

17.1 RESIDENTIAL ZONE RULES

Refer to Policy sets 5.1, 5.2, 5.3, 6.2, 6.3, 11.1, 11.2, 13.1, 33.4.

17.1.1 Scope of Section

This section deals with land uses in the Residential Zone. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

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12/20

17.1.2 Land Use**17.1.2.1 Permitted Activities (Land Use - General)**

C19 5/10
Op 8/12

Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

Particular Activities

- (a) The activity is not one of the following:
- (i) an activity that emits odour causing a nuisance beyond the site boundary;
 - (ii) intensive livestock farming or commercial boarding or breeding of animals;
 - (iii) an industrial or commercial activity, except:
 - as allowed as a home occupation; or
 - as provided for in rule 16.6.2.1(o);
- Item (iv) deleted as part of Plan Change 73* C73
Op 6/23
- (v) a landing area or pad for helicopters (other than for medical or fire-fighting purposes), an aircraft landing strip, aerodrome or airport;
 - (vi) a papakainga development; C22 2/11 Op 1/15
C66 10/17 Op 12/18
 - (vii) clearance of more than 20 percent of indigenous coastal shrubland or coastal forest on Record of Title NL 13A/194 (Talisman Heights, Kaiteriteri) or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little Kaiteriteri and in the Coastal Environment Area; C73
Op 6/23
 - (viii) a community activity, where the total vehicle movements in combination with any other permitted activity on the site exceed 30 per day on any one day; C19 5/10
Op 8/12
 - (ix) a home occupation, except as allowed by rule 17.1.2.2.

Hours of Operation

- (b) Non-residential activities operate only between 7.00 am and 11.00 pm except for telecommunication and radio-communication facilities for which there is no restriction.

Vehicles

- (c) No more than one heavy vehicle, having a gross laden weight over 3,500 kilograms, 23 excluding emergency vehicles, is stored or parked on a site.

Air Emissions – Dust

- (d) There shall be no noxious, dangerous, offensive or objectionable dust to the extent that it causes an adverse effect at or beyond the boundary of the site. **C68 7/18
Op 6/19**
- (e) Open areas of land and stockpiles of loose material are contained or maintained so that any resulting dust does not cause an adverse effect at, or beyond, the boundary of the site.

Glare

- (f) Exterior lighting is directed away from adjacent residential properties. Exterior lighting must not interfere with a road user's vision or cause confusion with a traffic signal or lights.
- (g) Reflective glare from cladding, roofing or fences is prevented by painting, coating or screening within 12 months.

Animals

- (h) No more than two dogs are kept.
- (i) No more than six domestic fowls are kept.
- (j) Fowls are kept only in an enclosure set back at least 2 metres from boundaries and 10 metres from dwellings on adjoining sites.
- (k) No rooster, pig, or goat is kept.
- (l) No more than two beehives are kept.

Noise

- (m) Except in the Richmond West Development Area, noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site from which the noise is generated, or at or within the notional boundary of a dwelling within any other zone, does not exceed: **C10 10/07
Op 3/14
C19 5/10
Op 8/12**

	Day	Night
L_{eq}	55 dBA	40 dBA
L_{max}		70 dBA

- N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times plus public holidays.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS6802:2008 *Acoustics - Environmental Noise*. **C19 5/10
Op 8/12**

- (n) In the Richmond West Development Area, noise generated by the activity measured at or within the boundary of any site within the zone, other than within the site from which the noise is generated, or at the boundary of the zone, does not exceed:
- | | Day | Night |
|-----------|------------|--------------|
| L_{eq} | 55 dBA | 40 dBA |
| L_{max} | | 70 dBA |
- N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times, plus public holidays.
- Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*.

C10 10/07
Op 3/14**Stormwater**C7 7/07
Op 10/10

- (o) (i) EITHER
- All stormwater from buildings and impervious surfaces is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Site Specific Activity

- (p) The land use occurs on Record of Title 701541 (Champion Road, Richmond) and complies with the permitted activity conditions set out in Schedule 17.1E.

C62 3/16
Op 10/17**17.1.2.2 Permitted Activities (Home Occupations)**C19 5/10
Op 8/12

A home occupation on the site of any dwelling is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

Area

- (a) The maximum gross floor area of buildings or parts of buildings used for the home occupation does not exceed 50 square metres.

Activities

- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles is carried out within a building.
- (c) No goods, materials or equipment are stored outside a building.
- (d) No retail sales take place from the site and no goods that are visible from beyond the site are displayed.
- (da) The activity does not involve spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing.

C73
Op 6/23

Hours of Operation

- (e) The home occupation is conducted between 8.00 am and 6.00 pm Monday to Saturday unless:
 - (i) the activity is located entirely within a building;
 - (ii) the activity is carried out solely by a person or persons permanently resident on the site;
 - (iii) there are no visitors, clients or deliveries outside the above hours.
- (f) The home occupation is not conducted on Sundays and public holidays.
- (g) The maximum number of hours which the site of the home occupation is open to visitors, clients or deliveries is 50 hours in any one week.

Visitor Accommodation

- (h) For a home occupation which is visitor accommodation, the maximum number of visitors accommodated on site at any time is four.
- (i) For a home occupation which is visitor accommodation, there is an exemption from conditions (e), (f) and (g).

Location

- (j) The home occupation is not undertaken on a site which is located on a cul-de-sac, shared access or private way, except where:
 - (i) the activity is carried out solely by a person or persons permanently resident on the site;
 - (ii) there are no visitors, clients or deliveries to the site.

Employment

- (k) No more than one full-time equivalent person, who resides elsewhere than on the site, is employed in any activity on the site.

17.1.2.3 Controlled Activities (Papakainga Development)

C19 5/10
Op 8/12

Papakainga development is a controlled activity, if it complies with the following conditions:

- (a) The land concerned is Māori customary land, Māori freehold land, or general land owned by Māori, as defined in Section 129 of Te Ture Whenua Māori Act 1993.
- (b) The land is vested in a Trust, constituted under Part 12 of Te Ture Whenua Māori Act 1993, whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (i) the land remains vested in the trustees or the incorporation without power of sale;
 - (ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) The number of residential units and other buildings.
- (2) The landscaping of the site.

- (3) Vehicle access, egress and parking.
- (4) The proximity of buildings to the boundaries.
- (5) The external design and appearance of buildings visible from any public place.
- (6) Design and siting of buildings and activities with respect to generation of noise and light spill.
- (7) Drainage.
- (8) Bonds or covenants to restrict ownership and sale of land.
- (9) Whether the resource consent attaches to the land, excluding any subsequent owners in terms of section 134 of the Act.

17.1.2.3A Controlled Activities (Papakainga Development) - Specified Location: Motueka West Compact Density Residential Area

C80 12/23

Papakainga development is a controlled activity in the Motueka West Compact Density Residential Area south of Whakarewa Street, if it complies with the following condition:

C80 12/23

- (a) The land concerned is Māori customary land, Māori freehold land, or general land owned by Māori, as defined in Section 129 of Te Ture Whenua Māori Act 1993.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) Matters of control (1) to (7) of rule 17.1.2.3

17.1.2.4 Restricted Discretionary Activities (Home Occupations)

C19 5/10
Op 8/12

A home occupation that does not comply with the conditions of rule 17.1.2.2 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

Residential Dominance

- (1) The extent to which the activity will result in the loss of residential activity on the site.
- (2) The extent to which the activities on the site remain dominated by residential activities, rather than by activities which are not associated with or incidental to residential activities on the site.
- (3) The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding environment.

General Adverse Effects

- (4) Adverse effects of the home occupation in terms of noise, odour, dust, visual impact, vibration, glare, loss of privacy, traffic and parking congestion.
- (5) The effects of any outdoor storage of materials or equipment associated with the home occupation, and the extent to which manufacturing, altering, repairing, dismantling or processing of goods associated with a home occupation needs to be carried on outside a building, taking account of:
 - (i) the nature, coverage area and height of materials or equipment associated with a home occupation;
 - (ii) the intended duration of materials or equipment associated with a home occupation to be outside a building;

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Op 6/23

- (iii) the extent to which provisions would be needed for security, control of litter and vermin, and prevention or containment of fire hazard.

Visual and Residential Character Effects

- (6) The extent to which the character of the site and the surrounding area will remain dominated by open space or vegetation rather than by buildings and areas of hard surfacing.
- (7) The extent to which any proposed outdoor activities will detract from the pleasantness, coherence and attractiveness of the site as viewed from adjoining roads and sites.
- (8) Adverse effects of the outdoor activity on the outlook of people on adjoining sites, including the loss of residential or rural character.
- (9) The extent to which the outdoor activity may adversely affect the appearance, layout and functioning of other sites in the adjoining area.
- (10) The ability to mitigate any adverse effects of the outdoor activity on adjoining roads and sites, including the ability to screen activities from adjoining roads and sites.

Transport

- (11) The extent to which the additional employment or any additional trips will result in levels of traffic generation or pedestrian activity that is incompatible with the character of the surrounding area, or that may result in adverse effects on the safe and efficient functioning of the road network.

Employment

- (12) The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.

Miscellaneous

- (13) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (14) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.1.2.5 Restricted Discretionary Activities (Community Activities)

C19 5/10
Op 8/12

A community activity that does not comply with the conditions of rule 17.1.2.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) The extent to which the activity will result in loss of residential character.
- (2) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (3) The scale of any building, structures and car parking compared to existing permitted development.
- (4) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site.
- (5) The duration of the consent and the timing of reviews of conditions.
- (6) Financial contributions, bonds and covenants in respect of performance of conditions.

17.1.2.6 Discretionary Activities (Land Use)C19 5/10
Op 8/12

Any land use that does not comply with the conditions of rules 17.1.2.1 to 17.1.2.5 is a discretionary activity, if it complies with the following conditions:

- (a) No rooster, pig, or goat is kept.
- (b) There is no intensive livestock farming, or commercial boarding or breeding of animals.

A resource consent is required and may include conditions.

17.1.3 Building Construction or Alteration**17.1.3.1 Permitted Activities (Building Construction or Alteration – Standard Density Development)**C66 10/17
Op 12/18

Construction or alteration of a building for a standard density development is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Where the activity is part of the Waimea Village Residential Development, it complies with the permitted activity conditions as set out in Schedule 17.1D and is otherwise exempt from conditions in 17.1.3.1(d) to (v).

Item (b) deleted as part of Plan Change 73.

