

# CHAPTER 17: ZONE RULES

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**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.

NES-FW (ca)  
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;
- (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;
- (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;
- (ix) a home occupation, except as allowed by rule 17.1.2.2.

C22 2/11 Op 1/15  
C66 10/17 Op 12/18  
C73  
Op 6/23C19 5/10  
Op 8/12**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**

	<b>Day</b>	<b>Night</b>
$L_{eq}$	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: C10 10/07  
Op 3/14

	Day	Night
L <sub>eq</sub>	55 dBA	40 dBA
L <sub>max</sub>		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*.

### 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. C73  
Op 6/23
- (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;

- (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 <sub>eq</sub> )
Living areas	35
Sleeping areas	30
Work areas	35
Apartment common areas (e.g. foyer, lift, lobby)	45
<b>Note:</b> 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<br>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<br>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.

### 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.
- (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 6/23
- C76 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: C10 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. C5 3/06  
Op 10/10
- 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.

### Stormwater

- (z) (i) EITHER C7 7/07  
Op 10/10
- 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/m<sup>2</sup> 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.

<b>17.1.3.2 Controlled Activities (Building Construction — Standard Density Development)</b>
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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.
- (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.

C22 2/11  
Op 1/15

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.

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

- (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)**C66 10/17  
Op 12/18

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 in the Richmond South, Richmond West, Brightwater, Wakefield and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, has been lodged concurrently, the construction or alteration of a building on a site within that proposed subdivision 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**C5 3/06  
Op 10/10

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

**Site Coverage**C59 11/15  
Op 3/16

- (c) Maximum site coverage is 70 percent.

**Building Coverage**

- (ca) Maximum building coverage is 50 percent.

**Stormwater – Richmond South and West Development Areas**C10 10/07  
Op 3/14

- (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). C66 10/17  
Op 12/18

**Reverse Sensitivity**C75 9/22  
Op 10/23

- (n) For Compact Density Development in the Brightwater Development Area, the activity must comply with rule 17.1.3.1(zd) *Reverse Sensitivity*

**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
  - (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 a</u> At least 20 square metres <del>(except at Mapua and Motueka, 30 square metres)</del> of contiguous private outdoor space which is capable of containing a 4-metre diameter circle within its shape. <u>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"> <li>(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).</li> <li>(ii) Any balcony, including a roof top balcony, is no closer than 4 metres from an internal or side boundary.</li> </ul>

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

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

- |     |   |                     |
|-----|---|---------------------|
| (i) | Outdoor living spaces are readily accessible or contiguous from a living area of the dwelling.  | C5 3/06<br>Op 10/10 |
| (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.  |                     |
| (l) | Outdoor living spaces are designed in accordance with the Urban Design Guide (Part II, Appendix 2).                                   | C22 2/11<br>Op 1/15 |

**Stormwater**C7 7/07  
Op 10/10

- |     |   |  |
|-----|---|--|
| (m) | <p>(i) EITHER</p> <p>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.</p> <p>OR</p> <p>The discharge complies with section 36.4 of this Plan.</p> <p>AND</p> <p>(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.</p> |  |
|-----|---|--|

**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)  | <p>Consistency with the Urban Design Guide (Part II, Appendix 2) on the following matters:</p> <ul style="list-style-type: none"> <li>• Allotment layout</li> <li>• Dwelling size</li> <li>• Street network</li> <li>• Garaging and car parking</li> <li>• On-site amenity</li> <li>• Frontages</li> <li>• Public open space</li> </ul> | C10 10/07<br>Op 3/14<br><br>C22 2/11<br>Op 1/15 |
| (2)  | Rooding, traffic, vehicle access, parking, cycleways and walkways.  | C5 3/06<br>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<br>Op 10/10                             |
| (7)  | Earthworks.   | C5 3/06<br>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<br>Op 10/23                            |

(13) In the Motueka West Compact Density Residential Area south of Whakarewa Street the effects on sites of cultural significance to Māori.

C80 12/23

**Non-notification**

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 Wakefield Development Areas.

C75 9/22  
Op 10/23  
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.

**Stormwater**C7 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 Zone**C22 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** C75 9/22  
OP 10/23  
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.

### 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

<b>17.1.3.4C Restricted Discretionary Activities (Building Construction or Alteration — Specified Location: Richmond Intensive Development Area - Intensive Development)</b>	C66 10/17 Op 12/18
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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:

<b>Units at Ground Floor</b>	<b>Units Above Ground Floor</b>
<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 Dwelling**C66 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.

**Height**C66 10/17  
Op 12/18

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

**Building Length**C73  
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.

C5 3/06 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 12/18

### 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 450m<sup>2</sup>. 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 450m<sup>2</sup>, and also permits second dwellings that are on the sites that are greater than 600m<sup>2</sup>.

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 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.*

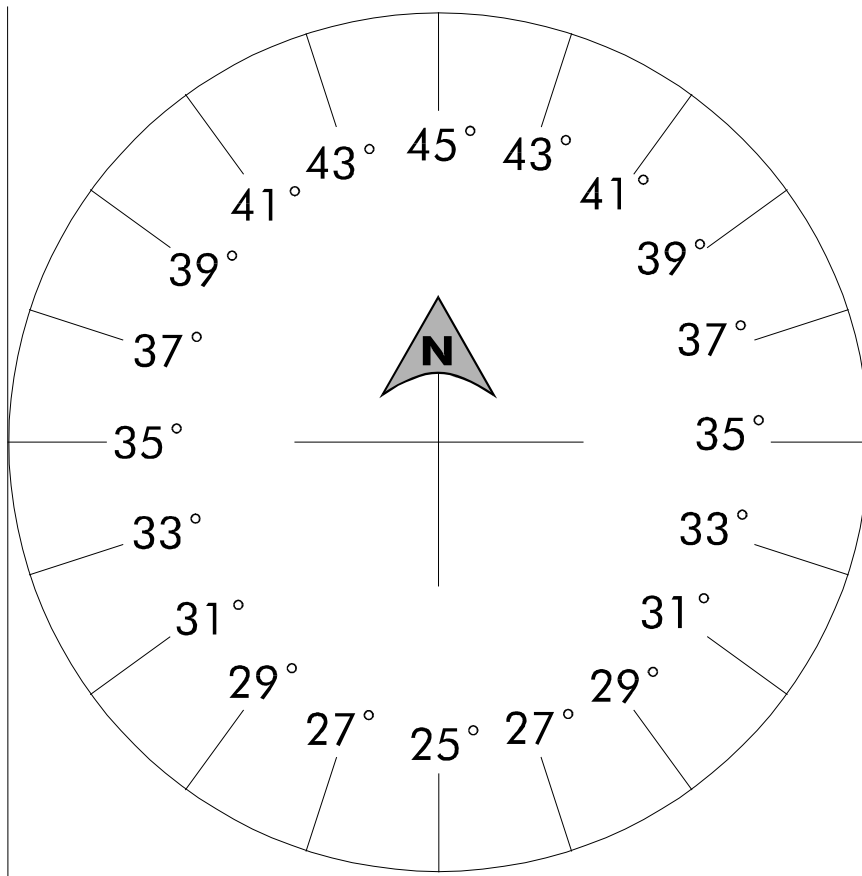
The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

- (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.

