can be seen from the public road. The policy recognises that a group of heritage buildings can be more significant and have more visual impact than each of the individual buildings separately. Within a group, individual buildings may not be

outstanding in their own right, but their loss may have a significant impact on the group. The precincts also include some modern buildings. This allows a long term approach to be taken so that if any of these sites are redeveloped or altered particular regard can be had to ensuring any new design enhances the precinct overall.

Methods (policies DO4.1.2, DO4.1.3, DO4.1.4, DO4.1.6 - DO4.1.12)

- DO4.1.13 ~~42~~.iii** Listing in Appendices 1, 2 and 3, and indicating on the Planning Maps heritage buildings, places, and objects, heritage precincts, protected trees, archaeological sites, and sites of significance to iwi.
- DO4.1.13 ~~42~~.iv** Design guides for renovating and altering existing identified heritage buildings and for renovations, alterations, and new buildings within Heritage Precincts.
- DO4.1.13 ~~42~~.v** The Council will contribute to the community funded Heritage Trust Fund. Owners of heritage items may apply to the Trust for assistance with such matters as building preservation, strengthening, or maintenance, or obtaining expert advice e.g. engineering or architectural advice.
- DO4.1.13 ~~42~~.vi** Education of the location, history, and significance of Nelson's heritage features, including trees.
- DO4.1.13 ~~42~~.vii** Consider using awards to recognise sympathetic new buildings or restoration, or subdivisions, or developments which take care to retain trees.
- DO4.1.13 ~~42~~.viii** Provide information on restoration techniques for buildings, and on tree care.
- DO4.1.13 ~~42~~.ix** Rules relating to:
- a) demolition, removal, alteration, and subdivision of identified heritage items, trees, or features of significance to iwi.
 - b) the maintenance of the heritage significance of any buildings in relation to any proposed construction, alteration, demolition, or removal of buildings in heritage precincts.
- DO4.1.13 ~~42~~.x** Favourably consider departure from plan rules on other aspects of development if trees or heritage items are protected.
- DO4.1.13 ~~42~~.xi** Tree planting and landscaping, and provision of appropriate non-standard services in precincts e.g. street lights and paving appropriate to the heritage theme.
- DO4.1.13 ~~42~~.xii** Provide free or reduced cost tree inspection and pruning service by the Council for Heritage Trees.
- DO4.1.13 ~~42~~.xiii** Purchase trees, or require as part of a reserves contribution on subdivision.

05/03 Decision 2.5 DO4

DO4.1.13xiv At Ngawhatu Valley (ex Ngawhatu Hospital site) identification and protection of essential and significant trees beyond trees individually listed in the Plan at the time of subdivision.

05/04 Decision 2.2 and 05/03 Decision 2.6 DO14.3.1(c)

policy DO14.3.1 roads and traffic

Subdivision and development should provide for:

- a) The integration of subdivision roads with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists, and pedestrians, and*

- b) *Safe and efficient vehicular access to all lots created by subdivision and to all developments, and*
- c) *Pedestrian, cycle, and amenity linkages, where useful linkages can be developed*~~and~~. *In the Ngawhatu and Marsden Valley area, pedestrian linkages should provide connection between York Valley and Highland Valley, through to the Barnicoat Walkway, and provide linkages between the Ngawhatu and Marsden Valley including between residential neighbourhoods, reserve areas and commercial areas to generally accord with the Outline Development Plan in Schedule E, and*
- d) *Avoidance or mitigation of any adverse visual and physical effects of roads on the environment, and*
- e) *The road requirements of future developments on land in the vicinity.*

05/04 Decision 2.3 and 05/03 Decision 2.7 DO14.3.1(iv)

Explanation and Reasons

DO14.3.1.iv Road and access requirements on subdivision and development are also addressed in DO14.1.3 (orderly development) and Chapter 6 (Financial Contributions). Land transport, including cycleways and walkways are dealt with under DO10.1 (land transport) as well. Outline Development Plans are a further method to provide integration of road, walkway and cycleway linkages.

05/03 Decision 3.1 Red.7

~~REd.7~~ — The closure of health care services at Ngawhatu has provided the opportunity for use of resources formerly part of the Ngawhatu centre. It has been decided that the best future use of this area is for a range of residential densities integrated with the significant open space and community and recreational resources in the York and Highlander Valleys. Preservation of the existing amenity of the area as one of overall low density residential development with high 'urban' landscape is important.

05/04 Decision 3.1 Red.7

REd.7 With the closure of health care facilities in the Ngawhatu Valley and the identification of this land for development, the future use of the land between the Ngawhatu Valleys became a resource management issue. Given the shape of the Valleys, the future use of the land between is inextricably linked because servicing of the land between the Valley can only be through the Valleys. Lack of planning now for the future use of this land will result in this land being landlocked. The land has been identified as suitable for a range of densities of development, and planning for the future development of this land must be integrated, particularly from a servicing perspective, with the Ngawhatu Valley land.

05/03 Decision 3.2 RE1

Reasons

~~RE1.ii~~ Low density residential development is also provided for in part of Marsden Valley. The Marsden Valley Residential Area has been defined in the middle section of the valley just beyond the cemetery. (See Objective RE4).

05/03 Decision 3.3 RE1

Methods

~~RE1.1.iv~~ — Scheduling of the Ngawhatu Residential Area.

05/04 Decision 3.2 and 05/03 decision 3.4 RE1.2.iv

Explanation and Reasons

RE1.2.iv In the Ngawhatu Valley, and the land between the Highland and York Valleys, there is scope for a residential environment to be created, providing for a range of housing opportunities while ensuring the mature landscape setting is largely maintained. ~~land uses and variety of housing opportunities, while taking into account the existing physical resources, land and service infrastructure and landscape values.~~

05/04 Decision 3.3 and 05/03 Decision 3.5 RE1.2.vii

Methods

RE1.2.vii Development opportunities for Ngawhatu by way of high density residential and standard residential zoning. Controlled activity rules allowing for conversion of existing redundant buildings to apartments. Opportunities for using method RE1.2.v
~~Specific development opportunities for Ngawhatu by way of scheduling the site.~~