C10 10/07 Op 3/14
C20 8/10 Op 8/12
C43 4/13 Op 1/15
C73
Op 6/23

- (c) Dwellings on sites adjoining or within 60 metres of Designation 127 (Proposed Hope Bypass) are designed to meet internal sound levels, as follows:

C10 10/07
Op 3/14

Figure 17.1A: Internal Sound Levels

HOUSES AND APARTMENTS NEAR MAJOR ROADS	DESIGN SOUND LEVEL (dBA L_{eq})
Living areas	35
Sleeping areas	30
Work areas	35
Apartment common areas (e.g. foyer, lift, lobby)	45
Note: Dwellings are designed to meet "satisfactory" internal sound levels of AS/NZS 2107:20016	

Residential Site Density

- (d) Sites have a net area of at least:
 - (i) 1000 square metres for each dwelling in St Arnaud (except 1,800 square metres for any site on Lake Road, Robert Street, Holland Street, Arnaud Street or Bridge Street);

Proposed as at 1 November 2008

- [(c)(ii) Proposed] (ii) 1000 square metres for each dwelling in settlements without wastewater reticulation except that where any allotment existed at 25 May 1996, the net area is at least 800 square metres, but that in each case, at least 500 square metres is available and suitable for effluent disposal;

C2 12/00

- (iii) 1800 square metres for each dwelling for Milnthorpe.
- (iv) 450 square metres for each dwelling in settlements (other than Richmond and Motueka) with wastewater reticulation and treatment on allotments not adjoining an Industrial Zone;

- | | | |
|--------|---|---------------------|
| (v) | 350 square metres for each dwelling in Richmond and Motueka on allotments not adjoining an Industrial Zone except in the Richmond East Development Area to the south east of Hill Street; | C20 8/10
Op 8/12 |
| (vi) | 800 square metres for each dwelling in serviced settlements on allotments adjoining an Industrial Zone; | |
| (vii) | 600 square metres for each dwelling in the Richmond East Development Area south east of Hill Street; | C20 8/10
Op 8/12 |
| (viii) | 900 square metres for each dwelling in the Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps. | |

Building Coverage

- (e) Maximum building coverage is 33 percent, provided:
- (i) the maximum building coverage is reduced by 18 square metres if a garage is not provided on site;
 - (ii) the maximum building coverage in St Arnaud is 20 percent;
 - (iii) telecommunication and radio-communication facilities which are less than 10 square metres in area, and which are less than 3 metres in height are exempt from the maximum coverage (one facility per site is exempt);
 - (iv) the maximum area for a sleepout is 36 square metres;
 - (v) where detention of stormwater runoff is provided on site for the additional building coverage over 33 percent, the maximum building coverage is 40 percent in Richmond, Motueka, Wakefield and Brightwater.

For the additional building coverage, stormwater detention at the rate of 50 litres per 1 square metre is required on site.
- C59 11/15
Op 3/16

Site Coverage

- (f) Maximum site coverage in Richmond, Motueka, Wakefield and Brightwater is 70 percent.

Maximum Dwellings per Site

- (g) At Milnthorpe, a maximum of one dwelling for Record of Title 11A/641 (20 Nelson Street, Milnthorpe) and one dwelling for each certificate of title issued before 12 November 1987.
- C73
Op 6/23
- (h) There is no more than one dwelling per site.

Outdoor Living Space

- (i) Each dwelling has an area of outdoor living space for the exclusive use of the occupants of that dwelling which:
- (i) has a minimum area of 60 square metres;
 - (ii) contains a circle with a diameter of at least 6 metres;
 - (iii) is located to receive sunshine in midwinter;
 - (iv) is readily accessible from a living area of the dwelling.

Balcony or Deck

- (j) Where a dwelling does not have outdoor living space at ground level, the dwelling is provided with a balcony or deck at first floor level of at least seven square metres and 1.5 metres minimum dimension, directly accessible from a living area.

- (k) A balcony or deck with a finished floor level above 2 metres high is no closer than 4 metres from site or internal boundaries.

Walls

- (l) Detached residential units on a site that are separated by less than 6 metres are arranged on the site so that the alignment of outside walls is stepped at least 2.5 metres relative to each other.

Building Envelope – Daylight Over and Around

- (m) No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in Schedule 17.1A, except that:
- (i) for any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the daylight admission line and the end area up to 2.5 square metres when viewed in elevation; and
 - (ii) any solar panel mounted flush to a building roof may project through the daylight admission line, provided they extend no greater than 250 millimetres above the roof plan on which they are mounted.
 - (iii) in the Wakefield Development Area there are no building envelope restrictions for any boundary that faces onto the Pitfure Stream, Gossey Stream and Jenkins Creek open space corridor.

C73
Op 6/23C76 9/22
D9/24

EXCEPT

Item (n) became item (m) (i) as part of Plan Change 73. Item (n) was intentionally left blank.

- (o) As an **alternative** to conditions (m) of this rule, buildings on south-facing slopes (between west and east) over 10 degrees comply with the following on any nominated boundary:

A building must fit within the arms of a 110-degree angle shape placed 35 degrees from the boundary (as shown in Schedule 17.1B). Only one angle may be used on any one boundary.

Permitted intrusions into the daylight around angle are:

- (i) eaves (not more than 600 millimetres);
- (ii) buildings and structures complying with the special height limiting lines outside the angle.

The following applies with respect to (ii). Parts of the building or detached outbuildings may be outside the daylight around angle but only up to a certain height. To find out how high a building outside the arms may be, use the following steps:

- (a) Apply the daylight around angle (Schedule 17.1C) to find out how high exceptions may be. Start at 2 metres above ground level at point “P”. The maximum height then increases 0.5 metres for each 2 metres distance from the boundary. All heights are measured relative to point “P”.
- (b) The right-hand side of the indicator is at 1:200 scale, and 1:100 on the left-hand side. Apply the one that is appropriate to your site plan.

Height

- (p) The maximum height of buildings is:
- (i) 5 metres on sites of less than 400 square metres net area, except in the Mapua Special Development Area and the Richmond Intensive Development Area where the height limit is 6.5;
 - (ii) 7.5 metres on sites of more than 400 square metres net area;
 - (iii) 3.6 metres for accessory buildings;
 - (iv) at Kaiteriteri, the highest point of buildings is not more than 4.5 metres above a ridgeline identified on the planning maps; subject to condition 16.6.2.1(k).

C22 2/11 Op 1/15
C66 10/17 Op 12/18

Setbacks

- (q) Buildings are set back at least 4.5 metres from road boundaries, in the case of all buildings; except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement; except also that buildings are at least:
- (i) 5.5 metres from road boundaries in the case of garages if the vehicle door of the garage faces the road;
 - (ii) 7.5 metres from the top of the bank adjoining Collingwood Quay;
 - (iii) 15 metres from Queen Victoria Street between Pah and Whakarewa streets. C43 4/13
Op 1/15
- (r) Buildings are set back at least 1.5 metres from the internal boundaries on one side and at least 3 metres from all other internal boundaries (side and rear) in the case of all buildings except:
- (i) 3 metres from side and rear boundaries in the case of buildings at St Arnaud;
 - (ii) no setback is required from side or rear boundaries for buildings with a common wall on the boundary along that part of the boundary covered by the common wall;
 - (iii) where a garage or carport is an integral part of a dwelling and forms an external wall adjoining a site boundary; or a carport is attached to an external wall of a dwelling; the provisions of (t) apply to that part of the dwelling that is a garage or carport;
 - (iv) accessory buildings;
 - (v) telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height.
- (s) Buildings are set back at least 1 metre from any access located within the site if the access serves another site or dwelling.
- (t) Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:
- (i) where any accessory building has a wall adjacent to the boundary, that wall contains no windows; C73
Op 6/23
 - (ii) any accessory buildings adjacent to an individual boundary do not exceed a cumulative total of 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;
 - (iii) stormwater is contained within the site.
- (u) Dwellings are set back at least 25 metres from a rural zone boundary and at least 10 metres from an industrial zone boundary, except that:
- (i) on Record of Title NL 13A/194(Talisman Heights, Kaiteriteri) or its successive titles, the setback from the rural zone is at least 5 metres, C73
Op 6/23
 - (ii) on Old Wharf Road, Motueka, the setback from the Heavy Industrial Zone is at least 20 metres and the setback from the Rural 1 Zone is at least 10 metres;
 - (iii) on area of land zoned Residential located on the north side of Mapua Drive and west of Seaton Valley Road, the setback is at least 5 metres from the Rural 1 Deferred Residential Zone (2031) boundary. C22 2/11
Op 1/15
 - (iv) adjacent to the Light Industrial Zone at Bird Lane, Wakefield, the setback is at least 30 metres. C58 11/15
Op 7/17
 - (v) For the Wakefield Development Area the setback is 5 metres, except for any part of 320 Higgins Road that is a rural zone, for which the setback remains at 25 metres. C76 9/22
D9/24

- | | | |
|------|--|---|
| (v) | The building is set back at least: | C76 9/22
D9/24 |
| | (i) 3 metres from the top of the bank of any river with a bed less than 1.5 metres in width; | |
| | (ii) 8 metres from the top of the bank of any river with a bed between 1.5 metres and 5 metres; | |
| | (iii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width. | |
| (w) | Every building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay, Esplanade Reserve, except that on Record of Title 11A/641 (20 Nelson Street Milnthorpe) and Record of Title 9B/454 (14 Nelson Street, Milnthorpe) the minimum setback is 16.5 metres. | C73
Op 6/23 |
| (wa) | The building is not located within, or within 10 metres of any indicative road or indicative reserve, except for the following: | C73
Op 6/23 |
| | (i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned. | |
| | (ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries. | |
| | (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road. | |
| (x) | In the Richmond West Development Area, fences, including security fences, are set back at least 2.5 metres from any sub-collector road to accommodate the amenity planting required by condition 16.3.3.1(t)(ii), and are not higher than 1.8 metres. | C10 10/07
Op 3/14
C69 6/19
Op 6/20 |

Wastewater Disposal

- (y) All buildings (other than accessory buildings) which generate wastewater are connected to a reticulated wastewater system where the service is available.

Note: The Urban Design Guide (Part II, Appendix 2) applies in the Richmond South and Richmond West development areas and may be considered in preparing applications under this rule.

C5 3/06
Op 10/10

Stormwater

C7 7/07
Op 10/10

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|------|--|-----------------------|
| (z) | (i) EITHER | |
| | All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater. | |
| | OR | |
| | The discharge complies with section 36.4 of this Plan. | |
| | AND | |
| | (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network. | |
| (za) | Where the activity is in the Richmond Intensive Development area, the activity complies with condition (k) of Rule 17.1.3.4C relating to specified stormwater flood flow paths. | C66 10/17
Op 12/18 |

Access

(zb) Access to each dwelling complies with 16.3.3.1(n)(ii)(h).