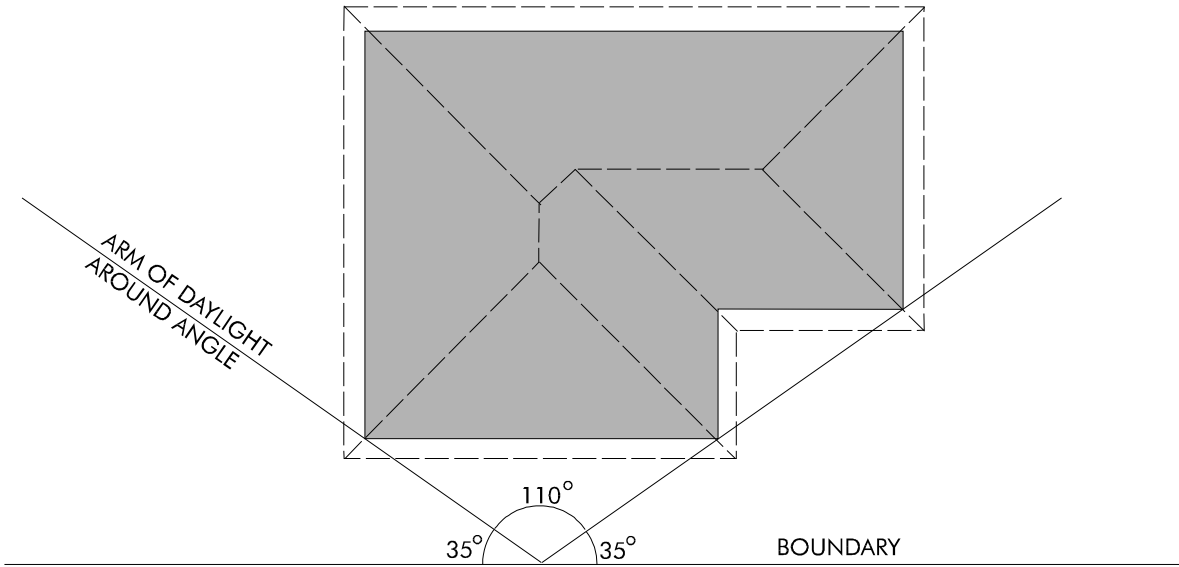
In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

**Note:** Vertical lines represent site boundaries.

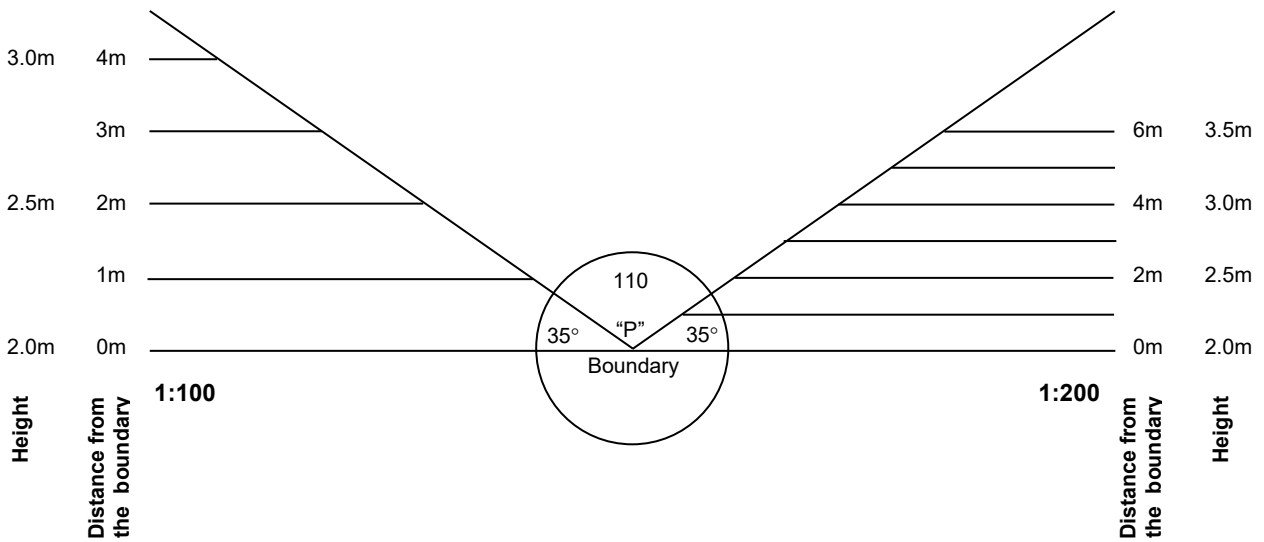
**Daylight Admission Angle Diagram**



**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  
9/21
- (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]*

NPS-UD 09/21

### 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.

NPS-UD  
09/21

## 17.2 CENTRAL BUSINESS, COMMERCIAL AND TOURIST SERVICES ZONE RULES

*Refer to Policy sets 5.2, 6.6, 6.7, 11.1, 11.2, 14.4.  
Refer to Rule sections 16.1, 16.2.*

### 17.2.1 Scope of Section

This section deals with land uses in the Central Business Zone, Commercial Zone, and Tourist Services Zone. Rules apply to all three zones unless otherwise stated. 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.

NES-FW (ca)  
12/20

### 17.2.2 Land Use - Central Business and Commercial Zones

#### 17.2.2.1 Permitted Activities (Land Use – Central Business and Commercial Zones)

Any land use in the Central Business Zone or Commercial Zone 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 industrial activity (including motor vehicle repairs or dismantling, and sheet-metal work);
  - (ii) a service station in the Central Business Zone;
  - (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.
- (b) Activities on the ground floor level of buildings in the Central Business Zone in the areas shown on the planning maps as “Shopping Frontages”, are limited to retail activities, places of entertainment, professional offices, or reception areas for visitor accommodation.
- (c) Dwellings are located only above ground floor level and are provided with an area of open space or a balcony of at least 7 square metres and 1.5 metres minimum dimension, directly accessible from a living area.

##### Hours of Operation

- (d) Non-residential activities on sites immediately adjacent to a Residential Zone operate only between the hours of 7.00 am and 11.00 pm, except for telecommunications and radio communications which are exempt from this requirement.

##### Storage Area

- (e) Where storage areas (other than for vehicles and the display of goods for sale) are located outdoors they are:
  - (i) located to the rear of any building; and

- (ii) screened to prevent windblown debris leaving the storage area; and
  - (iii) screened with a wall or fence 1.8 metres high from sites in an adjoining Residential Zone.
- (f) Buildings are provided with a storage area of at least 4 square metres and a minimum dimension of 1.5 metres.

### Amenity Plantings

- (g) Amenity plantings of one metre width are provided along all road boundaries, except at access points, where buildings are set back from roads. Telecommunications and radio-communication facilities less than 10 square metres in area and less than 3 metres in height, and masts and poles and their antennas and mounting structures less than 10 metres in height, are exempt from this requirement.
- (h) Amenity plantings 2 metres wide are provided along all boundaries of sites adjoining a Residential Zone. Amenity plantings consist of species that, at maturity, provide a solid screen up to a height of at least 2 metres. Telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height, and masts and poles and their antennas and mounting structures less than 10 metres in height, are exempt from this requirement.

### Air Emissions – Dust and Odour

- (i) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at, or beyond, the boundary of the site. **C68 7/18  
Op 6/19**
- (j) Open areas of land and stockpiles of loose material are contained or maintained to prevent materials moving onto other sites and so that dust does not cause an adverse effect at, or beyond, the boundary of the site.