05/03 Decision 3.6 RE1.4

Explanation and Reasons

RE1.4.i The residential area at the northern foot of the Grampians, the Tahunanui Hills, and the Ardilea Avenue subdivision in Stoke have a low level of building density and corresponding open spaciousness of development compared with most other residential areas in Nelson. These areas have developed a certain character as a result of past patterns of development, and in the case of the Tahunanui Hills and Grampians area, past restrictions on infill because of a slope risk hazard have helped maintain the open character. The Glen and the Marsden Valley Residential Area have a lower building coverage limit to recognise their rural setting. The townscape variety, and opportunities for larger sections including ability to sustain larger trees, that these areas offer is protected through a stricter limitation on building density than elsewhere in the city. The purpose of the lower density areas adjacent to the airport (the Airport Effects Control Overlay) is to minimise the number of residences exposed to noise from the airport, rather than to preserve visual or related characteristics. The low density residential land on Main Road, Stoke, was rezoned from Rural, in part to provide a greater level of protection from industrial type activities. The density has been kept low to preserve some measure of its former character, while at the same time recognising that the area will eventually be fully developed for residential purposes. ~~See RE3.7 for Ngawhatu Residential Area.~~

05/03 Decision 3.7 RE3.3

Methods

RE3.3vii All the above methods apply in respect of Ngawhatu Valleys - Highland and York Valley.

05/03 Decision 3.8 RE3.7

policy

RE3.7 Ngawhatu residential area

The landscape values of the Ngawhatu site should be maintained in providing for residential neighbourhoods in the area. Subdivision design, including roading layout, must give priority to significant tree protection, while ensuring road safety and efficiency is not compromised.

05/03 Decision 3.9 RE3.7

Explanation and Reasons

RE3.7.i Large areas of open space and established vegetation contribute to the amenity of Ngawhatu. These areas need to be given special recognition in any future development strategy for the site to encourage an urban residential environment of high landscape amenity. Even within the residential neighbourhoods, the siting of development and design of subdivisions will influence this. Retention of as much established vegetation as practicably possible should be encouraged. There will be occasions when roading layout and widths need to be adjusted to maintain significant vegetation. An example of this is near the entry to Ngawhatu Valley where the Local Purpose Reserve created on this stage of subdivision required a narrowing of the legal width of the road to ensure the protection of a mature avenue of specimen trees. Design layouts should seek to address vegetation protection while providing road safety and efficiency. The example noted, achieved this by separating the footpath from the road carriageway and placing the footpath behind the specimen trees within the Local Purpose Reserve rather than within the Road Reserve.

05/03 Decision 3.10 RE3.7

Methods

- RE3.7.ii** Protection of specific Heritage and Landscape trees by listing in Appendix 2.
- RE3.7.iii** Conditions on subdivision consents to protect established vegetation, and to control landscaping.
- ~~**RE3.7.iv** Rules controlling the minimum site areas, coverage, and the maximum numbers of lots.~~

05/03 Decision 3.11 and 3.12 REr.22

(overleaf)

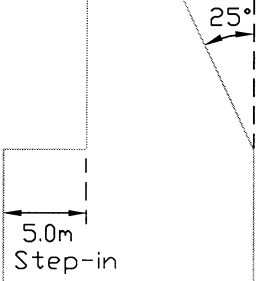
Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.22 Comprehensive housing development</p>	<p>REr.22.1 Comprehensive Housing Development is permitted if it complies with all the permitted conditions in this Rule Table.</p>	<p>REr.22.2 not applicable</p> <p><u>-At Ngawhatu converting the existing buildings – Airdie and Clovelly (including extending the buildings) into apartment buildings is a controlled activity if:</u></p> <ul style="list-style-type: none"> a) <u>the buildings are not increased in height</u> b) <u>any extension of the buildings largely maintains the external design integrity</u> c) <u>it complies with Parking provision in Appendix 10</u> <p><u>Control is reserved over:</u></p> <ul style="list-style-type: none"> i) <u>the design, location and appearance of any building extensions, and fencing, parking and access areas</u> ii) <u>the appearance of the external façade of the existing building</u> iii) <u>landscaping and site treatment, including the retention of significant trees</u> iv) <u>provision of outdoor living courts</u> <p><u>In exercising the control reserved under this Rule, regard is to be had to Appendix 22 'Guidelines for Comprehensive Housing Development', to the extent that these are relevant, taking account of the fact that this Rule relates to existing buildings and extensions rather than erection of new buildings which fall to be considered under Rule REr.22.3.</u></p> <p><u>Resource Consent Applications will be considered without notification, or obtaining of written approval from affected persons, under Section 94 of the Act.</u></p>	<p>REr.22.3 Comprehensive Housing Development which contravenes a permitted condition is discretionary, except within the Airport or Port Effects Control Overlay, <u>or where it exceeds non-compliance with REr.23 (site area) or REr.24 (site coverage) by more than 20%, where it is non-complying.</u></p>

Assessment Criteria	Explanation
<p>REr.22.4</p> <p>a) the degree of compliance with the Guidelines for Comprehensive Housing in Appendix 22.</p> <p>b) any beneficial effects of the development in terms of the streetscape and neighbourhood.</p> <p>c) any cumulative effects such that they fundamentally alter the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and presence of open space.</p> <p><u>In addition to these guidelines, the Comprehensive Housing Development will be assessed against the assessment criteria for Rule REr.23.4 and Rule REr.24.4.</u></p>	<p>REr.22.5</p> <p>A comprehensive housing development is three or more residential units, where the buildings and any subdivision are designed together (see Chapter 2 for full definition). It is very difficult to write permitted standards to cater for comprehensive housing developments as they are generally tailored to a particular site, and need to be considered on their merits on a case by case basis.</p> <p>Assessing such developments by the consent process is considered, in the end, to give the best outcomes, both to the developer and the environment. It allows the opportunity for innovation and flexibility, provided the development provides a high standard of on-site and off-site amenity. It also provides the opportunity to decline developments which do not achieve the standards sought in the design guide.</p> <p>The limits on discretion for departing from the site area minimum (Rule REr.23), and allowable site coverage (Rule REr.24) do not apply to Comprehensive Housing Developments.</p> <p><u>Opportunity has been provided to convert two existing buildings at Ngawhatu known as Airdrie and Clovelly to apartment buildings if it proves technically and economically feasible. These buildings were part of an existing complex of buildings utilised for the delivery of health services. Unlike most of the more institutional style buildings, the architecture, appearance and location of these buildings offers some potential for conversion to apartments. The situation of these buildings is unique, as they are contained currently within a site which is largely undeveloped and largely in one ownership. Conversion of the buildings will have no impact on neighbours, as they do not exist in close proximity, and the location is not visible from public vantage points. A separate Rule for these buildings is required as the provision under Rule REr.22.3 envisages new buildings.</u></p> <p>Note: Comprehensive housing development with minimum site areas less than that set out in REr.63.1a) is not considered appropriate in the Airport or Port Effects Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port. Residential units are required also to comply with acoustic insulation standards in Rule REr.64.</p>