Fences

- (zc) (a) In the Richmond East Development Area on principal or collector roads, any fence on a road boundary does not exceed 1.2 metres in height, and any fence on a side boundary is constructed to taper from 1.2 metres at the road boundary to any height not exceeding 1.8 metres, reaching that height no closer than 5 metres from the boundary. C20 8/10
Op 8/12
C69 6/19
Op 6/20
- (b) In the Wakefield Development Area, any fence fronting onto a walkway or an area of public open space (not including the Tasman Great Taste Trail or any neighborhood reserves) does not exceed 1.2 metres in height and is visually permeable. C76 9/22
D9/24
CL16A
11/24
- (c) In the Richmond West Development Area, on the indicative walkway or walkway separating the Mixed Business Zone from the Residential Zone west of Borek Creek any fence fronting onto the walkway reserve (or residential lanes or rights-of-way running parallel to the reserve) does not exceed 1.2 metres in height. C79 11/24

Reverse Sensitivity

C75 9/22
Op 10/23

(zd) In the Brightwater Development Area:

- (a) All new dwellings, or dwelling extensions, are setback 20m from the state highway’s white edge line.
- (b) Internal Noise: New dwellings, or new or altered habitable rooms in existing dwellings, in the Brightwater Development Area which are situated within 100m of the state highway’s white edge line are designed to meet internal sounds levels, as follows:

Figure 17.1B: Internal Sound Levels

Dwelling near State Highway 6 – Brightwater Development Area – Habitable Room	Maximum Indoor Design Noise Level $L_{Aeq}(24h)$
Habitable Room	40dB

Note that the measured or predicted road traffic noise level must be determined in accordance with NZS 6801:2008 *Acoustics – Environmental Noise* and NZS 6806:2010 *Acoustics – Road Traffic Noise – New and Altered Roads*. Any extraneous noise sources such as abnormal events (e.g. cicadas and crickets, or a neighbour mowing the lawn or doing construction work) must be removed.

Ventilation: The following applies when windows are required to be closed to achieve the internal noise levels for habitable rooms in the Brightwater Development Area. Habitable rooms must have a ventilation and cooling system(s) designed, constructed, and maintained to achieve the following requirements:

- a) Provides mechanical ventilation to satisfy Clause G4 of the New Zealand Building Code, and
- b) Is adjustable by the occupants to control the ventilation rate in increments up to a high airflow setting that provides at least 6 air changes per hour; and
- c) Provides cooling that is controllable by the occupant and can maintain the inside temperature to be no greater than 25° C; and
- d) Provides relief for equivalent volumes of supply air; and
- e) Does not generate more than 35dB LAeq when measured at 1 metre away from any grille or diffuser during the night-time period.

Except where:

- i) The sound incident on the most exposed part of the proposed dwelling's facade is less than 57 dB $L_{Aeq(24h)}$ for road traffic noise; or
- ii) All parts of the dwelling are at least 50m from the white edge line of the state highway and there is a solid building, fence (density of at least 10kg/m² with no gaps), wall or landform that blocks the line-of-sight from all parts of all windows and doors of the new or altered dwelling to any part of the state highway road surface within 100m of the dwelling.

A design report prepared by a suitably qualified and experienced acoustic specialist must be submitted to Council with the building consent application, demonstrating noise compliance prior to the construction or alteration of any dwelling being undertaken. Where a dwelling has habitable rooms on more than one floor, compliance shall be assessed on each floor separately. The report must add 3 dB to the measured or predicted noise level to take into account the future growth and peaks in road noise.

Note that an applicable acoustic report previously undertaken at the time of subdivision (in accordance with 16.3.3.1 (me)(ii)) may be used for the purpose of this rule, provided that the report is dated within the last two years, or is confirmed by a suitably qualified and experienced acoustic specialist to still be applicable to the site.

Note: For the purpose of rule 17.1.3.1(zd)(b), habitable room is defined as per the National Planning Standards – Any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

17.1.3.1A Permitted Activities (Building Construction or Alteration — Dwellings on small site areas in the Wakefield Development Area)

C76 9/22
D9/24

Construction or alteration of a dwelling in the Wakefield Development Area that is either:

- a first dwelling on a site that has a net area of less than 450 square metres, or
- two dwellings on a site that has a net area of 600 square metres or greater, is a permitted activity, and may be undertaken without a resource consent, if all development on the site complies with the following conditions:

Note: for the construction or alteration of dwellings that don't meet either scenario above, Rule 17.1.3.1 applies.

Building Coverage

- (a) Maximum building coverage is 50%.

Site Coverage

- (b) Maximum site coverage is 70%. For this purpose of this rule, uncovered decks where rainwater can reach permeable ground is not counted as site coverage.

Outdoor Living Space

- (c) Each dwelling has an area of outdoor living space for the exclusive use of the occupants of that dwelling which:
 - (i) Has a minimum area of 20 square metres;
 - (ii) Contains a circle with a diameter of at least 3 metres;
 - (iii) Is located to receive sunshine in midwinter;
 - (iv) Is readily accessible from a living area of the dwelling.

Balcony or Deck

- (d) Where a dwelling does not have outdoor living space at ground level, the dwelling is provided with a balcony or deck at first floor level of at least seven square meters and 1.5 metres minimum dimension, directly accessible from a living area.
- (e) A balcony or deck with a finished floor level above 2 metres high is no closer than 4 metres from site or internal boundaries.

Road Boundary Setback

- (f) All buildings are set back at least 2 metres from the road boundary and no more than 5 metres, except that all garages and carports are set back at least 5.5 metres from road boundaries if the vehicles entrance of the garage or carport faces the road.

Side and Rear Boundary Setback

- (g) All buildings are setback 4-metres from one side or rear boundary to an adjoining site. If there is a shared access/right-of-way within the 4-metre setback, the setback shall be taken from the external boundary common to the adjoining site;
- (h) Where there is no vehicular access to the rear of the site from a legal road or approved access, in addition to condition (g), a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site.

Building Setback

- (i) Notwithstanding conditions (g) and (h) of this rule, all buildings shall be set back at least 1 metre from the nearest part of any other building, except that no separation is required when there is a common wall.

Setback from a rural zone

- (j) Dwellings are setback at least 5 metres from a rural zone boundary.

Setbacks from a river

- (k) Buildings are set back at least:
 - (i) 3 metres from the top of the bank of any river with a bed less than 1.5 metres in width;
 - (ii) 8 metres from the top of the bank of any river with a bed between 1.5 metres and 5 metres;

20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.

Height

- (l) The maximum height of any building is 7.5 metres.

Building Envelope – Daylight Over and Around

- (m) For any lot boundary that adjoins a site that is Zoned Residential and is not part of the Wakefield Development Area, the building envelope shall comply with Permitted Activity standard 17.1.3.1(m)
- (n) For any other boundary that is not subject to 17.1.3.1A (m), all buildings comply with the following requirements:
 - (i) For the most southern orientated side or rear boundary, all buildings are wholly within an envelope that is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point along the entire boundary.

- (ii) For the remaining side and rear boundaries, all buildings are wholly within an envelope created by taking a vertical line from the boundary 6 metres above ground level and then at an angle of 45 degrees inwards from that point. This applies for no more than 50 percent of the total boundary length. For the balance 50 percent of the total boundary length, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point.

(Note: for the avoidance of doubt, there is no road boundary building envelope requirement.)

Wastewater Disposal

- (o) All buildings comply with Permitted Activity standard 17.1.3.1(y)

Stormwater

- (p) All buildings comply with Permitted Activity standard 17.1.3.1(z)

Fencing

- (q) In the Wakefield Development Area, any fence fronting onto a walkway or an area of public open space (not including the Tasman Great Taste Trail or any neighborhood reserves) does not exceed 1.2 metres in height and is visually permeable.

17.1.3.2 Controlled Activities (Building Construction — Standard Density Development)
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C66 10/17
Op 12/18

Construction of a second dwelling on a site for a standard density development is a controlled activity, if it complies with the following conditions:

- | | | |
|-----|--|----------------------|
| (a) | The activity does not contravene any other applicable condition in rule 17.1.3.1. | |
| (b) | The site does not adjoin an Industrial Zone. | |
| (c) | The site is not in the Residential Closed Zone at Ruby Bay. | C22 2/11
Op 1/15 |
| (d) | The site is not in the Residential Zone at Mapua, the Residential Coastal Zone at Mapua or the Mapua Special Development Area. | |
| (e) | In the Brightwater Development Area, the activity must comply with 17.1.3.1(zd) Reverse Sensitivity. | C75 9/22
Op 10/23 |

A resource consent is required and may include conditions on the following matters over which the Council has reserved its control:

- | | | |
|-----|--|---------------------|
| (1) | Vehicle access and parking. | |
| (2) | Amenity effects arising from the proximity of neighbouring buildings. | |
| (3) | Drainage and provision of services. | |
| (4) | Financial contributions. | |
| (5) | In the Brightwater Development Area, whether the location and design of the dwelling appropriately addresses noise and vibration from the state highway. | C75 9/22
Op 6/23 |

17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)

17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)	C66 10/17 Op 12/18
<u>Where a resource consent application for compact density development subdivision Construction or alteration of a building on a site within an approved subdivision plan for a compact density development</u> in the Richmond South, Richmond West, Brightwater, <u>Wakefield</u> and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, <u>has been lodged concurrently, the construction or alteration of a building on a site within that proposed subdivision</u> is a controlled activity, if it complies with the following conditions:	C5 3/06 Op 10/10 C10 10/07 Op 3/14 C22 2/11 & C43 4/13 Op 1/15 C66 10/17 (D 7/18) C75 9/22 Op 10/23 C76 9/22 D6/24 C80 12/23

Multiple Consents

- (a) All buildings are or will be located within a site that has been approved as part of a compact density subdivision under rules 16.3.3.3, 16.3.3.4 or 16.3.3.7. **C80 12/23**
- Note:** Subdivision condition 16.3.3.3(a) requires that for compact density developments both the land use and subdivision consents are lodged with Council at the same time and assessed together.

Dwellings on a Site

- (b) More than one dwelling may be constructed on any site. **C5 3/06 Op 10/10**

Site Coverage

- (c) Maximum site coverage is 70 percent. **C59 11/15 Op 3/16**

Building Coverage

- (ca) Maximum building coverage is 50 percent.

Stormwater – Richmond South and West Development Areas

- (d) The stormwater generated from an individual site or development approved as part of any subdivision after 11 March 2006 in the Richmond South Development Area and 6 October 2007 in the Richmond West Development Area must comply with condition 16.3.3.1(mc). **C10 10/07 Op 3/14 C66 10/17 Op 12/18**

Reverse Sensitivity

- (n) For Compact Density Development in the Brightwater Development Area, the activity must comply with rule 17.1.3.1(zd) *Reverse Sensitivity*. **C75 9/22 Op 10/23**

Internal Boundaries

- (e) Notwithstanding condition 17.1.3.3(g), all buildings are set back at least 2 metres from the road boundary, and no more than 5 metres, except that: **C73 Op 6/23**
- (i) all garages and carports are set back at least 5.5 metres from road boundaries if the vehicle entrance of the garage or carport faces the road;
- (ii) there is no side boundary setback where there is vehicular access to the rear of the site from a legal road or approved access;
- (iii) where there is no vehicular access to the rear of the site, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site;
- (iv) there is at least a 5-metre setback from the rear boundary;
- (v) a minimum of 4.5 metres applies in the Mapua Special Development Area with an intrusion no more than 1.5 metres deep and 3 metres wide for an entry feature or bay window. **C22 2/11 Op 1/15**

Building Envelope

- (f) All buildings comply with the following requirements:
- (i) There is no road boundary building envelope requirement. **C73 Op 6/23**

Controlled Activities (Building Construction or Alteration — Compact Density Development)

- (ii) All buildings are wholly within an envelope created by taking a vertical line from the boundary 6 metres above ground level and then at an angle of 45 degrees inwards from that point. This applies for no more than 50 percent of the total boundary length.
- (iii) For the balance 50 percent of the total boundary length, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point.