### Glare

- (k) Exterior lighting is directed away from adjoining residential properties and public places.
- (l) Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

### Noise

- (m) Noise generated by the activity, measured:
- (i) at or within the boundary of any site within the zone, other than the site from which the noise is generated, does not exceed:

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	55 dBA	55 dBA	<b>C19 5/10 Op 8/12</b>
$L_{max}$		70 dBA	

Noise generated by the activity, measured:

- (i) at or within the boundary of a site within a Residential Zone; or
- (ii) at or within the notional boundary of any dwelling in a Rural, Rural Residential or Papakainga Zone, does not exceed:

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	55 dBA	40 dBA	<b>C19 5/10 Op 8/12</b>
$L_{max}$		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 Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*.

C19 5/10  
Op 8/12

### Stormwater

- (n) (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.

C7 7/07  
Op 10/10

### Site Specific Activity: Three Brothers Corner Commercial Zone

C49 4/13  
Op 8/14

- (o) The land use is a retail or commercial activity within the Three Brothers Corner Commercial Zone and complies with the permitted activity 'Land Use' conditions A (1) to (4) set out in Schedule 17.2A.

### Site Specific Activity: Richmond North Commercial Zone

C62 3/16  
Op 10/17

- (p) The land use is a retail, commercial or community activity within the Richmond North Commercial Zone and complies with the permitted activity 'Land Use' conditions A (1) to (5) set out in Schedule 17.2B.

- (q) Before any of the retail, commercial, or community activities referred to in condition (p) commence within the Richmond North Commercial Zone, the roundabout at the intersection of Salisbury and Champion roads has been upgraded in accordance with a design that will achieve a typical weekday PM level of service of no worse than Level of Service D on all approaches to the intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater must be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013). The design and engineering plans for the roundabout upgrade are required to be certified by the Council's Engineering Services Manager as meeting the level of service upgrade as specified in this condition and those upgrade works must be constructed within three years of this certification.

**Advice Note:** Building construction and site works may occur within the zone prior to condition (q) being met, provided all other relevant conditions are met.

### **17.2.2.1A Restricted Discretionary Activities (Land Use – Site Specific Activity: Richmond North Commercial Zone)**

C62 3/16  
Op 10/17

Any land use in the Richmond North Commercial Zone that does not comply with the permitted activity condition 17.2.2.1(q) 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) Traffic effects on and improvements required to the transport network servicing the site, including effects on the parts of the road network controlled by different road

authorities beyond Tasman District and in particular any improvements to the ‘Three Roundabouts’ required to achieve an appropriate Level of Service.

**Note:** In the Richmond North Commercial Zone, the New Zealand Transport Agency is an affected person in accordance with section 95B of the Resource Management Act, insofar as this relates to effects on the transport network.

### **17.2.2.2 Discretionary Activities (Land Use – Central Business and Commercial Zones)**

Any land use in the Central Business Zone or Commercial Zone that does not comply with the conditions of rule 17.2.2.1 is a discretionary activity, if it complies with the following conditions:

- (a) The activity is not one of the following:
- (i) an industrial activity.

**A resource consent is required** and may include conditions.

### **17.2.3 Land Use - Tourist Services Zone**

#### **17.2.3.1 Permitted Activities (Land Use – Tourist Services Zone)**

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

- (a) Except as provided for in (b) and (c), the activity is one of the following:
- (i) tourist accommodation, including those licensed to sell liquor, and associated office, service, tourist and recreation promotion and sales activities;
- (ii) hire and servicing of sport and recreational equipment;
- (iii) tutoring and training in outdoor recreational pursuits and life skills;
- (iv) sale of souvenirs, and arts and crafts;
- (v) recreational activities and recreational tour bases;
- (vi) open space areas, walkways and children’s play areas;
- (vii) visitor car and bus parking areas;
- (viii) restaurants, including those licensed to sell liquor;
- (ix) one caretaker's or manager's dwelling per site;
- (x) motor garage and service station on the area of land described as Lot 1 DP 10923 and Lot 1 DP 2821 (Main Road, Riwaka);
- (xa) public toilets;
- (xb) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height;
- and in relation to Records of Title NL5C/273 and 11C/391 (Sandy Bay-Marahau Road, Marahau):
- (xi) conference and function facilities;
- (xii) cultural centre.
- (b) For the area zoned Tourist Services at the corner of State Highway 60 and Lansdowne Road, near Richmond, condition (a) does not apply. In this area, the activity is one of the following:
- (i) retail sales with a maximum gross floor area of 117 square metres consisting of a general convenience store and tourist information display area;
- (ii) a craft shop with a maximum gross floor area of 104 square metres;

C73  
Op 6/23

- (iii) a tavern, hotel, restaurant and/or garden bar with a maximum gross floor area of 677 square metres;
  - (iv) visitor car and bus parking areas; (v) travellers' accommodation;
  - (vi) no more than 50 square metres of tourist information display area;
  - (vii) one dwelling for the caretaker or manager of the site;
  - (viii) ancillary storage buildings for the permitted activities on the site; and
  - (ix) any activity authorised by a resource consent granted prior to 30 November 2002.
- (c) For the Tourist Services Zone on Salisbury Road, Richmond, any activity listed in condition (a) (other than the one caretaker's or manager's dwelling per site) is a permitted activity if it does not require access from Arbor-Lea Avenue.
- (d) There shall be no noxious, dangerous, offensive or objectionable odour or 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 to prevent materials moving onto other sites and so that dust does not cause an adverse effect at, or beyond, the boundary of the site.
- (f) Non-residential activities on sites adjoining or across a road from a Residential Zone operate only between 7.00 am and 11.00 pm unless the activity is undertaken 30 metres or more from the nearest residential site boundary. Telecommunications and radio-communications are exempt from this requirement.
- (g) Conditions (e) to (n) in rule 17.2.2.1.
- (h) There is no direct access onto the Richmond Deviation (State Highway 6).

**17.2.3.2 Restricted Discretionary Activities (Land Use – Tourist Services Zone, Salisbury Road – Access)**C19 5/10  
Op 8/12

Any land use in the Tourist Services Zone, Salisbury Road, Richmond that does not comply with condition (c) of rule 16.2.2.1 and condition (zb) of rule 16.3.4.1 is a restricted discretionary activity, with Council's discretion restricted to matters of traffic safety.

**17.2.3.3 Discretionary Activities (Land Use – Tourist Services Zone)**

Any land use in the Tourist Services Zone that does not comply with the conditions of rule 17.2.3.1 is a discretionary activity, if it complies with the following conditions:

- (a) The activity is not one of the following:
  - (i) an industrial activity;
  - (ii) a service station;
  - (iii) retail sales of vehicles, boats and caravans.

**A resource consent is required** and may include conditions.

**17.2.4 Building Construction or Alteration****17.2.4.1 Permitted Activities (Building Construction or Alteration)**

Construction or alteration of a building in the Central Business, Commercial or Tourist Services Zone, except any building in either the Three Brothers Corner Commercial Zone or in the Richmond North Commercial Zone, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

C49 4/13  
Op 8/14  
C62 3/16  
Op 10/17

**Building Coverage**

- (a) Maximum building coverage is:
- (i) 100 percent in the Central Business Zone, except that in the Richmond Central Business Zone, this condition only applies to sites that have frontage onto Queen Street. On other sites in this zone in Richmond, the coverage condition in (a)(ii) applies;
  - (ii) 75 percent in the Commercial Zone;
  - (iii) 60 percent in the Tourist Services Zone, except for the Tourist Services Zone at Mapua which is 33 percent.