05/04 Decision 3.4 and 05/03 Decision 3.13 REr.23.5 and REr.24.5
and
05/04 Decision 3.5 REr.26 and REr.26.5

(overleaf)

Assessment Criteria	Explanation
<p>REr.23.4 and REr.24.4</p> <p>Site Area and Site Coverage:</p> <p>a) the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area.</p> <p>b) the effect on net site area or building coverage of any acquisition by the Council of land on the property for purposes such as road widening or esplanade reserves. Where the esplanade reserve continues to provide open space and amenity to the site, this should be taken into account.</p> <p>c) whether conditions should be placed on any consent granted limiting any building erected on the site to specific plans, or to within certain bulk and locational requirements.</p> <p>d) the extent to which the proposal would cause loss of sunlight, daylight, or privacy to adjoining sites.</p> <p>e) the extent to which a reasonable degree of amenity is achieved on the site being developed.</p> <p>f) whether the activity is in the Airport Effects Control Overlay, or the Airport Effects Advisory Overlay.</p> <p>g) the ability to provide adequate outdoor living areas, and parking and manoeuvring on site.</p> <p>h) in the case of existing vacant cross lease and unit titles, the degree to which the owners of the titles would have had an expectation of being permitted to erect a residential unit on the site.</p> <p>i) in addition to the above, for the lower density areas, the extent to which decreases in site size or increased building coverage would have an adverse effect on the consistency and amenity of the area, and/or the presence of mature on-site vegetation.</p> <p>j) the extent to which the site could be more effectively used, and the minimum site size be accordingly reduced, if an existing building were removed or relocated.</p> <p>k) the extent to which the amenity and appearance of an existing building on the site would be compromised by the proposed development.</p> <p>l) the extent to which smaller sites or higher building densities could be allowed as a trade-off for the protection of a heritage item, significant trees or vegetation, or a cultural or spiritual item on the site (if the development does not compromise those heritage or other values).</p> <p>m) the special requirements of any Heritage Precinct, having regard to the character of the area and any flexibility that might be required to compensate for constraints the guide may place on development (e.g. of a second storey)(see the design guide for the relevant precinct).</p> <p>n) any aspects of the Guidelines for Comprehensive Housing Development (Appendix 22) that are relevant to the consent application.</p> <p>o) the degree of outlook from each residential unit.</p> <p>p) the provision of alternative areas for recreation, including public open spaces in close proximity to the site.</p> <p>q) the probable outdoor living needs of the existing or likely future residents. Opportunities to use rooftops of buildings, including buildings on other residential sites to provide outlook or outdoor living areas.</p>	<p>REr.23.5 and REr.24.5</p> <p>Site Area and Site Coverage:</p> <p>These two standards are closely related, and are major determinants of the character of the residential areas of the city. The size of residential sections and the proportion of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each residential environment.</p> <p>Rules REr.23 and REr.24 therefore provide minimum amenity-based standards. Non-compliance with them serves as an important trigger to consider where there is a potential for developments to have a significant adverse effect on the environment. The non-complying resource consent process will ensure appropriate consideration is given to any significant departure from them, particularly with respect to Comprehensive Housing Developments which seek especially intensive forms of development. This will allow the degree to which any development departs from these rules, and also the intent and scope of Appendix 22 (for Comprehensive Housing Developments) to be fully considered in relation to the objectives and policies of the Plan. A greater degree of variance from the permitted conditions in REr.23 and REr.24 is allowed for Comprehensive Housing Development than for normal housing because, by definition it seeks to provide a more intensive form of development than is the norm.</p> <p>The overall pattern is made of three areas:</p> <p>The Lower Density Area which is comprised of the early settled parts of Nelson at the northern toe of the Grampians, the Tahunanui hillside (which is subject to slope stability constraints), Ardilea Ave in Stoke, and the Marsden Valley Residential Area (see Schedule I). Note: Some areas around the airport are also lower density to minimise the intensity of development that is potentially exposed to noise - see Rule REr.64 (Airport Effects Control Overlay: Minimum Site Area).</p> <p>The standard density area covers the bulk of the residential areas in Nelson. The building coverage and open space requirements are intended to largely maintain the existing character of the residential environment, which balances open space with building bulk.</p> <p>The Higher Density Area includes The Wood, <u>an area of Ngawhatu adjacent to the Suburban Commercial zone</u>, and an area surrounding the Stoke Shopping Centre. <u>The Both areas are flat or of gentle contour, and close to shops or zoning for commercial and other facilities</u>, making them suitable for more intensive development. These areas tend to be popular with older people, but not exclusively. The Wood also has a considerable amount of land occupied by glasshouses which is gradually being converted to higher intensity housing.</p> <p>An exemption is provided for allotments of less than the required minimum area if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. One residential unit is permitted on such an allotment. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking.</p> <p>The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity (except in the Marsden Valley Residential Area) where any departure from the minimum standard is a Non-Complying Activity) (see Schedule I). A specific building proposal must accompany the application. This recognises that it is easier to assess, and address, any adverse effects associated with a smaller section when there is a specific housing proposal accompanying it. The amount of any reduction in size, or whether the exemption is granted, will depend on the merits of the case, and on site and off site effects on the residential amenity.</p> <p>Exceeding the specified coverage by up to 10% is provided for as a discretionary activity (except within the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity) (see Schedule I). As with site size, the success of the application will depend on the merits of the situation.</p> <p>The limits on exercising discretion for both site size and site coverage are set as maximums. There should be no expectation that the maximum will necessarily be granted.</p> <p>Note: All subdivision in a Heritage Precinct is a discretionary activity; see Rule REr.113. (Parking is dealt with in Rules REr.38 (parking) and REr.39 (parking or storage of heavy vehicles)).</p> <p>Note: REr.23 (minimum site area) and REr.24 (site coverage) do not apply to Wakefield Quay Precinct – refer to Rule REr.84 (Wakefield Quay Precinct).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.26 Other yards	<p>REr.26.1</p> <p>a) on any one side or rear boundary, the total length of all buildings within 1.5m of the boundary must not exceed 12m, and</p> <p>b) for the purposes of this rule, a boundary with a step-in of less than 5m, or a bend of less than 25° from straight, is considered a single boundary (see diagram), and</p> <p>c) <u>In the valleys served by Ngawhatu Road there shall be a 20m building setback along the south-western boundary adjoining the Rural zoned land in Lot 1 DP 19202 and Lot 2 DP 18927.</u></p>	<p>REr.26.2</p> <p>not applicable</p>  <p>(Graphic for REr.26.1)</p>	<p>REr.26.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>REr.26.4</p> <p>a) the height and bulk of the proposed building, and the extent it may dominate an adjoining property, taking account of the aspect and topography of the site and any affected sites, the location of buildings and outdoor living areas on affected properties.</p> <p>b) the presence of site constraints such as the topography and size of the site, and other natural and physical features.</p> <p>c) the extent to which any impacts on adjoining properties may be mitigated by techniques in building design, such as a lower building profile, variations in the lines of the wall or roof, or design features which add visual interest.</p> <p>d) the special needs that may relate to a Heritage Building or Heritage Precinct.</p>	<p>REr.26.5</p> <p>Long walls on or close to the boundary of any adjoining property can be very overbearing, affecting outlook and privacy, particularly if the buildings are to the maximum height permitted by the rules in the plan.</p> <p>No other specific controls are placed on buildings in rear or side yards, providing they comply with the provisions relating to access of daylight to adjoining properties (Rule REr.35 – daylight admission).</p> <p><u>The building setback at Ngawhatu, marked on the Planning Maps, is to provide a buffer between Residential activities and the adjoining Rural activities within the adjoining Rural zone.</u></p> <p>NOTE: Eaves are part of a building and are not exempted in the definition of 'Building' in Chapter 2 Meaning of Words.</p>