External Boundaries

- (g) All buildings at the boundary of every allotment comply with building envelope and setback rules of permitted activity conditions 17.1.3.1(m) – (o) and 17.1.3.1(q) – (v), under the following conditions:
 - (i) where the land adjoining the boundary is not part of the subdivision; or
 - (ii) where the land adjoining the boundary is not being developed as a compact density development.

For the avoidance of doubt, this means that every boundary of the compact density subdivision complies with permitted activity conditions relating to bulk and location where it adjoins land that is either not part of the subdivision or is being developed to a permitted activity standard within the same subdivision proposal.

Note: The separation between developments of different densities may be achieved by using roads or reserves. This creates a clear delineation without losing amenity values or the inefficient use of land resources.

Fences

C43 4/13
Op 1/15

- (ga) Any fence, wall or screen erected in the front yard is no more than 0.8 metres in height.

Outdoor Living Space

- (h) Each dwelling complies with the following requirements:

UNITS AT GROUND FLOOR	UNITS ABOVE GROUND FLOOR
<p><u>In the Richmond South, Richmond West, Brightwater and Wakefield development areas and the Motueka West Compact Density Residential Area at least 20 square metres (except at Mapua and Motueka, 30 square metres) of contiguous private outdoor space which is capable of containing a 4-metre diameter circle within its shape. In the Mapua Development Area and remainder of the Motueka West Development Area at least 30 square metres of contiguous private outdoor space which is capable of containing a 4-metre diameter circle within its shape.</u></p>	<ul style="list-style-type: none"> (i) At least 7 square metres of balcony with a minimum depth of 1.5 metres, with at least a 1 metre wide roof or overhang (including balcony above). (ii) Any balcony, including a roof top balcony, is no closer than 4 metres from an internal or side boundary.

C22 2/11
& C43 4/13
Op 1/15
C66 10/17
Op 12/18
C80 12/23

- (i) Outdoor living spaces are readily accessible or contiguous from a living area of the dwelling.
- (j) Outdoor living spaces are not obstructed by buildings, vehicular access, manoeuvring or parking areas, from the ground level upwards.
- (k) Outdoor living spaces are not located on the southern or eastern side of the dwelling.

C5 3/06
Op 10/10

17.1.3.3 Controlled Activities (Building Construction or Alteration — Compact Density Development)

(l)	Outdoor living spaces are designed in accordance with the Urban Design Guide (Part II, Appendix 2).	C22 2/11 Op 1/15
Stormwater		C7 7/07 Op 10/10
(m)	(i) EITHER All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater. OR The discharge complies with section 36.4 of this Plan. AND (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.	
A resource consent is required and may include conditions on the following matters over which the Council has reserved its control:		C5 3/06 Op 10/10
(1)	Consistency with the Urban Design Guide (Part II, Appendix 2) on the following matters:	C10 10/07 Op 3/14
	<ul style="list-style-type: none"> • Allotment layout • Dwelling size • Street network • Garaging and car parking • On-site amenity • Frontages • Public open space 	C22 2/11 Op 1/15
(2)	Roading, traffic, vehicle access, parking, cycleways and walkways.	C5 3/06 Op 10/10
(3)	Amenity effects arising from land development/modification.	
(4)	Provision of services.	
(5)	Financial contributions.	
(6)	Effective stormwater management including the use of Low Impact Design solutions.	C7 7/07 Op 10/10
(7)	Earthworks.	C5 3/06 Op 10/10
(8)	Landscaping.	
(9)	Vegetation removal, modification and/or planting.	
(10)	Natural hazards.	
(11)	Open space.	
(12)	For the Brightwater Development Area, management of reverse sensitivity effects on the state highway.	C75 9/22 Op 10/23
(13)	<u>In the Motueka West Compact Density Residential Area south of Whakarewa Street the effects on sites of cultural significance to Māori.</u>	C80 12/23
Non-notification		C75 9/22 Op 10/23
Applications for resource consent that comply with the conditions of this rule (17.1.3.3) will be decided without limited notification (RMA s95B) or public notification (RMA s95A) in the Brightwater and <u>Wakefield</u> Development Areas.		C76 9/22 D6/24

17.1.3.4**Restricted Discretionary Activities (Building Construction or Alteration — Standard Density Development (excluding the Development Areas))**C66 10/17
Op 12/18

Construction or alteration of a building that does not comply with the conditions of rules 17.1.3.1 or 17.1.3.2 is a restricted discretionary activity, if it complies with the following conditions: C5 3/06 Op 10/10
C66 10/17
(D 7/18)

Building Coverage

- (a) The building coverage does not exceed 35 percent in townships outside Richmond, Motueka, Wakefield and Brightwater. C59 11/15
Op 3/16
- Telecommunications and radio communications which are less than 10 square metres in area and less than 3 metres in height are exempt from this maximum coverage. One facility per site is exempt.

Awaroa

- (b) Sites at Awaroa have a net area for each dwelling of at least 1,000 square metres.

Milnthorpe

- (c) Sites at Milnthorpe have a net area for each dwelling of at least 1,000 square metres.
- (d) At Milnthorpe, a maximum of one dwelling for Record of Title 11A/641 (20 Nelson Street, Milnthorpe) and one dwelling for each certificate of title issued before 12 November 1987. C73
Op 6/23
- (e) Every building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay esplanade reserve, except that on Records of Title 11A/641 and 9B/454 the minimum setback is 16.5 metres.

Garages

- (g) Garages (whether or not attached to a dwelling) are set back from road boundaries at least:
- (i) 5.5 metres if the vehicle door of the garage faces the road; or
- (ii) 2 metres if the vehicle door of the garage is at right angles to the road.

StormwaterC7 7/07
Op 10/10

- (i) (i) EITHER
- All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Residential Closed ZoneC22 2/11
Op 1/15

- (j) The site is not in the Residential Closed Zone at Ruby Bay.

Residential Coastal Zone Reserve Building Area

- (k) There is sufficient space for a reserve building area for the existing dwelling.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

Minimum Site Areas and Building Coverage

- (1) The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings.
- (2) The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.
- (3) The extent to which the scale, design and appearance of the proposed buildings will be compatible with the locality.
- (4) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.
- (5) Any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight, and loss of opportunities for views.
- (6) The provision of adequate outdoor living and servicing space on the site for all outdoor activities associated with residential and other activities permitted on the site.
- (7) The ability to mitigate any adverse effects of increased coverage or site density.

Setbacks from Road and Internal Boundaries, and Rivers

- (8) The extent to which the intrusion towards the boundary is necessary in order to allow more efficient, practical and pleasant use of the remainder of the site.
- (9) The extent to which alternative practical locations are available for the building.
- (10) The extent to which the proposed building detracts from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.
- (11) The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites, including loss of access to daylight on adjoining sites.
- (12) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.
- (13) The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from boundaries, its external materials and colour.
- (14) The ability to mitigate any adverse effects of the proposal on adjoining sites and the street scene, including by planting and landscaping.
- (15) Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (16) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of noise, smell, dust, glare or vibration.
- (17) The extent to which the encroachment into setbacks from rivers by buildings will increase the likelihood of damage being caused to the building by erosion, the level of risk to occupants, and the effects of the structure on flood flows.

Setbacks from Indicative Roads and Reserves

- (17A) The extent to which alternative practical locations are available for the building.
- (17B) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.
- (17C) The extent to which alternative practical locations are available for future reserves.
- (17D) The effect of the building being sited within the setback of the indicative road or reserve.

C73
Op 6/23

Height

- (18) The extent to which there is a need for the increased height or intrusion through the recession lines, in order to undertake the proposed activities on the site.

Restricted Discretionary Activities (Building Construction or Alteration — Standard Density Development (excluding the Development Areas))

- (19) The extent to which the character of the site and the surrounding area remains dominated by open space, rather than by buildings, with buildings at low heights and low densities of building coverage.
- (20) The extent to which the proposed building will not adversely affect the character of the local environment, including the scale of other buildings in the surrounding area.
- (21) The effect on other sites, roads and public open space of the increased height, in terms of visual dominance, which is out of character with the local environment.
- (22) The extent to which the proposed building will shade adjoining sites and result in reduced sunlight and daylight admission beyond that anticipated by the daylight admission angle requirements for the area.
- (23) The effect of the increased height on other sites in terms of loss of privacy through being overlooked from neighbouring buildings.
- (24) The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.
- (25) The ability to mitigate any adverse effects of increased height or penetration of the daylight admission angle, through increased separation distances between the building and adjoining sites, or the provision of screening.
- (26) The extent to which the increased building height will adversely affect the natural character of the coast.

Building Design and Appearance

- (27) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.
- (28) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.
- (29) The extent to which building design and appearance will adversely affect the natural character of the coast.
- (30) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.
- (31) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.
- (32) The extent to which practical use of the site will be affected by the proposal.

Privacy

- (33) Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.
- (34) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.

Outdoor Living Space

- (35) The extent to which the reduction in outdoor living space and its location will adversely affect the ability of the site to provide for the outdoor living needs of future residents of the site.
- (36) Alternative provision of outdoor living space to meet the needs of future residents of the site.

- (37) The extent to which the reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.

Services

- (38) Provision for the collection and disposal of stormwater and sewage.
- (39) The actual and potential adverse effects of the development in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following: C7 7/07
Op 10/10
- (a) The extent to which all stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
 - (b) The degree to which the development has used Low Impact Design solutions in the management of stormwater.
 - (c) The degree of maintenance or enhancement of natural drainage characteristics in development.
 - (d) The degree to which the design of the stormwater management network accounts for any possible future changes in development that may have an effect on, or be affected by, the development.
 - (e) The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been used in the development.

Richmond East Development Area

C20 8/10
Op 8/12

- (40) The extent to which the increased height of fences located along principal or collector roads within the Richmond East Development Area may detract from public safety and visual amenity. C69 6/19
Op 6/20

Richmond West Development Area

C79 11/24

- (40A) The extent to which the increased height of fences located along the indicative walkway or walkway separating the Mixed Business Zone from the Residential Zone west of Borck Creek may detract from public safety and visual amenity.