C22 2/11  
Op 1/15

**Height**

- (b) The maximum height of a building is 10 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
  - (ii) for antenna attached to a building, condition 16.6.2.1(k) applies;
  - (iii) at St Arnaud and in the Tourist Services Zone at Salisbury Road, Richmond, the maximum height is 8.5 metres.

**Building Envelope**

- (c) Buildings on sites that adjoin a Residential Zone do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.
- (d) Where a Tourist Services Zone adjoins a Residential, Rural or Rural Residential Zone, conditions 17.1.3.1(m), (n) and (o) apply to any building along the zone boundary, except that in the Tourist Services Zone on Salisbury Road, Richmond, conditions 17.1.3.1(m) [daylight angle] and (n) [gable penetration] apply to any building in relation to any Residential Zone boundary.

**Shopping Frontages**

- (e) Buildings in the Central Business Zone in the areas shown on the planning maps as “Shopping Frontages”, within two metres of a road, are built up to side boundaries, except to provide access to the rear where there is no alternative and except where the side boundary is with a public reserve or a Residential Zone.

**Landscaping**

- (f) Along the Salisbury Road frontages of the Tourist Services Zone, Richmond, the 10-metre setback is landscaped with such species and scale of plants as are necessary to mitigate the adverse visual effects generated by the height and length of any building development.

### Verandahs

- (g) The building sited adjoining the “shopping frontages” defined on the planning maps, on construction or reconstruction, that substantially alters the external appearance, is provided with a verandah. The verandah must be constructed along the full length of all parts of the building facing the road. The height, width and fascia of the verandah must relate to any adjoining verandah to provide continuity of verandah frontage, except where access is provided to the rear of the site. Every verandah erected must be of cantilever or similar construction and allow at least 2.5 metres clearance above the footpath.

### Setbacks

- (h) (i) The building is set back:
- (a) at least 5 metres from boundaries of public reserves;
  - (b) at least 5 metres from boundaries of sites in an adjoining Residential Zone, 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;
  - (c) at least 3 metres from the road reserve at Marahau and St Arnaud.
- (ii) The building is set back from any boundary with any other zone in accordance with the setbacks required for buildings in that other zone, except as provided for in item (i) of this condition; and except for telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height.

**Note:** Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements in the Central Business Zone. C68 7/18  
Op 6/19

- (i) The building is set back at least:
- (i) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.
- (ia) 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 rule 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 rule 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.
- (j) The building is set back at least 5 metres from State Highway 60 in the Tourist Services Zone at Appleby, and at least 10 metres from Salisbury Road in the Tourist Services Zone in Richmond. Within the setback area of the Appleby Tourist Services Zone, vegetation does not exceed one metre above natural ground level and fences do not cause a visual barrier more than 1 metre above natural ground level.

### Wastewater Disposal

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

### Walls in Tourist Services Zone

- (l) In the Tourist Services Zone, an offset of at least 2.5 metres is required at intervals no greater than 15 metres along any wall.

### Relocatability of Buildings

- (m) In the Tourist Services Mapua Zone, all habitable buildings and the restaurant are designed and built with materials which will enable them to be relocatable.

### Stormwater

- (n) (i) EITHER

C7 7/07  
Op 10/10

**17.2.4.1A Controlled Activities (Building Construction or Alteration – Site Specific Activity: Three Brothers Corner Commercial Zone)**

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.

C7 7/07  
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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.

**17.2.4.1A Controlled Activities (Building Construction or Alteration – Site Specific Activity: Three Brothers Corner Commercial Zone)**

C49 4/13  
Op 8/14

Construction or alteration of a building within the Three Brothers Corner Commercial Zone is a controlled activity if it complies with the controlled activity ‘Building Construction or Alteration’ conditions B (1) to (14) as set out in Schedule 17.2A.

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

- (1) The external design and appearance of buildings.
- (2) The landscaping treatment of the site, including any sculptural or play elements.
- (3) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site.
- (4) Pedestrian linkages. For the purposes of this matter, considerations of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of the design of vehicle crossings, including the area of road reserve immediately adjacent to the access.

**17.2.4.1B Controlled Activities (Building Construction or Alteration – Site Specific Activity: Richmond North Commercial Zone)**

C62 3/16  
Op 10/17

Construction or alteration of a building within the Richmond North Commercial Zone is a controlled activity if it complies with the controlled activity ‘Building Construction or Alteration’ conditions B (1) to (20) as set out in Schedule 17.2B.

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

- (1) The external design and appearance of buildings.
- (2) The landscaping treatment of the site, including:
  - (i) the landscape planting design along the Marchwood Grove Boundary incorporating where practicable the retention of established trees along the Marchwood Grove boundary;
  - (ii) the landscape planting design along the Salisbury and Champion Road frontages;
  - (iii) any sculptural elements and the undergrounding of the Tasman Power line along Champion Road.
- (3) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site.

**Note:** For the purposes of this matter, consideration of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of vehicle crossings, including the area of road reserve immediately adjacent to the access.

- (4) The location and appearance of the acoustic barrier.
- (5) Pedestrian and cyclist circulation around, into and within the site.
- (6) The location of signage.
- (7) Traffic effects on and improvements required to the transport network serving the site, achieving typical weekday PM level of service of no worse than Level of Service D on all approaches to the Salisbury Road/Champion Road intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater shall be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)).
- (8) Measures for the effective interception and treatment of contaminants discharged from the site.  
**Advice Note:** Refer to section 36.4.
- (9) Completeness and adequacy of the Operational Noise Management Plan, Construction Management Plan and Construction Noise Management Plan for the Richmond North Commercial Zone, as well as the ability of the Operational Noise Management Plan and Construction Noise Management Plan to ensure compliance with the relevant noise conditions under Schedule 17.2B.

#### **17.2.4.2 Restricted Discretionary Activities (Building Construction or Alteration)**

Construction or alteration of a building that does not comply with the permitted conditions of rule 17.2.4.1 or the controlled conditions of rule 17.2.4.1A or rule 17.2.4.1B is a restricted discretionary activity, if it complies with the following conditions:

C49 4/13  
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C62 3/16  
Op 10/17

- (a) Except as provided for under condition (b), the maximum height of a building is 10 metres, except that for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies.
- (b) The maximum height of a building within the Three Brothers Corner Commercial Zone is 10 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar architectural features on any building may be up to 11.5 metres provided such features do not occupy more than 5 percent of the plan area of the building on which they are located.
- (c) The maximum height of a building within the Richmond North Commercial Zone is 7.5 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar features on any building may be up to 9 metres provided such features do not occupy more than 5 per cent of the plan area of the building on which they are located.

**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:

### **Building Coverage**

- (1) The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.
- (2) The extent to which site development will comply with requirements for setback, landscaping, parking, manoeuvring and loading.
- (3) The necessity for the increased building coverage in order to undertake the proposed activities on the site.
- (4) The ability of any landscaping or screening to mitigate any effects of a reduction in open space.

### **Continuity of Building on Shopping Frontages**

- (5) The visual continuity of building frontage and the character of streets as visually distinctive centres of intensive business activity.
- (6) The need for access to the rear of the site for other business activities as well as activities such as off-street parking, loading and storage.
- (7) The design and appearance of the building and its relationship with adjoining buildings in terms of height, scale and verandah coverage.
- (8) The layout of the site and the options for maximum use of the site.