05/03 Decision 3.15, 3.16 & 3.17 and 05/04 Decision 3.8, 3.9 & 3.10 and Hearing Committee Alteration vii) REr.107

(overleaf)

Item	Permitted	Controlled	Discretionary/Non-complying
REr.107 Sub-division General	REr.107.1 Not a permitted activity	REr.107.2 Any subdivision is controlled, if: a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and b) the land is not in a Services, Natural Hazard, Landscape, or Heritage Overlay (excluding Wakefield Quay Precinct) shown on the Planning Maps, and c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and. e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and f) the net area of every allotment is at least: Lower Density Area: 600m ² Lower Density Area (Stoke): 1,000m ² average with a minimum of 850m ² Higher Density Area: 300m ² Remainder of Zone 400m ² except for allotments created solely for access or utility services, and g) a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 10m of the road boundary, except for allotments created solely for access or utility services, and h) any existing buildings comply with the conditions for permitted activities, or a resource consent, and i) for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council, and j) at the time of subdivision of any property adjoining the Nayland Road South Industrial/Residential Zone boundary, a buffer strip of at least 20m in width shall be set aside, and a landscaped bund at least 3m high constructed within it, along the section of the Industrial/Residential Zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the Industrial/Residential Zone boundary, or may include land on both sides. k) at the time of subdivision of any property in the Lower Density (Stoke) area, there is a maximum of one vehicle access point on to Main Road, Stoke, per original allotment as existed 13 June 2001. The access shall be located so as not to preclude the use of that access for the subdivision of adjoining properties. <u>l) In respect of the Ngawhatu Residential area compliance with Schedule E rules requiring subdivision layout to generally accord with the Schedule E Outline Development Plan.</u> Control reserved over: i) the matters contained in Appendix 13 (engineering performance standards), and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and v) riparian management, and. vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: a) appropriate vehicle access, and <u>Controlled activities continued overleaf:</u>	REr.107.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14, and b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>b) the intensity of residential units to be erected on each lot and the siting of such buildings, and</p> <p>c) provision of services, and</p> <p>ix) stormwater management, and</p> <p>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</p> <p>xi) financial contributions in accordance with Chapter 6, and</p> <p>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</p> <p>xiii) <u>in the Ngawhatu Residential area the matters contained in Schedule E – Outline Development Plan, and</u></p> <p>xiv) <u>Within the Ngawhatu Residential areas (Schedule E) provision of adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west, and</u></p> <p>xv) <u>In the Ngawhatu Valley area (Highland and York Valley) protection measures (in addition to listed protected trees) for significant and essential trees, and</u> <u>Note: see information for subdivision requirements under AD8.3</u></p> <p>xvi) <u>in the Ngawhatu Valley area (Highland and York Valley) the subdivision layout and access provisions integrating residential neighbourhoods into the mature landscape.</u></p> <p>In the Inundation Overlay, in addition to the matters listed above, control is reserved over:</p> <p>a) finished ground level, and</p> <p>b) the nature of infill, its compaction and placement.</p>	

Assessment Criteria**Explanation**

REr.107.4

- a) the matters in Appendix 13 (Engineering Performance Stds) and is consistent with Appendix 14A (Low Impact Design for Stormwater Management)
- b) the extent of compliance with Appendices 10 to 12, 14, 22 and 23.
- c) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.
- d) in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12, and 14 allow, except where these are necessary to mitigate adverse effects arising from the conversion.
- e) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.
- f) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.
- g) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.
- h) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure.
- i) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 - landscape components and views).
- j) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.
- k) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.
- l) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.
- m) financial contributions (see Chapter 6).
- n) the development potential of other adjacent land.
- o) the ground level required to avoid the effects of flooding.
- p) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.
- q) effects on neighbouring properties, especially stormwater runoff.
- r) provision of adequate flow paths for surface flooding.
- s) the possibility of an overloaded public storm water system overflowing onto private property.
- t) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.
- u) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.
- v) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.
- w) an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.
- x) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.
- y) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.
- z) in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area).
- aa) the potential for residential activity to be affected by the operation of the Nayland Road South food processing activities.
- bb) the density of planting, mature height and species of plant proposed in any required landscaping.
- cc) potential shading of neighbouring properties from development of the site, including fences.**

Assessment Criteria continued overleaf:

REr.107.5

Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.

The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.

The shape factor for land parcels is specified to ensure that sites are of a shape that will maximise the range and efficiency of potential uses of the land ie. such that complying buildings can be reasonably placed on them at a later stage.

There is an extra provision regarding the position of the shape factor in relation to the front boundary of a front site. This ensures reasonable widths of section are presented to the street, and that the streetscape is not just a series of narrow frontages comprised of driveways.

It also helps clarify the difference between a front and rear site. This is important, since on rear sites, the area occupied by accesses up to a certain width is deducted to determine net area of a site.