Miscellaneous

- (41) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (42) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.1.3.4A Restricted Discretionary Activities (Building Construction or Alteration — Comprehensive Development)

C66 10/17
(D 7/18)

Construction or alteration of a building that does not comply with the conditions of rules 17.1.3.1 or 17.1.3.2 is a restricted discretionary activity, if it complies with the following conditions:

Three or More Dwellings on a Site

- (a) There are three or more dwellings on one site that comply with the following:
- (i) the development complies with the service requirements of Schedule 16.3C;
 - (ii) the minimum net area for each unit is at least 280 square metres in Motueka and Richmond and at least 350 square metres in other settlements with wastewater reticulation and treatment services;

- (iii) building coverage does not exceed 40 percent;
- (iv) the development is a comprehensive residential development; or the allotment or site was approved as part of a subdivision under rule 16.3.3.4;
- (v) the development is not within the Richmond South, Richmond West or

C75 9/22
 (d 6/23)
 C76 9/22
 D9/24

Richmond East development areas south east of Hill Street, the Richmond Intensive Development Area or within the Brightwater, Wakefield or, Motueka West Development Areas, as shown on the planning maps.

Garages and Stormwater

- (b) The activity complies with condition 17.1.3.4(g) relating to garages and 17.1.3.4(i) relating to stormwater.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) Matters of restricted discretion (1) to (39) of rule 17.1.3.4.

17.1.3.4B Restricted Discretionary Activities (Building Construction or Alteration – Specified Locations: Development Areas – Standard Density and Compact Development)

C66 10/17
 Op 12/18

Richmond South, Richmond West, Motueka West, Brightwater, Wakefield, Richmond Intensive, Mapua and Mapua Special Development Areas and the Motueka West Compact Density Residential Area

C75 9/22
 Op 10/23

C76 9/22
 D9/24

Construction or alteration of a building in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Richmond Intensive, Mapua and Mapua Special development areas and the Motueka West Compact Density Residential Area that does not comply with the conditions of rules 17.1.3.1 and 17.1.3.2 for standard density development or rule 17.1.3.3 for compact density development, is a restricted discretionary activity, if it complies with the following conditions:

Garages and Stormwater

- (a) The activity complies with condition 17.1.3.4 (g) relating to garages and 17.1.3.4(i) relating to stormwater.
- (b) Where the activity is in the Richmond Intensive Development area, the activity complies with condition (k) of Rule 17.1.3.4C relating to specified stormwater flood flow paths.

Compact Density Development – Multiple Consents – Richmond South, Richmond West, Brightwater, Wakefield, Mapua Special Development Areas and the Motueka West Compact Density Residential Area

- (c) Where the activity is a compact density development, all buildings are located within a title that has been approved as part of a compact density subdivision under rules 16.3.3.3, 16.3.3.4 or 16.3.3.7.

Note: Subdivision condition 16.3.3.3(a) requires that for compact density development both the land use and subdivision consents are lodged with Council at the same time and assessed together.

Reverse Sensitivity – Brightwater Development Area

- (d) The activity must comply with rule 17.1.3.1(zd) Reverse Sensitivity.

C75 9/22
 Op 10/23

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) **Scale and Intensity of Use**
- (a) Whether the site is of sufficient size and configuration to allow the adequate mitigation of the effects of the proposal on the surrounding neighbourhood.
 - (b) Whether the intensity and scale of the proposal should be controlled to protect the amenity values of that neighbourhood.
 - (c) In the Brightwater and Wakefield Development Areas, whether a variety of housing density options is achieved.
- (2) **Site Layout**
- (a) The extent to which the siting and configuration of buildings and the uses on the site have a positive relationship with the street, in particular whether main entrances front the street with garaging and parking located to the rear of the site.
 - (b) The extent to which the siting and design of buildings, structures and open space adversely affects the acoustic environment of the adjoining property.
- (3) **Scale and Bulk**
- (a) Whether an increase in building coverage will increase the bulk of the building in such a way that it may cause dominance or intrusion on adjoining properties.
 - (b) Whether an increase in building coverage will adversely affect the amenity values and streetscape in the vicinity.
 - (c) Whether the proposed height of buildings and other structures, such as front fences, will be compatible with the height and visual character of the surrounding area and streetscape.
- (3A) **Setbacks from Indicative Roads and Reserves**
- (a) The extent to which alternative practical locations are available for the building.
 - (b) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.
 - (c) The extent to which alternative practical locations are available for future reserves.
 - (d) The effect of the building being sited within the setback of the indicative road or reserve.
- (4) **Building Design and External Appearance**
- (a) Whether the design and external appearance of buildings, including the scale, orientation and spacing, complements the existing buildings in the vicinity.
 - (b) Whether the bulk or repetitive form of buildings is likely to detract from the visual amenities of the neighbourhood.
 - (c) Whether garages, garage doors or car parking on the site dominates the appearance of the site development when viewed from the street or internal accessways. In general, they should be recessed behind the front building line and integrated in the building design in a way that does not dominate the street frontage or internal accessways.
 - (d) Whether lighting overspill from the site will adversely affect the amenity values of adjacent properties.
- (5) **Privacy**
- (a) Whether the siting and orientation of buildings and structures and the location of windows and entrances maintain an acceptable level of privacy between units and for adjoining neighbours, and whether any mitigation measures are used, for example by screening and planting.
- (6) **Safety**
- (a) Whether the proposal has an adverse effect on the level of safety on the street or public place (including public open space) in terms of public surveillance.

C75 9/22
Op 10/23
C76 9/22
D9/24

C73
Op 6/23

C66 10/17
Op 12/18

- (7) **Sunlight and Daylight**
(a) Whether an increase in the height of the building in relation to the boundary will adversely affect access of sunlight and daylight to adjoining sites and the safe functioning of the road.
- (8) **Servicing**
(a) The ability to adequately reticulate water supply, wastewater, stormwater and solid waste storage and collection.
- (9) **Landscaping**
(a) Whether the location, scale and design of landscaped areas effectively contributes to the amenity of the site and the wider area.
(b) Whether the development ensures the retention of any significant existing trees and vegetation.
- (10) **Private Outdoor Living Space**
(a) Whether the private outdoor living space is located and designed to ensure easy access from living areas, good exposure to sunlight, and maintains the amenity of the streetscape.
(b) Whether the private outdoor living space is appropriately screened from the private outdoor living space of other household units.
- (11) **Traffic (roading, access, parking, manoeuvring, loading)** C66 10/17
Op 12/18
(a) Whether vehicle access provided is functional and safe.
(b) Whether car parking is safe and convenient while still maintaining an acceptable aesthetic quality as viewed from the street, in particular, whether hard-paved areas associated with parking and garaging dominate the streetscape.
- (11A) **Reverse Sensitivity**
In relation to the Brightwater Development Area, whether the location and design of new or altered dwellings have appropriately addressed noise and vibration from the state highway. C75 9/22
OP 10/23
- Miscellaneous**
- (12) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (13) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (14) In the Motueka West Compact Density Residential Area south of Whakarewa Street the effects on sites of cultural significance to Māori. C80 12/23

17.1.3.4C Restricted Discretionary Activities (Building Construction or Alteration — Specified Location: Richmond Intensive Development Area - Intensive Development)

C66 10/17
Op 12/18

Construction or alteration of a building in the Richmond Intensive Development Area is a Restricted Discretionary activity, if it complies with the following conditions:

Location

- (a) The site is located in the Richmond Intensive Development Area.

Dwellings on a Site

- (b) More than one dwelling may be constructed on any site.

Item (allotment area) deleted as part of Plan Change 73

C66 10/17
Op 12/18
C73
Op 6/23

Site Coverage

C66 10/17
Op 12/18

(d) The maximum site coverage is 70 percent.

Building Coverage

(e) Maximum building coverage on a site is 50 percent.

Fences

C73
(D 9//22)

(ea) Any fence, wall or screen erected in the front yard is no more than 0.8 metres in height.

Outdoor Living Space

(eb) Each dwelling complies with the following requirements:

Units at Ground Floor	Units Above Ground Floor
<u>At least 20 square metres of contiguous private outdoor living space which is capable of containing a 4-metre diameter circle within its shape.</u>	(i) <u>At least 7 square metres of balcony with a minimum depth of 1.5 metres, with at least a 1 metre wide roof or overhang (including balcony above).</u> (ii) <u>Any balcony, including a roof top balcony, is no closer than 4 metres from an internal or side boundary.</u>

(ec) Outdoor living spaces are readily accessible or contiguous from a living area of the dwelling.

(ed) Outdoor living spaces are not obstructed by buildings, vehicular access, manoeuvring or parking areas, from the ground level upwards.

(ef) Outdoor living spaces are not located on the southern or eastern side of the dwelling.

(eg) Outdoor living spaces are designed in accordance with the Urban Design Guide (Part II, Appendix 2).

Items (Outdoor Living Space and Fences, and Internal Boundaries) deleted as part of plan change 73.

C66 10/17
Op 12/18
C73
Op 6/23
)

Road Boundary Setback

(faa) All buildings are set back at least 2 metres from the road boundary and no more than 5 metres, except that all garages and carports are set back at least 5.5 metres from road boundaries if the vehicles entrance of the garage or carport faces the road.

Side and Rear Boundary Setbacks for Boundaries where Adjoining Land does not contain a Standard Density Dwelling

(fab) Except where condition (fd) of this rule applies:

- (i) all buildings are set back 4-metres from one side or rear boundary to an adjoining site;
- (ii) if there is a shared access/right-of-way within the 4-metre setback, the setback shall be taken from the external boundary common to the adjoining site;
- (iii) where there is no vehicular access to the rear of the site from a legal road or approved access, in addition to items (i) and (ii) of this condition, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site.

Building Envelope for Boundaries where Adjoining Land does not contain a Standard density DwellingC66 10/17
Op 12/18
C73
Op 6/23

(fb) Except where condition (fd) of this rule applies, all buildings comply with the following requirements:

- (i) There is no road boundary building envelope requirement.
- (ii) For the most southern orientated side or rear boundary, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point along the entire boundary.
- (iii) For the remaining side and rear boundaries, all buildings are wholly within an envelope created by taking a vertical line from the boundary 6 metres above ground level and then at an angle of 45 degrees inwards from that point. This applies for no more than 50 percent of the total boundary length. For the balance 50 percent of the total boundary length, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point.

C66 10/17
Op 12/18

Item (fc) deleted as part of plan change 73

C66 10/17
Op 12/18
C73
Op 6/23
C73
Op 6/23**Adjoining Land that Contains a Dwelling that was Not Constructed as Part of an Intensive Development**

(fd) Where the land adjoining the boundary of the site contains a dwelling that was not constructed as part of an intensive development subdivision; or there exists a current building consent for a dwelling that is not being developed as an intensive development, the following provisions apply:

Building Envelope – daylight over and around

- (i) No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in Schedule 17.1A.
- (ii) For any roof with a slope of 15 degrees or greater and the roof ridge is generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the indicator plane and the end area up to 2.5 square metres when viewed in elevation.
- (iii) As an alternative to conditions (i) and (ii), buildings on south-facing slopes (between west and east) over 10 degrees comply with the following on any nominated boundary:

A building must fit within the arms of a 110-degree angle shape placed 35 degrees from the boundary (as shown in Schedule 17.1B). Only one angle may be used on any one boundary.