### **Setback from a Residential Zone or Public Reserve**

- (9) The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment or any reserve, taking into account its design and appearance, bulk and length of walls.
- (10) The extent of any shading created and the impact this may have on any outdoor living spaces or main living areas within a dwelling or on the public enjoyment of a reserve.
- (11) The potential for the development to affect the privacy of the residents or users of the reserve.
- (12) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.
- (13) The potential for the development to affect the amenity of the adjoining residential environment or reserve in terms of effects such as noise, glare, dust, smell and vibration.

### **(13A) 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.

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### **Height**

- (14) The extent of any adverse effects on the environment from exceeding a maximum height and, in particular, the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.
- (15) The degree to which the increased height or intrusion through the daylight admission lines (Schedule 17.1A) will affect the amenity and enjoyment of residential sites, streets and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked from buildings, which is out of character with the local environment.
- (16) The degree to which the increased building height will result in decreased opportunities for views from other sites or from roads.



- (17) The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping.
- (18) The extent to which the increased building height will adversely affect the natural character of the coastal environment.

#### **Building Design and Appearance**

- (19) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.
- (20) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking and landscaped areas.
- (21) The extent and quality of amenity planting.
- (22) The degree to which the architectural style, materials and colours of the building are compatible with adjoining buildings and the surrounding environment.
- (23) The extent to which building design and appearance will adversely affect the natural character of the coast.
- (24) The extent to which a building in the Tourist Services Zone (Mapua) is exposed to risk of erosion or inundation.

#### **Services**

- (25) Provision for the collection and disposal of stormwater and sewage.

#### **Outdoor Storage Space**

- (26) The extent to which the reduction in outdoor storage space and its location will adversely affect the ability of the site to provide for the storage needs of future activities on the site.
- (27) Alternative provision on, or in close proximity to, the site for outdoor storage space to meet the needs of future activities on the site.
- (28) The extent to which the lack of screening adversely affects the visual amenity of adjoining sites and public places or will result in wind-blown debris leaving the site.

#### **Verandahs**

- (29) Where a verandah is not provided, the effect this will have on the visual continuity of building frontage from the street and the distinctive form and character of buildings in areas of intensive business activity.
- (30) The number of pedestrians using the street and the extent to which they will be exposed to adverse weather if a verandah is not provided.
- (31) The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale, and the extent of the impact that non-provision of a verandah will have on the architectural cohesiveness of the street.

#### **Access Across Shopping Frontages**

- (32) The effect of the proposal on visibility from the access and the safe and efficient operation of the site.

- (33) The effect of the proposal on the safety of pedestrians and the safe and efficient functioning of the road network.
- (34) The effect of any proposed mitigation measures such as landscaping on the safety of pedestrians and the safe and efficient functioning of the road network and on-site vehicle movement.

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- (35) The ability of the Council-maintained stormwater drainage network to accommodate additional stormwater.
- (36) The extent to which the stormwater run-off generated by additional development has been managed.
- (37) The extent to which the activity has employed Low Impact Design solutions to the management of stormwater flow and water quality.

**Miscellaneous**

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

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- (40) The effect of the design and appearance of the building on the overall streetscape, amenities and character of the surrounding environment, particularly from adjoining residential properties and the intersection of Gladstone Road and Bateup Road.
- (41) The extent to which any adverse visual effects can be mitigated by building design (architectural style, scale and design, bulk and length of walls, materials, colours), landscaping, screening or through the proposed use of the setback area.
- (42) The effect of any reduced landscaping in terms of the scale and appearance of the buildings in the Three Brothers Corner Commercial Zone, particularly from adjoining residential properties and the intersection of Gladstone Road and Bateup Road.
- (43) Any compensating factors for reduced landscaping or screening, including the nature of planting or materials used, the use of open space, the location of parking, manoeuvring or storage areas, or through the use of land within the landscape strip.
- (44) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site. For the purposes of this matter, considerations of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of the design of vehicle crossings, including the area of road reserve immediately adjacent to the access.

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- (45) The effect of the design and appearance of the building on the overall streetscape, amenity and character of the surrounding environment, particularly from adjoining residential properties and at the intersection of Salisbury and Champion roads.

- (46) The extent to which any adverse visual effect can be mitigated by building design (architectural style, scale and design, bulk and length of walls, materials, colours), landscaping (including sculptural elements), screening or through the proposed use of the setback area. This may require the burial underground of the Tasman power line along Champion Road in order to achieve appropriate landscape treatment along this frontage.
- (47) The effect of any reduced landscaping on the scale and appearance of the buildings in the Richmond North Commercial Zone, particularly from adjoining residential properties and at the intersection of Salisbury and Champion roads as well as along their frontages, and the ability to retain, as far as practicable, established trees along the Marchwood Grove boundary.
- (48) Any compensating factors for reduced landscaping or screening, including the nature of planting or materials used, the use of open space, the location of parking, manoeuvring or storage areas, or through the use of land within the landscape strip.
- (49) Vehicle access, the design of vehicle crossings, parking, and measures required (if any) to ensure the safe and efficient movement of vehicles to and from the site. For the purposes of this matter, consideration of vehicle access is not limited to the definition of “access” set out in Chapter 2. Vehicle access also includes consideration of the design of vehicle crossings, including the area of legal road immediately adjacent to the access.
- (50) Traffic effects on and improvements required to the transport network serving the site, achieving typical weekday PM level of service of no worse than Level of Service D on all approaches to the Salisbury/Champion road intersection, including with the expected trip generation from the retail, commercial or community activities permitted to operate in the Richmond North Commercial Zone. Achievement of Level of Service D or greater shall be assessed against the relevant Level of Service criteria for roundabouts in the Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis (2013)).
- (51) The location of signage.
- (52) Pedestrian and cyclist circulation around, into and within the site to ensure the safe and efficient movement of passers-by and visitors to the site.
- (53) Measures for the effective interception and treatment of contaminants discharged from the site.
- Advice Note:** Refer to section 36.4.
- (54) Completeness and adequacy of the Operational Noise, Construction and Construction Noise management plans for the Richmond North Commercial Zone, as well as the ability of the Operational Noise and Construction Noise management plans to ensure compliance with the relevant noise conditions under Schedule 17.2B.

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## 17.2.20 Principal Reasons for Rules

### Building Coverage

Setting maximum building coverage enables space to be available for amenity plantings and parking. In Central Business Zones, buildings may be built up to boundaries if the site does not adjoin a Residential Zone and alternative provision for car parking is made. Therefore, it is reasonable to allow up to 100 percent building coverage. These areas are recognised as areas of intensive business activity and it is anticipated that there will be a high intensity of building development.

In Commercial Zones, such as in Mapua and Brightwater, a lower coverage allows slightly less intensive use, more in keeping with the surrounding residential areas. Generally in Commercial Zones, building coverage needs to allow for landscaping, parking, access and manoeuvring and the performance

requirements are set to provide for this. The performance requirements allow reasonable development opportunities, whilst providing some degree of spaciousness.

The Tourist Services Mapua Zone is distinguished by its unique location on a dynamic sandspit formation at the entrance to the Mapua Channel. Its character is low-key tourist development that can respond to the dynamic nature of the site. High building coverage is inappropriate in this vulnerable environment.

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### Building Setbacks

Setback is a means of mitigating various adverse effects, such as loss of privacy, loss of amenity, the visual impact of buildings from the street and from other zones (especially the Residential Zone), the lack of available parking areas and lack of opportunity for landscaping. Natural hazards, particularly erosion, are also a consideration.