The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of Esplanade Reserves and Strips.

The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act . In some cases riparian protection already exists, or special circumstances exist, which make the taking of Esplanade Reserves or Strip unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.

Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.

The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequential effects on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there.

Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.

See Rule REr.61 (earthworks) where a site is being filled.

Where the allotment is to be less than the minimum net area stated in REr.103.2 (subdivision), see rule REr.23.

The provisions relating to subdivision adjoining the Nayland Road South Industrial/Residential Zone boundary requires a landscaped bund to physically separate the Nayland Road South industrial area from adjoining residential activities. A similar subdivision rule has been imposed on the Industrial Zone. The purpose of the landscaped bund is to ensure the Residential Zone can coexist alongside the Nayland Road South industrial area.

See Schedule I for Marsden Valley Residential Area

Assessment Criteria	Explanation
<p>dd) in Ngawhatu Valley and the land between the Valleys, the extent of <u>provision for pedestrian linkages between open space areas, commercial areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian links connect up to the Barnicoat Walkway in accordance with Schedule E. Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley in accordance with Schedule E.</u></p> <p>ee) <u>in Ngawhatu Valley the proposed protection (in addition to listed, protected trees) for significant and essential trees, to ensure the special mature landscape and amenity values of the site are maintained.</u></p> <p>ff) <u>in Ngawhatu Valley the extent to which the subdivision layout, and access provisions, creates residential neighbourhoods integrated into the mature landscape.</u></p> <p>gg) in Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross-boundary conflicts with the adjoining Rural zone.</p> <p>hh) within the Ngawhatu Residential area (Schedule E) provision of <u>adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west.</u></p>	

05/04 Decision 3.11 REr.109

Assessment Criteria	Explanation
<p>REr.109.4</p> <p>a) compliance with the Guide for Subdivision and Structures in the Landscape Overlay (Appendix 7).</p> <p>b) the assessment matters for Rule REr.107 (subdivision: general).</p>	<p>REr.109.5</p> <p>The areas in the Landscape Overlays are sensitive to development. Rather than controlling subdivision and the resulting development of residential housing separately, the plan controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p><u>In Ngawhatu, where the land is subject to the Landscape Overlay, subdivision design options which create neighbourhoods separated by landscaped/open space areas will influence the appearance of earthworks and of built development which follows.</u></p>

NRMP Volume 2

05/04 Decision 3.12 RUd.5

RUd.5	Little of the Rural Zone is serviced for water and sewage, with the exception of the facilities at Ngawhatu, which has a limited system. The entire area is relatively well served with power and telecommunication links.
-------	---

05/04 Decision 3.13 RUd.6

RUd.6 The Rural Zone can be defined as the area largely used for productive purposes, mainly for forestry and farming, excluding major conservation areas (mainly owned by the Council and the Department of Conservation). The zone includes a Small Holdings Area. The Small Holdings Area comprises mainly valley floors, along with the lower and mid slopes of a number of valleys including the Wakapuaka, and the Teal, Lud, and Marsden Valleys. A Higher Density Small Holdings area has been provided to the rear of the Residential zone at Ngawhatu and adjoining the Rural farmland on the southern boundary of the land at Ngawhatu.

05/04 Decision 3.14 RU2

RU2.ii The rural environment can be separated into three distinct areas. These are as follows:

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

Part of the Marsden Valley area has also been identified as a Small Holding Area (low density), given its immediate proximity to the residential area of Stoke. A further, medium density, Small Holdings Area has been defined in part of the Valley, and is shown on the Planning Maps as Schedule T. This area was granted a resource consent in 1996 pursuant to the Transitional District Plan for allotments of 1 hectare minimum with an average size of not less than 2 hectares. The area was also subject to a reference on the Proposed Plan with respect to the zoning of the land in this Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley. See also Objective RU4. Within the Maitai Valley, adjoining the existing

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

Since the plan was notified in 1996, there has been a trend of undersize subdivisions in the North Nelson Rural Zone and Rural Small Holdings area. A plan change was notified in 2005 to make undersize subdivisions between The Glen Road and Whangamoā Saddle non-complying activities. This is an interim measure to halt this trend and avoid further adverse effects on rural character, until such time as a more structured and coordinated framework for subdivision is in place.

In Ngawhatu to the rear of the Residential zone, and adjoining part of the Rural zoned farmland on the southern boundary, provision has been made for a Higher Density Small Holdings area, to have an average of 1ha but with a minimum subdivision area of 2,000m². This zoning will provide a transition between Residential and Rural areas. The significant variation in the average density, and the minimum lot size, is to encourage small enclaves/clusters of development with significant open space separating enclaves/clusters of development. The geotechnical constraints within this area will restrict the development to a limited number of enclaves of development.

05/04 Decision 3.15 RUr.28

(overleaf)

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.28 Buildings (all)	RUr.28.1 Permitted if: <ol style="list-style-type: none"> a) they are ancillary to a permitted activity, and b) maximum of 1 residential unit per site, and c) all buildings greater than 40m² in area or used for residential purposes are set back a minimum of 10m from boundaries, and d) all other rules related to the size and location of buildings and services can be satisfied within the site, and e) the defensible space for fire protection purposes around a residential unit <u>all buildings larger than 10m²</u> is provided at the time of construction (see Meanings of Words Chapter 2) and is maintained thereafter, and f) in the case of a residential unit (unless it is connected to a community supply with its own fire fighting water storage), a storage of at least 23,000 litres of water is available to the site for fire fighting purposes (which must be fitted with a 50mm female 'Camlock' controlled by a valve), or a water source capable of delivering a minimum of 19 litres per second for a minimum of 20 minutes is available within 150m of the residential unit and is accessible by a portable pump, and g) in the case of a new residential unit, short term living accommodation unit or papakainga, 15,000 litre minimum storage is available to the site for household water use (unless the unit is connected to a community supply with its own storage for periods of minimum flow). (The fire fighting storage tank, as required under condition (f), should be kept full of water solely for that purpose). h) <u>in the High Density Small Holdings area at Ngawhatu shown on the Planning Maps, there is a minimum 20m building setback along the south-western boundary to the adjoining Rural zone (generally contained in Lot 1 DP 19202).</u> 	RUr.28.2 not applicable	RUr.28.3 Activities that contravene a permitted condition are discretionary.