Permitted intrusions into the daylight around angle are:

- a) eaves (not more than 600 millimetres);
- b) buildings and structures complying with the special height limiting lines outside the angle.

The following applies with respect to (b). Parts of the building or detached outbuildings may be outside the daylight around angle but only up to a certain height. To find out how high a building outside the arms may be, use the following steps:

- (1) Apply the daylight around angle (Schedule 17.1C) to find out how high exceptions may be. Start at 2 metres above ground level at point “P”. The maximum height then increases 0.5 metres for each 2 metres distance from the boundary. All heights are measured relative to point “P”.

- (2) The right-hand side of the indicator is at 1:200 scale, and 1:100 on the left-hand side. Apply the one that is appropriate to your site plan.

Side and Rear Boundary Setbacks

- (iv) Buildings are set back at least 1.5 metres from the side or rear boundaries on one side and at least 3 metres from all other-side or rear boundaries in the case of all buildings except:
- a) no setback is required from side or rear boundaries for buildings with a common wall on the boundary along that part of the boundary covered by the common wall;
 - b) where a garage or carport is an integral part of a dwelling and forms an external wall adjoining a site boundary; or a carport is attached to an external wall of a dwelling; the provisions of (v) apply to that part of the dwelling that is a garage or carport;
 - c) accessory buildings;
 - d) telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height.
- (v) Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:
- a) the wall of the building adjacent to the boundary contains no windows;
 - b) any accessory building adjacent to the boundary does not exceed 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;

Note:

For the avoidance of doubt, this means that for any boundary of the site where the land beyond contains a dwelling that was not constructed as part of an intensive development, then the building envelope and setback rules for the standard density development apply. (Note these standard density rules are in (i) – (v) of this condition).

In any case, where the adjoining land does not contain a dwelling or the dwellings were constructed as part of an intensive development, then the rules in (fab) and (fb) apply.

The separation between developments of different densities may be achieved by using roads, reserves or vacant lots. This creates a clear delineation without losing amenity values or the inefficient use of land resources.

Setback from a rural or industrial zone

- (fe) Dwellings are set back at least 25 metres from a rural zone boundary and at least 10 metres from an industrial zone boundary.

Setbacks from a river

- (ff) Buildings are set back at least:
- (i) 3 metres from the top of the bank of any river with a bed less than 1.5 metres in width;
 - (ii) 8 metres from the top of the bank of any river with a bed between 1.5 metres and 5 metres;
 - (iii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.

Privacy Setback

- (fg) Notwithstanding conditions (faa), (fab) and (fd) of this rule, dwellings shall be set back at least 3 metres from the nearest part of any other dwellings, except that no separation is required when there is a common wall.

HeightC66 10/17
Op 12/18

- (g) The maximum height of any building is 7.5 metres.

Building LengthC73
Op 6/23

- (h) The maximum length of any exterior upper floor wall is 12 metres before a recess with a minimum dimension of 3 metres depth by 3 metres length is required in the wall with a corresponding non-continuous eave.

Item (i) (Privacy) deleted as part of plan change 73.

C66 10/17
Op 12/18
C73
Op 6/23**Stormwater**C66 10/17
Op 12/18

- (j) (i) EITHER
- All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
- (k) Where a site or part of a site is located within a specified stormwater flood flow path as shown on the planning maps:
- (a) the development provides for the stormwater flood flow to cross the post-development site and retains the pre-development upstream entry and downstream exit points of the stormwater flood flow to and from the site;
 - (b) the flood flow path surface is constructed or treated to prevent erosion of the surface;
 - (c) the floor level of any habitable building is 0.5 metre above the 1 percent Annual Exceedance Probability flood flow level along the flow path.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) Matters of restricted discretion (1) to (13) of rule 17.1.3.4B.
- (2) Consistency with the Urban Design Guide (Part II Appendix 2).

Non Notification

Applications for resource consent that comply with the conditions of this rule will be decided without limited notification and without public notification.

17.1.3.4D Discretionary Activities (Building Construction or Alteration – Specified Location: Richmond Intensive Development Area - Intensive Development)

C66 10/17
Op 12/18

Construction or alteration of a building that does not comply with the conditions of rule 17.1.3.4C is a discretionary activity, if it complies with the following conditions:

- (a) The activity is located in the Richmond Intensive Development Area.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the matters and criteria set out in rule 17.1.3.4C as well as other provisions of the Plan and the Act, in particular:

- (1) The degree of compliance with the applicable conditions of rule 17.1.3.4C.
- (2) The reasons for non-compliance.
- (3) Consistency with the Urban Design Guide (Part II Appendix 2).

17.1.3.4E Discretionary Activities (Building Construction or Alteration – Specified Location: Wakefield)

C58 11/15
(D 9/16)
C66 10/17
Op 12/18

Construction or alteration of a building that does not comply with the conditions of rules 17.1.3.1 to 17.1.3.4A is a discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the matters and criteria set out in rules 17.1.3.1 to 17.1.3.4 as well as other provisions of the Plan and the Act, in particular:

C58 11/15
Op 7/17

- (1) The degree of compliance with the applicable conditions of rules 17.1.3.1 to 17.1.3.4.
- (2) The reasons for non-compliance.
- (3) Consistency with the Urban Design Guide (Part II Appendix 2).

Non Notification

Applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

17.1.3.5 Non-complying Activities (Building Construction or Alteration)

C5 3/06
Op 10/10

Construction or alteration of a building that does not comply with the conditions of rule 17.1.3.4, 17.1.3.4A, 17.1.3.4B, 17.1.3.4D and 17.1.3.4E is a non-complying activity.

C66 10/17
Op 12/18

A resource consent is required. Consent may be refused or conditions imposed.

C53/06 Op 10/10

17.1.20 Principal Reasons for Rules

Building Coverage

Both maximum building coverage and the minimum net site area enable the retention of settlements dominated by open space, rather than buildings, with space available for tree and garden plantings.

C59 11/15
Op 3/16

Building coverage in Richmond, Motueka, Wakefield and Brightwater is increased, giving greater opportunity to meet the demand for consolidation of these settlements and flexibility for building design provided there is adequate stormwater detention as a consequence of the increased building coverage.

A site coverage limit is introduced to help ensure there is space for some stormwater mitigation on site. C22 2/11
Op 1/15

Higher coverage is permitted on sites for comprehensive, intensive and compact density development compared with standard density residential sites. With sites for intensive and compact density development, it is intended to encourage two-storey developments that enhance thermal efficiency but also to ensure that there is sufficient outdoor space provision, some stormwater dispersal and sunlight entry on site. C66 10/17
Op 1/18

Setback from Roads

The setback will promote an open and pleasant appearance of sites as viewed from the streets and adjoining properties and to allow space for vegetation, but also to enable efficient and practical use of sites.

Where garage doors face the road, sufficient space is required to allow for a vehicle to be parked off the street and for garage doors to be opened. Locating a garage closer than 5.5 metres to the road boundary is a non-complying activity. Garages may be located closer to the road boundary (up to 2 metres from the boundary) as a discretionary activity where the vehicle door of the garage is at right angles to the road boundary. This acknowledges that vehicle parking and manoeuvring occurs elsewhere on the site, and it may enable a site to be used more efficiently. As a discretionary activity, consideration can be given to the visual effects of the garage location.

Greater setback is required from Queen Victoria Street to allow for landscaping and a possible future bypass. C43 4/13
Op 1/15

The setback for compact density and intensive building development from the road boundary is less than the setback for standard development. The reduced setback enables buildings to front onto the street. This is encouraged for both amenity and safety reasons provided that the safe functioning of the road is not compromised. C66 10/17
Op 12/18

Indicative Roads and Reserves

The indicative road and reserve networks are a critical element to managing growth within the Tasman District. A planned network provides well-connected and accessible living and business environments. The design and placement of roads and reserves also has the potential to contribute to the level of amenity and character of each area. The building setback requirement protects the future alignment and ability to establish these roads and reserves. In one area (Pohara area between Richmond Road and Falconer Road) the final location of the indicative roads has a degree of uncertainty greater than that which justifies protection of the future transportation corridor through managing building placement. As such, the building setback requirements do not apply in that area. The final location and construction of indicative roads and reserves (and walkways) are managed through the subdivision consenting process in Chapter 16.3. Other rules relevant to indicative roads and reserves can be found in Chapter 28. C73
Op 6/23

Setbacks from Internal Boundaries

Side yard requirements are set to provide sufficient space to manoeuvre a vehicle to the back of a site, if required, and to enable efficient and practical use of the rest of the site, whilst also mitigating adverse effects of buildings on adjoining sites. A separation distance of buildings from adjoining neighbours' boundaries reduces the dominance of buildings on the outlook of adjoining sites, enables access to daylight along all sides of the site and provides a degree of privacy consistent with urban living. These values are likely to have been taken into account in the design of buildings that share a common wall and the requirement of setback is relaxed accordingly.

Accessory buildings are permitted closer to or up to the boundary in order to allow more flexible use of this space. However, if accessory buildings are located close to boundaries and have long blank walls, this may affect the outlook from adjoining properties as a result of the dominance of the site by a lengthy wall at close proximity. Consequently, provisions limit the length of walls of accessory buildings if located within 1.5 metres of a boundary.

Other Setbacks

Setbacks have been required for dwellings on sites adjoining Rural 1, Rural 2, Rural 3 and Industrial zones, in order to protect residential activities on these sites from potential adverse effects of non-residential activities.

Buildings need to be set back from accesses to allow sufficient space for windows and doors of buildings to open and the doors of vehicles to be opened.

Natural hazards, particularly erosion, are also a consideration in requiring setbacks, including building setbacks within specified distances from rivers.

Building Height

The height and daylight admission performance requirements are intended to retain outlooks which are not dominated by buildings, and to ensure good access to sunlight and daylight and levels of privacy by not being overlooked, consistent with urban living. The maximum of 7.5 metres will generally achieve this.

The lower height provisions for small sections reflect the need to avoid dominance and overlooking of adjoining sections by larger, higher buildings on smaller sites.

However, for compact residential development, a higher height limit is permitted if there is careful integration of buildings and surrounding spaces that retains residential amenities. C22 2/11
Op 1/15

The lower height of accessory buildings compared with the principal building is also consistent with the ability to locate accessory buildings in the side and rear yards.

Daylight Admission

C73
Op 6/23

Daylight admission lines are intended to reduce shading of adjoining sites by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line is based on obtaining some sun onto sites even in mid-winter at midday. The angles ensure reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites.