Buildings in Central Business and Commercial zones may be built up to any boundary to allow landowners or developers to use sites efficiently, as on-site open space, privacy, shading and outlook are less important in these areas, except where they adjoin a Residential Zone or a reserve.

In the main shopping areas of the Central Business Zone, buildings will be required to be built up to road boundaries, except where access needs to be provided to the rear of the site. These performance requirements are intended to maintain the traditional character and form of the main shopping areas of the District and to ensure that there is visual continuity to building frontage along the main streets. It also ensures continuous verandah coverage is able to be achieved. In other parts of the Central Business Zone and in the Commercial Zone, buildings may be set back, although provision for verandahs is also required.

In the Tourist Services Zone on Salisbury Road, Richmond, the building setback has been increased to 10 metres to ensure that the potentially large buildings capable of being erected on these sites do not dominate the street frontage, and to create a higher level of amenity at this entrance to Richmond. The landscaping of the setback is to be undertaken with species and scale of plants designed to mitigate any adverse visual effects of the height and length of buildings along the Salisbury Road frontage.

Side and rear yards are required where Commercial Zones adjoin a Residential Zone or public reserve to allow for screening and landscaping and to provide a degree of separation to protect the amenity of residential areas and reserves from dominance by large buildings.

In the Three Brothers Corner Commercial Zone and in the Richmond North Commercial Zone, an increased building setback is required for larger buildings (those having a gross floor area greater than 500 square metres) to ensure that any larger buildings established within the Zone do not dominate the character and amenity of the surrounding residential environment to the east and south. In addition, a greater building setback is required from the intersection of Gladstone and Bateup roads (Three Brothers Corner Commercial Zone) and Salisbury and Champion roads (Richmond North Commercial Zone) to ensure the opportunity to attain a high level of amenity at these entrances to Richmond. A building setback from the road reserves of Gladstone and Bateup roads and from Salisbury and Champion roads is required to provide for landscaping of this setback area to mitigate any adverse visual effects of buildings along these frontages.

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### Indicative Roads and Reserves

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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.

## Building Height

Height is a key factor in determining the visual amenity, dominance of buildings, levels of privacy, access to sunlight and daylight, and the spaciousness of an area. In Central Business and Commercial zones, a height of 10 metres allows for two-storey buildings. This is intended to maintain and enhance the visual amenity of the commercial streets, retain the traditional two-storey character of these streets and avoid new building significantly in excess of existing heights. In the Tourist Services Zone on Salisbury Road, Richmond, the building height has been reduced to a maximum of 8.5 metres as a permitted activity, with any building up to 10 metres being a restricted discretionary activity subject to the criteria in rule 17.2.4.2. Daylight admission lines are intended to reduce shading of adjoining residential sites by ensuring that buildings are contained within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line will vary depending on the orientation of the building to the sun and is based on obtaining some sun onto sites even in mid-winter at midday. The angle has been set at a level that ensures reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites.

A specific exemption provides for certain features located on the roofs of buildings within the Three Brothers Corner Commercial Zone and the Richmond North Commercial Zone to exceed the maximum permitted building height. This exemption is limited to those features which do not exceed the maximum permitted height by more than 1.5 metres and they do not occupy more than 5 percent of the plan area of a building. This exemption recognises the relatively small size of these features and, when combined with the specific controls on building setbacks and landscaping within the Three Brothers Corner Commercial Zone and the Richmond North Commercial Zone, will provide an appropriate level of amenity for the surrounding environment.

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## Building Design and Appearance

The appearance of coastal areas and areas with specific character or heritage areas, such as St Arnaud and Mapua, can be adversely affected by the design, appearance and layout of buildings. It is important that buildings in these areas are integrated with these features. By requiring resource consents before establishing buildings, Council can assess whether buildings will integrate with the surrounding environment.

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## Outdoor Living Space

A minimum area, shape and location of outdoor living space is required for dwellings to ensure that an area 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.

## Landscaping and Visual Amenity

The location of outdoor storage areas at the rear of buildings, together with screening, will mitigate any adverse visual effects. Landscaping is only required to improve the visual appearance of business activity where activities can be viewed by the public from roads and public spaces and where sites are adjacent to a Residential Zone. These requirements will separate incompatible activities and improve the standard of amenity in residential areas by reducing the dominance of buildings and improving the outlook towards residential areas. Additional landscaping is required along the Salisbury Road frontage in the Tourist Services Zone on Salisbury Road, Richmond, to ensure a high standard of amenity is achieved along this stretch of road at this important entrance to Richmond. This is designed to reduce the dominance of any large buildings and to enhance the streetscape.

The Three Brothers Corner Commercial Zone is located at a relatively high profile intersection at the corner of Gladstone Road and Bateup Road, Richmond. The Richmond North Commercial Zone is also located at a high profile intersection, at the northern approaches to Richmond, at the corner of Salisbury and Champion roads. Further, the Three Brothers Corner Commercial Zone adjoins a Residential Zone along its southern and eastern boundaries, and the Richmond North Commercial Zone adjoins a Residential Zone along its south-western and south-eastern boundaries. Recognising these locations, specific landscaping treatment (prescribed minimum depths and tree planting at specified intervals) is required along road frontages and boundaries with the Residential Zone, with a minimum percentage of the Zone to be set aside for landscaping. These specific landscaping controls will ensure a high standard of amenity is achieved, and will assist in reducing the dominance of buildings and hard stand areas established within the Zone.

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## Verandahs

Verandahs are a traditional feature of many New Zealand towns and have a significant role in the visual and architectural integrity of the shopping areas of the settlements. In addition to their visual effect, they also provide shelter from adverse weather, adding to the convenience and pleasantness of the commercial areas.

## Activities and Effects

The nature of activities that can occur in the Central Business Zones fronting onto the “main streets” of Richmond, Motueka and Takaka are limited in order to enhance the vitality of these centres. It is intended to limit businesses with large open sealed areas that fragment the continuity of buildings and may result in glare from parked cars. Residential activities in the Central Business and Commercial zones are limited to above ground floor. It is not considered that residential activities should be excluded from Commercial and Central Business zones, however people residing in business areas should not expect to enjoy the same level of amenity as in a Residential Zone.

Effects such as odour, vibration and dust are difficult to accurately measure and define. Consequently, it is difficult to separate activities solely on the basis of their effects. Therefore, activities have been grouped in terms of their general nature, for example, service, industrial, residential or commercial. The rules intend to exclude service and industrial activities from Central Business and Commercial zones. These activities are likely to have effects such as odour, vibration, dust, heavy traffic and lack of visual appeal, which adversely affect the amenity of these areas where there are likely to be intensive concentrations of people, and higher levels of environmental quality are sought. As the Commercial Zone contains a mixture of retail and light industrial activities with substantial concentrations of people, industrial activities are also excluded from this zone to enhance the amenity of these areas.

Service stations are not encouraged in Central Business Zones as they may attract significant amounts of traffic and do not have the visual amenity and retail vitality sought in the town centres, adversely affecting amenity or traffic safety in these areas. However, on some sites on the perimeter of the Central Business Zone it may be possible to avoid or mitigate these adverse effects.