05/04 Decision 3.18, 3.19 & 3.20 RUr.78

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.78 Subdivision General</p>	<p>RUr.78.1 Subdivision is not a permitted activity in this Zone.</p>	<p>RUr.78.2 Any subdivision is controlled, if:</p> <ul style="list-style-type: none"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14 except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirements for other uses, and b) the land is not in a Coastal Environment, Conservation, or Natural Hazard Overlay, or does not contain a Heritage Overlay, as shown on the Planning Maps except in the case of lots created for access or network utility purposes as provided for in a) above, and c) the land is not part of a papakainga development as defined in Sch.P, and d) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and e) the net area of every allotment is at least <ul style="list-style-type: none"> i) 15ha, except in the Small Holdings Areas, or ii) 3ha average lot size with a 2ha minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000m² minimum size <u>except at the head of the Ngawhātu Valleys (Ngawhātu) where the minimum size is 2000m² (subject to provision of reticulated services)</u>, in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards), or iv) no minimum in the case of allotments created solely for access or for a network utility, and f) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, and g) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the matters contained in Appendix 14, and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and v) riparian management, and vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> a) appropriate vehicle access, and b) the siting of buildings, and c) provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose. 	<p>RUr.78.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> a) it complies in all respects with all the standards relating to <u>water</u>, stormwater and sewerage in Appendix 14, and b) <u>it is not located in the rural zone or small holdings area between The Glen Road (including all areas east of The Glen Road) and Whangamoa Saddle.</u> <p>b) the net area of allotments is greater than 1ha in the Small Holdings Area except where lots have been created for the purpose of access or network utilities.</p> <p><u>Any subdivision in the rural zone or low density small holdings area located between The Glen Road (including all areas east of The Glen Road) and Whangamoa Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u></p> <p>Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.</p>

Assessment Criteria	Explanation
<p>RUr.78.4</p> <p>a) the matters in Appendix 13 (engineering performance standards)</p> <p>b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</p> <p>c) the extent of compliance with Appendices 10 to 12, and 14.</p> <p>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services (where relevant).</p> <p>e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.</p> <p>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</p> <p>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</p> <p>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</p> <p>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</p> <p>j) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>l) financial contributions (see Chapter 6).</p> <p>m) the development potential of other adjacent land.</p> <p>n) the ground level required to avoid the effects of flooding.</p> <p>o) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</p> <p>p) effects on neighbouring properties, especially stormwater runoff.</p> <p>q) provision of adequate flow paths for surface flooding.</p> <p>r) the possibility of an overloaded public storm water system overflowing onto private property.</p> <p>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</p> <p>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2 – riparian or coastal areas with priority values) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</p> <p>v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</p> <p>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants).</p> <p>x) the assessment matters in Table DO6.1 regarding the type of protection appropriate in given circumstances.</p> <p>y) Marine conservation values outlined in Appendix 4 (marine ASCV overlay).</p> <p>z) <u>in Ngawhātu the extent of the provision of pedestrian linkages between Open Space areas, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian links connect up to the Bamicoat Walkway in accordance with the Outline Development Plan in Schedule E (see Residential zone). Pedestrian linkages should extend across the Ngawhātu area to connect into Marsden Valley in accordance with the Outline Development Plan in Schedule E.</u></p> <p>aa) <u>in Ngawhātu Higher Density Small Holdings area, the extent to which the subdivision provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</u></p>	<p>RUr.78.5</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>In the case of a subdivision created only for access or for a network utility the plan provides that minimum lot sizes and requirements of access and services do not apply provided that the title of the lot records that it was created purely for access or for a network utility service and it may not comply with requirements for other uses.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the acquisition of esplanade reserves or strips unnecessary. In other cases a lesser width or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>In the Small Holdings Area an average lot size of 3 ha with a minimum lot size of 2ha is provided for as a controlled activity. With the exception of lots created for access or solely for the provision of network utilities, lots of less than 1ha become a non-complying activity. For the Marsden Valley Small Holdings Area Schedule T applies.</p> <p><u>In Ngawhātu Higher Density Small Holdings area, the average lot size is 1ha with the minimum size 2000m². This area provides a transition between Standard Residential development and the Rural land beyond. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped areas separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclave of development.</u></p> <p>The papakainga provisions are included in the Plan in recognition of the special needs relating to land held in multiple ownership. Considerable flexibility from the normal density and other rules is provided in Sch.P. In order to avoid the papakainga provisions being used to get around normal density requirements in the Rural Zone, subdivision of land that is part of a papakainga development has been made a prohibited activity.</p>

05/04 Decision 3.21 RUr.80

Assessment Criteria	Explanation
RUr.80.4 a) the extent of compliance with the guidelines in Appendix 6 (guide for subdivision and structures in the landscape overlay) relating to subdivision. b) the likely effects of subdivision on the landscape character as described in Appendix 9 (landscape components and views) given likely patterns of development and use. c) the pattern of existing land holdings and uses. d) the positioning of any likely building platforms. e) mitigation measures designed to minimise impacts particularly on ridgelines. f) effects of any other overlay or hazard. g) any environmental compensation proposed. h) the assessment matters for RUr.78 (subdivision - general).	RUr.80.5 The Landscape Overlay areas are sensitive to development. This rule controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development. <u>In the Ngawhatu Higher Density Small Holdings area, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</u>

05/03 Decision 3.18 SCd

SCd Description

SCd.1 This Zone includes the suburban commercial areas at Stoke, Ngawhatu, Victory Square, Tahunanui, Annesbrook, Nayland Road, The Wood (Milton/Grove corner), Washington Road, Robinsons, Atawhai, Bishopdale and on Waimea Road (including the area dominated by tourist accommodation and professional rooms along the western side of the road). It also includes a strip along Haven Road and Wakefield Quay, from the edge of the Port area, to just beyond the yacht club.

05/04 Decision 3.7 and 05/03 Decision 3.14 and Hearing Committee Decision v) Schedule E

Schedule Residential Zone

Sch. E Ngawhatu Residential Area

E1 Application of the schedule

This schedule applies to the Ngawhatu Residential area, including the site now know as Montebello (the ex-Ngawhatu Hospital Site), ~~site known as Ngawhatu~~ in the Highlander and York Valleys, and the land

surrounding these two valleys which fall within the Ngawhatu Catchment, as and shown on Planning Maps 30, 33, 34 and 54, and on the Outline Development Plan in this Schedule. This schedule is referred to under Rule REr.102 and REr.107, the subdivision rules/assessment criteria and within Policies and Explanations. relates to Rule REr.102 (Ngawhatu Residential Area).