Some exceedances of the daylight admission lines are allowable for the end of a roof ridge or for solar panels, recognising the limited dimensions of these items. These allowances only apply to standard density development in the Residential Zone. Exceedance of daylight admission lines in compact density, intensive, and comprehensive residential developments may have a greater level of effect that should be considered through a resource consent process. C73
Op 6/23

Building Design and Appearance

In residential areas, long buildings parallel to boundaries can be visually unattractive and affect the visual amenity enjoyed on adjoining properties and from streets. Breaks between buildings or changes in building orientation with associated change in roof line, can improve the pleasantness and openness of outlook from adjoining streets and sites by avoiding the dominance of continuous lengthy building form.

Fence Height

C69 6/19
Op 6/20

Reduced fence heights are required along principal or collector roads within the Richmond East Development Area and in the Richmond West Development Area on the indicative walkway or walkway separating the Mixed Zone from the Residential Zone west of Borck Creek for the purposes of promoting public safety and visual amenity. C20 8/10
Op 8/12
C79 11/24

In comprehensive, compact and intensive density residential development, reduced fence heights are required to encourage informal surveillance between the property and the street and to maintain street amenity. C43 4/13 Op 1/15
C66 10/17 Op 12/18

Outdoor Living Space

A minimum area, shape and location of outdoor living space is required for dwellings to ensure that an area of each site is set aside which is sufficient to meet the outdoor living needs of current and future residents of the site and meet needs for access to sunlight and fresh air. Requirements regarding proximity to living areas

are intended to ensure that outdoor living spaces are pleasant, convenient and are likely to be available to be used by residents.

Alternative provision of a balcony reflects the practical difficulties for residents of units above ground-floor level of using outdoor living space at ground level. Reduced requirements for dwellings on sites of less than 350 square metres reflect the smaller potential size of units and the lower levels of occupancy likely.

The size of buildings as dwellings on any residential site and the number of dwellings allowed are governed by the building coverage limits. Open space amenity for each dwelling is protected by other rules, in addition to building coverage.

C59 11/15
Op 3/16

Home Occupations

Home occupations have the potential to impact on neighbours in terms of noise, odour, dust, visual effects, vibration, glare, loss of privacy, traffic and parking congestion. Specific activities (spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing) are not permitted home occupations due to the activities inherent unsuitability to the residential environment. The controls are intended to ensure that the residential areas of the District remain dominated by residential, rather than by non-residential, activities.

C73
Op 6/23

The total floor area of buildings used for home occupations and the number of people employed on site are limited as key factors in minimising the scale and size of home occupations so that they remain incidental to residential activities on the site. The location of activities is also limited as it can affect the noise and visual amenity enjoyed within a Residential Zone. The hours that a home occupation can operate will affect the level of noise and disturbance experienced in Residential Zones. However, hours of operation are not applicable for home occupations that are visitor accommodation.

Retail sales and display of goods are excluded from sites of home occupations as this activity often involves significant vehicle and pedestrian movements which may generate noise, fumes, glare, disturbance, loss of privacy, traffic and parking congestion, and loss of traffic safety incompatible with the amenity and character of residential areas. Activities which are highly likely to have adverse effects such as odour, dust, vibration and noxiousness are excluded to preserve the amenity of residential areas.

Vehicle trips associated with home occupations are commonly the cause of nuisance, inconvenience, or loss of amenity for neighbours, and limitations on the scale of vehicle trips generated can allow the assessment by way of a resource consent of any activity likely to result in additional traffic generation. The adverse effects of vehicle generation can be exacerbated in cul-de-sacs or on residential accessways shared with neighbours, which are often quieter, narrower, and with more limited parking and manoeuvring space than through streets.

Community Activities

Small-scale community activities are permitted provided they do not generate excessive traffic and noise that can cause a nuisance to neighbours.

Noise

Restrictions on noise levels are necessary in and adjoining a Residential Zone, as generally, prevailing noise levels are low and need to be maintained low in order to protect the pleasantness and amenity of these areas. In addition, limits on the hours of operation of non-residential activities in residential areas are necessary to maintain the amenity of these areas. The hours over which a non-residential activity operates is a significant determinant in the level of adverse effects likely for neighbours as a result of noise, traffic generation, vibration, loss of privacy, and general disturbance incompatible with residential amenity.

Noise limits are set in relation to the existing background noise levels which have been measured in many residential parts of the District. The dBA L_{eq} level sets a standard for noise measurement attuned to the human ear, which is an average of the noise measured over a specified time interval. This reflects noise levels generated by normal residential activities. The L_{max} level controls peak levels of noise at night-time, and minimises sleep disturbance.

Heavy vehicle trips can result in adverse effects that are significantly greater than those of other vehicle trips, as a result of noise, vibration, fumes, traffic congestion and safety. This rule recognises that the

storage of heavy vehicles on a site in a residential area can have adverse effects on amenity values. However, by enabling one vehicle to be stored on a site, it recognises that residents often need to store their employment-related vehicle at home.

Dust and Odour

Dust and odour can adversely affect health and the amenity enjoyed in all zones and may also adversely affect the operation of other activities such as food processing. As the effects of dust are often able to be mitigated, it is considered appropriate that mitigating measures be undertaken where possible.

Glare

Lighting can interfere with the enjoyment of a property and the sleep of occupants. These effects can be mitigated by altering the direction of lighting. Reflective surfaces such as metal and glass on buildings, fences or other structures can adversely affect the amenity enjoyed on adjacent sites. While it is not practical to require people to take steps to mitigate the effects of glare from glass surfaces, the effects from metal surfaces can be mitigated by painting or coating with a non-reflective finish.

Farming, Horticulture and Keeping of Animals

The keeping of animals, birds and bees in a Residential Zone is limited so as to avoid and mitigate any adverse effects such as noise, odour, flies, stings (which may be a nuisance or to which people may be allergic). The establishment of new horticultural units is also limited, to mitigate the adverse effects associated with the use of agricultural sprays, shelter belts and trees close to neighbours' boundaries.

Papakainga Development

Provision for papakainga development in the Residential Zone acknowledges the differing housing needs of the Māori community and the likelihood that this type of development will not conform with the standards and terms for traditional New Zealand low density subdivision and housing developments. By making papakainga developments a controlled activity, the Plan is providing greater flexibility whilst ensuring control is reserved over matters that have the potential to adversely affect adjoining landowners.

Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua Special and Mapua Development Areas

C5 3/06
Op 10/10

The Residential Zone forms part of the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West and Mapua development areas. Compact density development is provided for through specific standards, and dwellings are to be located as approved through the subdivision process. Quality urban design is an important factor to achieving the overall goals for the Development Areas, and this has been implemented through a subdivision and development design guide. All development in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua and Mapua Special development areas is subject to the requirements of the Urban Design Guide (Part II, Appendix 2). In the Brightwater Development Area development is to take into account the management of noise received from the state highway.

C22 2/11
Op 1/15
C43 4/13
Op 1/15

C75 9/22
Op 6/23

C76 9/22
(D9/24)

Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Brightwater Development Area ~~applies~~ and Motueka West Compact Density Residential Area south of Whakarewa Street for Restricted Discretionary Activity applications for subdivision and Controlled Activity applications for land use. This responds to the objectives and policies in the TRMP which:

C80 12/23

- Seek efficient use of land and infrastructure,
- Encourages medium density housing development of a high standard in suitable locations,
- Seeks a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Brightwater, Wakefield Development Areas and Motueka West Compact Density Residential Area south of Whakarewa Street because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density Development along the external boundaries of the proposal site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development.

Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario.

In the Wakefield Development Area, there is a requirement that subdivisions provide a proportion of lots that are smaller than 450m². Rule 17.1.3.1 permits dwellings on standard density lots. An additional permitted rule (Rule 17.1.3.1A) applies to new dwellings on the sites that are smaller than 450m², and also permits second dwellings that are on the sites that are greater than 600m².

C76 9/22
D9/24

Stormwater

C7 7/07
Op 10/10

Building work and land development which involves the use of hard (impervious) surfaces, affects stormwater flows and water quality from land. Rules require the effective management of stormwater and control of the effects of stormwater run-off in residential areas.

Water and Wastewater

C22 2/11
Op 1/15

Because water, wastewater and some stormwater services at Mapua and Ruby Bay are over their design capacity, second dwellings are not included as a controlled activity in the Residential Zone in this locality. At Ruby Bay and parts of Tahī and Iwa streets, there is also a need to minimise the number of dwellings exposed to coastal hazard risk so second dwellings are not permitted there.

Richmond Intensive Development Area

C66 10/17
Op 12/18

The Richmond Intensive Development Area (RIDA) is located in the Residential Zone in Richmond close to the town centre. It provides for residential intensification through a combination of infill in and redevelopment of the existing area. In addition to standard density development, medium density development in the form of Intensive development is provided for through specific standards.

In RIDA, consent for subdivision and residential building activity for Intensive development can be applied for separately. Land Use (building construction) is a Restricted Discretionary activity if key standards are met.

In RIDA, Intensive housing with a high standard of amenity is provided for through adherence to minimum standards for density, height, setbacks, bulk and scale of the housing relative to its context, and adjacent land uses, including streets. For RIDA, a reduced lot size of 200sqm is provided for Intensive housing, along with reduced parking and access standards that are appropriate for Intensive housing located close to the town centre. Standards for Intensive housing in RIDA also protect privacy and visual amenity.

Some of the bulk and location standards for Intensive housing are the same as those for Compact Density housing including the requirements for outdoor living space, the building envelope and external boundary setback standards. Buildings up to 7.5 metres in height are Restricted Discretionary activity. Buildings that are higher than 7.5m are a Discretionary activity.

The building construction provisions for RIDA include a condition that provides for a recess in buildings that have two or more storeys and exceed a certain length. The provision is expected to reduce the visual effects of solid walls on neighbouring properties and contribute to amenity values in the vicinity.

Stormwater from additional development in RIDA is managed so that it does not cause flooding or contribute to any damage caused by flooding. To that end, a permitted stormwater standard provides for onsite stormwater detention for additional site coverage resulting from new development; for specified flow path protection and for partial infiltration of stormwater to ground. The planning map titled 'Richmond Intensive Development Area – Specified Stormwater Flood Flowpaths' shows the major flowpaths within RIDA. It does not show minor stormwater flowpaths or flows resulting from unexpected blockages.

Non-notification

C76 9/22
D9/24

Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Wakefield Development Area applies. This responds to the objectives and policies in the Tasman Resource Management Plan which:

- Seek efficient use of land and infrastructure.
- Encourages medium density housing development of a high standard in suitable locations.
- Seeks a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Wakefield Development Area because the structure of Compact Density Development rule 17.1.3.3 g) Means that Compact Density Development along the external boundaries of the proposal site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario.

SCHEDULES

Schedule 17.1A: Daylight Admission Angles

Refer to rules 17.1.3.1, 17.2.4.1, 17.4.3.1, 17.5.3.1, 17.6.3.1, 17.7.3.1, 17.3.3.3, 17.8.3.1, 17.9.2.1, 17.10.3.1.