The Tourist Services Zone is a special purpose zone, and accordingly the rules, provide for a limited number of activities, which distinguishes this zone from the more general Central Business and Commercial zones. The zone provides for tourist and holiday accommodation, along with service and tourist support activities. As the zone areas are generally small and are often in relatively sensitive rural locations, there are some additional rules addressing potential cross-boundary effects. In the Tourist Services Zone in Salisbury Road, Richmond, a number of activities seeking high visibility and good accessibility could establish on the road frontage. These could also generate significant traffic movements around the Champion Road/Salisbury Road intersection. Access from Salisbury Road to any new developments is to be restricted, with permitted activity access to be either from the existing entrance on Lot 2 DP 18824 (123 Salisbury Road) or from Champion Road. Any activity requiring other access from Salisbury Road is a restricted discretionary activity so that its impact on the traffic safety criterion can be assessed.

The Three Brothers Corner Commercial Zone is a ‘site specific’ Zone, located at the intersection of Gladstone and Bateup roads, occupying an area of approximately 1.7 hectares. The Zone provides principally for a supermarket, along with other compatible smaller-scale retail and or commercial activities to establish within the Zone.

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The Richmond North Commercial Zone is also a ‘site specific’ Zone, located at the intersection of Salisbury and Champion roads, occupying an area of approximately 1.3 hectares. The Zone provides principally for a supermarket, along with other compatible smaller-scale retail, commercial, and small-scale community facilities.

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The rules for both of these site-specific zones reflect the location and the activities anticipated to establish in the Zones and, as such, provide for a certain scale of retail and commercial activity in conjunction with specific controls on access, landscaping, and building setbacks, all of which distinguish these zones from other Commercial Zones.

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## SCHEDULES

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### Schedule 17.2A: Three Brothers Corner Commercial Zone

*Refer to 17.2.2.1(o), 17.2.4.1A and Zone maps 23, 57 and 128.*

#### Permitted Activity Conditions

##### A. Land Use

Any land use within the Three Brothers Corner Commercial Zone is a permitted activity if it is a retail or commercial activity that complies with the following conditions:

##### General

- (1) Any activity complies with the applicable permitted activity conditions relating to ‘particular activities’, ‘hours of operation’, ‘storage area’, ‘air emissions – dust and odour’, ‘glare’ and ‘stormwater’ as contained in 17.2.2.1. Any activity is otherwise exempt from complying with the applicable permitted activity conditions relating to ‘amenity plantings’ and ‘noise’ as contained in 17.2.2.1, as specific requirements are imposed within this schedule relating to those matters.

##### Specific Activity Controls

- (2) Any activity only consists of:
  - (a) a supermarket, provided:
    - (i) it does not exceed 4,000 square metres gross leasable floor area, and
    - (ii) it is located within Indicative Development Area “A” shown on the Structure Plan in the Planning Maps.
  - (b) any other retail or commercial activity provided:
    - (i) the gross leasable floor area of any individual tenancy does not exceed 250 square metres;
    - (ii) there are no more than four tenancies;
    - (iii) the total gross leasable floor area of all tenancies does not exceed 400 square metres; and
    - (iv) it is located within Indicative Development Area “B” shown on the Structure Plan in the Planning Maps.

##### Noise

- (3) Noise generated by any activity within the Three Brothers Corner Commercial Zone, measured:
  - (a) at or within the boundary of a site within a Residential Zone;or
  - (b) at or within the notional boundary of any dwelling in a Rural, Rural Residential or Papakainga Zone,does not exceed:

Day	Time Period	Noise Limit
Weekdays and Saturdays	Daytime (0700 – 2200)	55dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70 dB LAFmax
Sundays	Morning (0700 – 0900)	50dB LAeq (15 min)
	Evening (2000 – 2200)	
	Daytime (0900 – 2000)	55dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70 dB LAFmax

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Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 *Acoustics Measurement of Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*.

- (4) In the Three Brothers Corner Commercial Zone, there must be at all times a current Noise Management Plan. The Noise Management Plan must specify the following:
- Noise Management Plan objectives.
  - Mitigation and management measures to be adopted to ensure compliance with the noise limits set out in (3).
  - Noise modelling; noise monitoring; auditing and reporting procedures.
  - Noise complaint handling procedures and community liaison.
  - Procedures for amendments and review.

The current Noise Management Plan must be certified by the relevant Site Manager and must be available at the Tasman District Council offices for inspection by the public at any time.

### Controlled Activity Conditions

#### B. Building Construction or Alteration

The construction or alteration of a building within the Three Brothers Corner Commercial Zone is a controlled activity, if it complies with the following conditions:

##### General

- Any construction or alteration of a building complies with the applicable permitted activity conditions relating to 'building coverage', 'building envelope', 'wastewater disposal', and 'stormwater' as contained in 17.2.4.1. Any construction or alteration of a building is exempt from complying with the applicable permitted activity conditions relating to 'height' and 'setbacks', as contained in 17.2.4.1, as specific requirements are imposed within this schedule relating to those matters.

##### Height

- The maximum height of a building within the Three Brothers Corner Commercial Zone is 10 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar architectural features on any building may be up to 11.5 metres provided such features do not occupy more than 5 percent of the plan area of the building on which they are located.

##### Landscaping

- The minimum percentage of the Three Brothers Corner Commercial Zone to be set aside as a landscaped area is 15 percent.



- (4) A landscaping strip with a minimum average width of 3.0 metres and a minimum width of 2.0 metres is provided along all road boundaries, except at access (vehicle or pedestrian) points.
- (5) A landscaping strip with a minimum average width of 2.0 metres and a minimum width of 1.5 metres is provided along all boundaries of sites adjoining a Residential Zone, except where pedestrian walkways are provided and these walkways form part of an integrated pedestrian network through the Three Brothers Corner Commercial Zone.
- (6) Where the Three Brothers Corner Commercial Zone adjoins a Residential Zone, provision is made for landscaping, fence(s), wall(s) or a combination to at least 1.8 metres in height along the length of the zone boundary.

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### Trees

- (7) Road frontages are planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (e.g., 10 metres frontage - 2 trees, 20 metres frontage - 3 trees, etc.). Any trees required are planted along the road frontage and in front of any buildings on the site. Trees are planted no more than 15 metres apart, and no closer than 4 metres apart.
- (8) Within the landscape strip required by B(5) above, trees are planted at a rate of:
- One tree every 10 metres, or
  - One tree for every 1.5 metres where hedged and maintained at a height of between 2.2 metres and 2.5 metres.

Trees required by this rule are selected from the following list:

Botanical Name	Common Name	Habit
Pittosporum crassifolium	NZ karo	Evergreen
Pittosporum 'Stephens Island'	NZ pittosporum	Evergreen
Prunus lusitancia	Bay laurel	Evergreen
Pyrus calleryana 'Aristocrat'	Ornamental pear	Deciduous
Ulmus 'Lobel'	Upright elm	Deciduous

- (9) One tree is planted for every five parking spaces provided on the site. Trees are planted within or adjacent to the carparking area.

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### Building Setbacks

- (10) Any building is set back:
- At least 4 metres from boundaries in an adjoining Residential Zone;
  - At least 2 metres from the road reserve of Gladstone Road
  - At least 2 metres from the road reserve of Bateup Road (as at 27 April 2013);
  - At least 4 metres from the boundary of Eastern Hills Drain (boundary of Lot 181 DP 18529 and Lot 1 DP 18998);
  - At least 30 metres from the intersection of Gladstone Road / Bateup Road. Measurement is from the boundary tangent points if they were extended.
- (11) Notwithstanding B(10)(a) above, any building which exceeds a gross floor area of 500 square metres is set back:
- At least 10 metres from boundaries in an adjoining Residential Zone.