E2

General rules

The scheduled site shall generally be developed in accordance with the attached overall concept plan for Ngawhatu.

i) Activities and subdivision in the Ngawhatu Residential Area as zoned are subject to the standards, conditions, and activity status of the Residential Zone, the Suburban Commercial Zone, and the Rural Zone (as it applies to the High Density Small Holdings area) except where specific standards apply in Schedule E.2.

ii) In respect of subdivision development infrastructure layout shall generally accord with the outline development plan within Schedule E.

iii) Ngawhatu Road is noted as a Collector Road in the roading hierarchy. Ngawhatu Road and the roads connecting with it generally meet a 10m wide standard, with the exception of some pinch points to address the issue of protecting heritage trees, and a single threshold treatment at the entrance of the subdivision.

Subdivision and development within the valleys served by Ngawhatu Road will not necessitate an upgrade of the physical formation of Ngawhatu Road as its existing formation is sufficient to carry the full future growth of traffic from the valleys served by Ngawhatu Road and to fulfil its function as a Collector Road. As such, and future subdivision development within the areas shown in the outline Development Plan in Schedule E will be deemed to comply with roading standards by maintaining the existing formation of Ngawhatu Road.

Note: For the purpose of interpretation of Rule E.2(ii), “generally accord” shall mean that the major road network shall provide for connection between the separate land holdings covered by Schedule E, in the general locations shown. It is not intended that the positions are exact or can be identified by scaling from the Outline Development Plan. The term “generally accord” is to allow for flexibility in the exact location of the connection from one landholding to the other in Schedule E, depending on the detailed analysis of the physical suitability of an alignment, other servicing implications and costing considerations. Compliance with the rule requires connections are provided for within the general locations identified, and not restricted or prevented through use of “spite strips” or other such methods which could lead to adjoining land within Schedule E becoming landlocked.

“Generally accord” in respect of the positioning of walkways on the Outline Development Plan shall mean that clear pedestrian connections are provided between esplanade reserve areas and residential areas of Ngawhatu, between residential areas and the suburban commercial areas and a clear connection through Ngawhatu residential areas up to the Barnicoat Walkway above the Ngawhatu properties covered by Schedule E. Compliance with the Outline Development Plan in respect of walkways requires the connections noted to be provided for on each stage of development. It is the connection that is required, the actual position of the route to achieve connection is flexible as the exact route

will reflect detailed analysis of physical suitability, e.g. grade/stability, other servicing considerations and appropriate location in respect of residential development layout.

~~E.3 Permitted activities~~

~~Residential Neighbourhoods A-D~~

~~Any residential activity that complies with the following conditions:~~

- ~~a) Minimum net site area of any site:
 - ~~i) Neighbourhoods A and D, 1000m²~~
 - ~~ii) Neighbourhood B, 2000m²~~
 - ~~iii) Neighbourhood C, 600m²~~~~
- ~~b) Maximum coverage of any site:
 - ~~iv) Neighbourhoods A and D, 20%~~
 - ~~v) Neighbourhood B, 15%~~
 - ~~vi) Neighbourhood C, 40%~~~~
- ~~c) Minimum yards where adjoining community area:
 - ~~vii) 10m in all neighbourhoods~~~~

~~Other rules:~~

~~All the rules in the Residential Zone Rule Table except for REr.23 (minimum site area) and REr.24 (site coverage).~~

~~Community Areas~~

- ~~a) Reserves under the Reserves Act 1977, passive recreational use and amenity planting, and~~
- ~~b) Any commercial activity, limited to the Commercial Sub-area shown on the attached plan and developed to the standards for permitted activities in the Suburban Commercial Zone.~~

~~E.4 Controlled activities:~~

~~Residential Neighbourhoods A-D~~

~~Any residential activity (excluding subdivision) that is a controlled activity under the Residential Rule Table.~~

~~E.5 Restricted discretionary activities:~~

~~Residential Neighbourhoods A - D~~

~~Any subdivision that complies with the following standards:~~

- ~~a) Minimum area per allotment:
 - ~~viii) Neighbourhoods A and D, 1000m²~~
 - ~~ix) Neighbourhood B, 2000 m²~~
 - ~~x) Neighbourhood C, 600 m².~~~~
- ~~b) Maximum number of allotments for all neighbourhoods (A, B, C, and D combined):
 - ~~xi) 150 allotments total~~~~
- ~~c) Other Rules:
 - ~~xii) The subdivision shall otherwise comply with the standards in Rule REr.107.2 (subdivision: general) except a) (insofar as it relates to Appendix 14 – design standards), b) and f).~~~~

~~Discretion restricted to those matters over which control is reserved in REr.107.2 with particular regard to the provision of stormwater, sewerage, water and roads.~~

~~Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.~~

E.3 6 Discretionary activities

~~Activities that contravene any general rule E.2(i), E.2(ii) or E.2(iii).~~

Residential Neighbourhoods A-D

- ~~a) Any activity (land use or subdivision) that contravenes a permitted, controlled, restricted discretionary activity condition or standard of this schedule.~~

Community Areas

- ~~a) Community and active recreational activities, and
b) Commercial activity outside the Commercial Sub-area shown on the attached plan or contravening the rules for a permitted activity, and
c) Subdivision of land.~~

E.7 Non-complying activities

Community Areas

- ~~a) Any activity not provided for as a permitted or discretionary activity in the Community Area under Rules E.3 and E.6 above.~~

E.4 8 Assessment criteria

~~a) Where connections for roading and walkways are not provided for on subdivision in accordance with the Outline Development Plan, the alternative access arrangements available to adjoining land shall be assessed with specific regard to the capacity of alternative access options, and the efficiency of those in realising residential development potential of adjoining land within Schedule E.~~

~~b) The extent of the adverse effect on efficiency and convenience of alternative roading options in terms of increasing travel distance to access the main roading routes through to Ngawhatu Road.~~

~~c) The extent of the adverse effects on the efficiency and convenience of alternatives for walkway access when walkway connections on the Outline Development Plan are not provided for.~~

~~xiii) The extent to which the proposal complies with the concept in the attached plan and promotes the special neighbourhood qualities sought for Ngawhatu.~~

~~xiv) The actual or potential effects of activities on the local environment, in particular any residential neighbourhood and special open space values.~~

~~xv) The compatibility of adjoining activities and the potential to mitigate any cross-boundary effects through control over such matters as building location, landscaping and hours of operation.~~