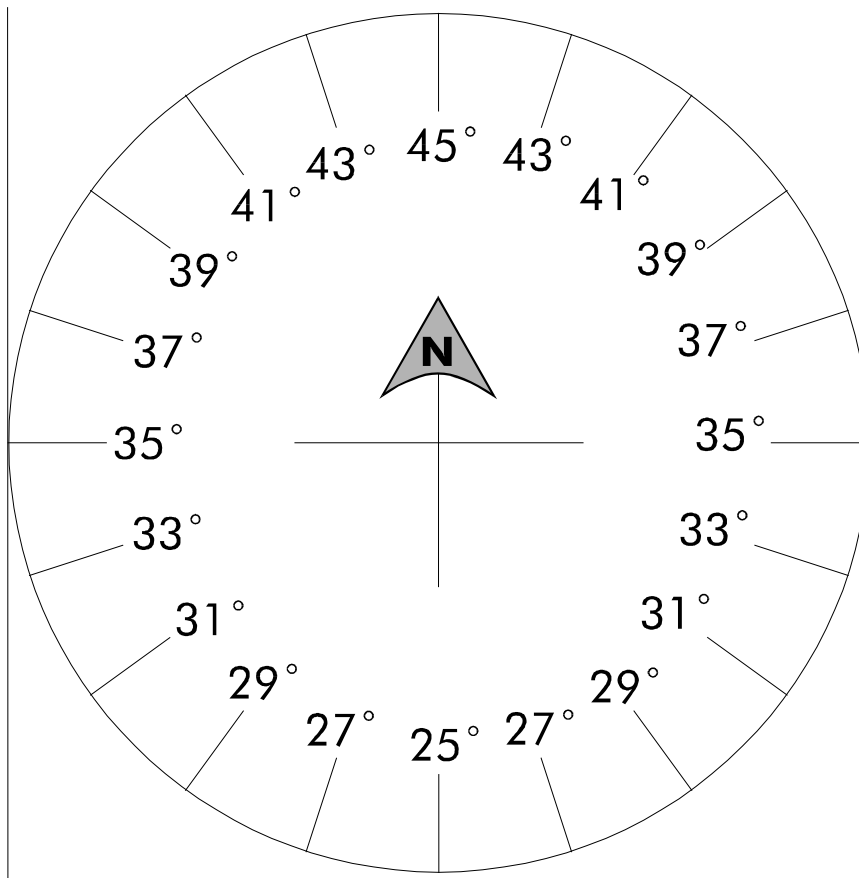
The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

- (a) Place the circumference of the elevation calculation disc on the inside of the boundary for which the calculation is required so that the north point indicator is aligned with the north point on the site plan.
- (b) A separate calculation is required for each site boundary.
- (c) Read off the elevation angle closest to the point of contact between the boundary line and the circumference of the elevation calculation disc. This is the maximum angle of elevation permitted along that boundary.

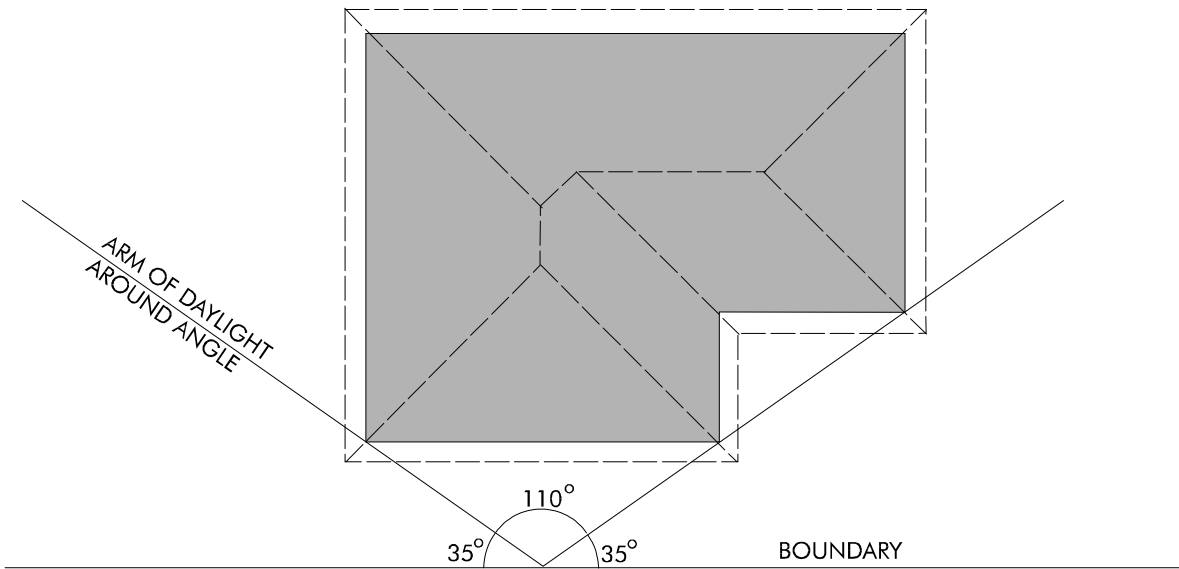
In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

Note: Vertical lines represent site boundaries.

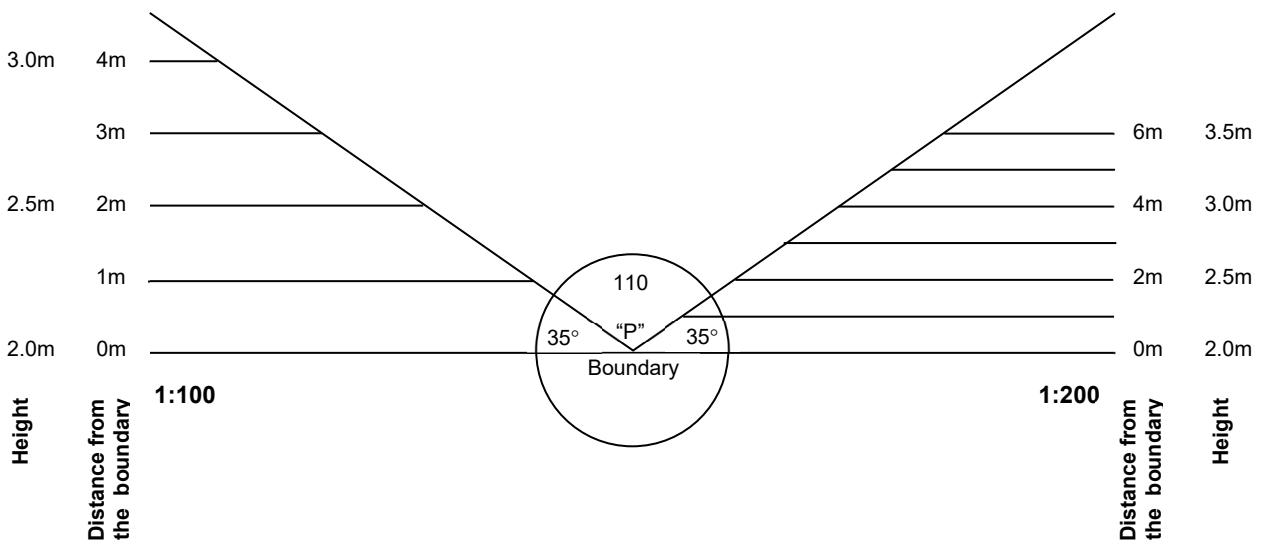
Daylight Admission Angle Diagram



Schedule 17.1B: Daylight Around Angle



Schedule 17.1C: Permitted Height outside Daylight Around Angle



Schedule 17.1D: Waimea Village Residential Development

Permitted Activity Conditions

Refer to condition 17.1.3.1(a) and Zone planning maps 121 and 124.

- (1) The activity is a comprehensively designed residential development.
- (2) Every allotment for which there exists a title is entitled to one dwelling.
- (3) No dwelling unit is located closer than 3 metres from the north eastern side boundary or the south eastern rear boundary of the Waimea Village site.
- (4) Within the site, every dwelling is located on its own site to provide minimum setbacks of 1.5 metres except as detailed in (3) above.
- (5) The maximum height of any dwelling unit and accessory building is 4.5 metres.
- (6) Every structure is contained within a daylight control angle commencing at 2 metres above ground level and inclined over the site at an angle of 45 degrees. This applies on every site boundary with the site of another dwelling unit.
- (7) Where parking is provided on individual sites for dwellings, these shall be a 3-metre by 5-metre car park which is located in a position where it can be occupied by a garage or carport without encroachment on any daylight angles. NPS-UD
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- (8) Each dwelling site contains an open living court with a minimum area of 30 square metres and a minimum dimension of 3 metres, and an open service court with a minimum area of 9 square metres. Both courts are unencumbered by vehicle or parking or access areas for any building.
- (9) A landscape plan is submitted to the Council for any development prior to the uplifting of any building consent, and landscaping is established and maintained in accordance with such plan.

[Condition (10) deleted]

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Subdivision Conditions

- (1) Minimum area - 160 square metres and in accordance with the following size range:
 - 30% in the range 160 square metres to 180 square metres
 - 50% in the range 181 square metres to 200 square metres
 - 20% in the range 201 square metres to 220 square metres
- (2) There are no frontage requirements. Legal access is provided to sites by rights-of-way with a minimum width of 6 metres.
- (3) Each site is capable of accommodating a circle of 10 metres in diameter.
- (4) Open space is provided at a rate equivalent to not less than 60 square metres of open space per allotment developed from the land in Records of Title 10C/728 and 8C/219.

For the purposes of Condition (4), the words "open space" mean green space for the use, recreation and enjoyment of residents of the comprehensive development and their visitors but such open space is permitted to contain gravelled, sealed and paved walkways within the green space.

**Schedule 17.1E: Permitted Activity Conditions – Champion Road Site
(24 Champion Road)**

Refer to condition 17.1.2.1(p).

- (a) The activity is a funeral director's workshop, viewing room and chapel, including casket making and monumental stone masonry work as ancillary activities.
- (b) Buildings are set back 10 metres from the boundaries of adjacent sites.
- (c) Planting must be established and maintained as follows:
 - (i) Dense screen planting must be provided to a depth of five metres along the boundaries of adjacent sites.
 - (ii) Landscape planting must be provided to a depth of two metres on the site road frontages.
- (d) Access must be as follows:
 - (i) For the chapel, at least 150 metres from the Champion Road/Salisbury Road intersection.
 - (ii) For the viewing room and residence, at least 60 metres from the Champion Road/Salisbury Road intersection.
 - (iii) Accesses must be formed and sealed to the Council's standards.
 - (iv) Access of funeral corteges to enter the Champion Road/Salisbury Road intersection must occur only under the control of the NZ Police department.
- (e) Parking must be as follows:
 - (i) Car parking areas must be formed, sealed and drained.
- (f) The activity meets permitted activity conditions for dust and odour, noise and stormwater for land uses in the zone, and buildings meet all permitted activity conditions in 17.1.3.1, except that for building coverage.
- (g) Any other consent required by this plan in respect of the activity must be obtained prior to the activity commencing.

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