~~xvi) The proposed protection of significant vegetation and views, and any additional landscaping proposed, in order to maintain and enhance the special landscape amenity of the Valleys.~~

- ~~xvii) The achievement of a mixture of housing densities within the whole site and in accordance with the neighbourhood concept promoted through the rules above.~~
- ~~xviii) The extent to which community and commercial activities will serve the local rather than the wider community.~~
- ~~xix) The potential to accommodate the required on-site parking for an activity.~~
- ~~xx) The suitability of any new allotment in terms of its size, shape, access and servicing for the intended use of the land.~~
- ~~xxi) The extent to which the site is subject to natural hazards.~~
- ~~xxii) Any assessment criteria for other relevant rules referred to in this schedule under cross-reference to the Zone rule tables.~~
- ~~xxiii) The matters in Appendix 13 (engineering performance standards).~~
- ~~xxiv) The extent of compliance with Appendices 10 to 12, and 14.~~
- ~~xxv) Effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.~~
- ~~xxvi) The values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.~~
- ~~xxvii) Alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.~~
- ~~xxviii) Financial contributions.~~

E.5 9 Explanation

Development in the Ngawhatu Residential area is controlled by the zoning rules and overlay area rules. Schedule E provides for an Outline Development Plan which provides a further layer of control. The purpose of the Outline Development Plan is to ensure, as development progresses, that there is integration between stages of development and between separate landholdings (and land ownerships), in respect of key service and access provision to land within Schedule E. The general rule requiring subdivision development to occur with the Outline Development Plan ensures that both the developer and Consent Authority consider the requirement for service and access integration, ensuring that any subdivision layout facilitates, rather than restricts, efficient and sustainable service and access provision through the Ngawhatu development area.

The Outline development Plan sits alongside the other planning controls which seek to ensure sustainable urban development. These include the services overlay, the fault hazard overlay, and the landscape overlay which, together with the objectives, policies and rules applicable to the various zonings for Ngawhatu, provide an appropriate set of planning controls to achieve efficient and sustainable development within Schedule E.

~~An appropriate development concept following the closure of health services at Ngawhatu is considered one of overall low density residential neighbourhoods integrated with the existing community/recreational facilities and extensive landscaping of the site. Note that recognition of the development concept does not bind the Council in terms of the provision of community and recreation facilities. This area could still accommodate some higher density development providing this does not compromise the overall low density concept.~~

~~The area is zoned Residential and shall generally be subject to the same land use standards as apply to that Zone. However, the site lends itself~~

~~to a range of residential densities and continued use of existing community facilities, such as tennis courts, bowling greens and swimming pool. It is also necessary that there be special control over use of the landscaped open space so important to the setting and amenity of the site.~~

~~Services (sewer, water, stormwater, and roading) at the time of closure were inadequate for the residential development proposed. Part of the site is also above the 67m contour line to which Council can provide water. Also, in common with the majority of the south Suffolk Road area, there are constraints on sewerage and water supply services. For these reasons the Service Overlay has been applied to the scheduled site.~~

~~Usually subdivision is a discretionary activity within land that is subject to the Services Overlay. However, in this schedule, subdivision (if it complies with the standards set out) is a restricted discretionary activity (non-notified). This recognises the detailed standards and policy guidance that apply within the scheduled area.~~

~~As noted in AD11.3.3 (services overlay) of the Plan, resource consent will not be withheld when these service constraints have been addressed.~~

E.6 ~~10~~ Anticipated environmental outcomes

- ~~i) An area of urban development within the physical and servicing capacity of the location.~~
- ~~ii) Integration of infrastructure planning ensuring efficient servicing and access to the Ngawhatu Residential area covered by Schedule E.~~
- ~~iii) A network of pedestrian corridors to link neighbourhoods and provide linkages into the Barnicoat Walkway.~~
- ~~i) A confined area of urban development within the physical and servicing limits of the former Ngawhatu Hospital site.~~
- ~~ii) Comprehensive development which integrates residential land use opportunities with the existing community/recreational facilities, open space and extensive landscaping of the site.~~
- ~~iii) An overall low density of residential development but with a range of types and density of residential activity within the area as a whole.~~
- ~~iv) Preservation and enhancement of the landscape features of the area.~~
- ~~v) Maintenance of the recreational and community assets of Ngawhatu in their present or modified form, and limited commercial and additional recreational and community uses.~~

Hearing Committee Decision iv)**OSs.5 Neighbourhood Parks**

Map Reference	Name	Legal Description
NP79	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP80	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP81	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP82	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP83	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP84	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP85	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.
NP86	Future Reserve	Lots 1 to 35 DP353023: Private Plan Change 05/03 or Lots 36 & 38 DP353023 and part of Lots 37 DP353023, CT 233530: Private Plan Change 05/04. Final legal description pending subject to future subdivision.

Volume 3

05/04 Decision 4.1 Appendix 14

Type	Description	Potential traffic Note AP14.n3	Lane width	Cycle lane width on road	Parking width	Carriageway width	No. of footpaths & width	No. of berms & width Note AP14.12		Minimum street reserve width Note AP14.n1	Maximum Grade	Refer to Notes (overleaf)
								For Services	For Landscape Note AP.14.n 9			
<u>XV</u>	<u>Steep hillside private access</u>	<u>1-10 potential residential units</u>	<u>5m sealed</u>	<u>n/a</u>	<u>n/a</u>	<u>5m</u>	<u>2 @ 0.5m shoulder (not footpath)</u>	<u>n/a</u>	<u>n/a</u>	<u>7m</u>	<u>1 in 5</u>	<u>Note Ap14.n 4 Ap14.n 11</u>

05/03 Decision 4.1 Appendix 2

<i>Category</i>	<i>Street No.</i>	<i>Address</i>	<i>Location</i>	<i>Type</i>	<i>Tree Name (Latin)</i>	<i>Tree name (common)</i>	<i>No. of trees</i>
Heritage		Ngawhatu, Stoke		W	Woodland		

NRMP Volume 4

05/04 Decision 1 and Hearing Committee Decision iii), iv) and ix

Planning maps: 30, 33, 34 and 54 Zoning maps, new maps as required, and Overlay maps 30, 33, 34 and 54

05/03 Decision 1 and Hearing Committee Decision iii), iv) and ix

Planning maps: 30, 33 and 34 Zoning maps, new maps as required, and Overlay maps 30, 33 and 34

Hearing Committee Decision viii

Road Hierarchy maps A2.1 and A2.2