### Access and Vehicle Crossings

- (12) Access and vehicle crossings must comply with the applicable permitted activity conditions in 16.2 (Transport (Access, Parking and Traffic)), except that:
- (a) Vehicular access from the Three Brothers Corner Commercial Zone is to be limited to a single access point/vehicle crossing to each of Gladstone Road and Bateup Road provided that:
- (i) the vehicle crossing to Gladstone Road is located no closer than 80 metres to the intersection of Gladstone Road / Bateup Road; and
- (ii) the vehicle crossing to Bateup Road is located no closer than 70 metres to the intersection of Gladstone Road / Bateup Road.

In both cases, measurement is from the boundary tangent points if they were extended.

**Note:** Within the Three Brothers Corner Commercial Zone, a vehicle access point that includes a physical island that separates inbound and outbound movements for the purpose of restricting some turning movements and/or providing a waiting place for pedestrians crossing the access point is treated as a single vehicle access/crossing point.

### Signage

- (13) Any signage must comply with the applicable permitted activity conditions relating to outdoor signage and advertising as contained in 16.1 (Outdoor Signs and Advertising), except that a single free-standing sign with a maximum height of 8 metres and a maximum area of 18 square metres (or 36 square metres where double sided) may be established along Gladstone Road.

### Structure Plan

- (14) Any development within the Three Brothers Corner Commercial Zone is in general accordance with the Structure Plan identified in the Planning Maps.

**Schedule 17.2B: Richmond North Commercial Zone**

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*Refer to 17.2.2.1(p), 17.2.4.1B and Zone maps 23, 57 and 130.*

**Permitted Activity Conditions**

**A. Land Use**

Any land use within the Richmond North Commercial Zone is a permitted activity if it is a retail, commercial or community activity that complies with the following conditions:

**General**

- (1) Any activity complies with the applicable permitted activity conditions relating to ‘particular activities’, ‘storage area’, ‘air emissions – dust and odour’, ‘glare’ and ‘stormwater’ as contained in rule 17.2.2.1.
- (2) In relation to ‘stormwater’, the following specific permitted activity condition also applies in addition to rule 17.2.2.1:
  - (a) Land for both primary and secondary flow paths must be provided for in any stormwater diversion or discharge.
- (3) Any activity is otherwise exempt from complying with the applicable permitted activity conditions relating to ‘hours of operation’, ‘amenity plantings’ and ‘noise’ in rule 17.2.2.1, as specific requirements are imposed within this Schedule relating to those matters.

**Specific Activity Controls**

- (4) Any activity consists only of
  - (a) a supermarket, provided:
    - (i) it does not exceed 3,200 square metres gross leasable floor area,
    - (ii) it is located within Indicative Development Area “A” shown on Structure Plan 2 on the planning maps, and
    - (iii) opening hours are 07.00 am to 10.00 pm, Monday to Sunday.

**Advice Note:** For the purposes of this condition, the enclosed loading bay required by condition B(19) is not included in “gross leasable floor area”.
  - (b) any other retail or commercial activity provided:
    - (i) the total gross leasable floor area of all tenancies does not exceed 200 square metres; and
    - (ii) it is located within Indicative Development Area “B” shown on Structure Plan 2 on the planning maps.
  - (c) one or more community activities provided:
    - (i) the total gross leasable floor area of all tenancies does not exceed 600 square metres;
    - (ii) the activities are located within Indicative Development Area “C” shown on Structure Plan 2 on the planning maps; and
    - (iii) the activity comprises a medical centre, childcare facility or gymnasium.

- (d) delivery of goods by Heavy Goods Vehicles only occurs between 9.00 am and 8.00 pm on Sundays and Public Holidays and, for other days, only occurs between 7.00 am and 8.00 pm. All Heavy Goods Vehicles visiting the site are to enter the site via Salisbury Road and exit via Champion Road.

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### Operational Noise

- (5) Noise generated by any activity within the Richmond North Commercial Zone, measured:
- (a) at or within the boundary of a site within a Residential Zone; or
- (b) at or within the notional boundary of any dwelling in a Rural, Rural Residential or Papakainga Zone, does not exceed:

Day	Time Period	Noise Limit
Weekdays and Saturdays	Daytime (0700 – 2000)	55dB LAeq (15 min)
	Evening (2000 – 2200)	50dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70 dB LAFmax
Sundays and public holidays	Morning (0700 – 0900)	50dB LAeq (15 min)
	Evening (2000 – 2200)	50dB LAeq (15 min)
	Daytime (0900 – 2000)	55dB LAeq (15 min)
	Night-time (2200 – 0700)	40dB LAeq (15 min) 70dB LAFmax

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 *Acoustics Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*.

**Advice Note:** *Buildings* considered under rules 17.2.4.1B and 17.2.4.2 in the Richmond North Commercial Zone must submit an Operational Noise Management Plan as part of any application. Among other matters, the management plan will demonstrate how the use of the site will meet the above conditions. See Chapter 19, section 19.2.1.

### Controlled Activity Conditions

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Op 10/17

#### B. Building Construction or Alteration

The construction of a building within the Richmond North Commercial Zone is a controlled activity if it complies with the following conditions:

##### General

- (1) Any construction or alteration of a building complies with the applicable permitted activity conditions relating to ‘building coverage’, ‘building envelope’, ‘wastewater disposal’, and ‘stormwater’ as contained in 17.2.4.1.

**Advice Note:** The enclosed loading bay required by condition (19) is exempt from the building envelope requirement.

- (2) Any construction or alteration of a building is exempt from complying with the applicable permitted activity conditions relating to ‘height’ and ‘setbacks’, as contained in 17.2.4.1, as specific requirements are imposed within this Schedule relating to those matters.

- (3) In relation to stormwater, land for both primary and secondary flowpaths must be provided for in any stormwater diversion or discharge.

**Advice Note:** Refer to Section 31.1.5.

**Height**C62 3/16  
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- (4) The maximum height of a building is 7.5 metres, except that plant rooms, air conditioning units, ventilation ducts, cooling towers, roof/sun lights or similar architectural features on any building may exceed 7.5 metres provided such features do not exceed 9.0 metres and do not occupy more than 5 percent of the plan area of the building.

**Landscaping**

- (5) The minimum percentage of the Richmond North Commercial Zone to be set aside as a landscaped area is 12 percent.
- (6) A landscaping strip with a minimum average width of 3 metres and a minimum width of 2 metres is provided along all road boundaries, except at access (vehicle or pedestrian) points, and in the pedestrian areas adjoining the building on the Champion Road frontage. The pedestrian areas of the site must be appropriately formed with hard landscaping such as paving and contain a minimum of four street trees and street furniture.
- (7) A landscaping strip with a minimum average width of 1.5 metres is provided along all boundaries of the site adjoining a Residential Zone, except for:
- the boundary with the adjacent site to the south-east where a landscaping strip with a minimum width of 1.5 metres is provided; and
  - where pedestrian walkways are provided, these walkways form part of an integrated pedestrian network through the Richmond North Commercial Zone where no landscaping strip is required.
- (8) Where the Richmond North Commercial Zone adjoins a Residential Zone, provision is made for landscaping and an acoustic barrier to at least 2.5 metres in height along the length of the zone boundary.

**Trees**

- (9) Road frontages are planted with a minimum of one tree, plus one additional tree for every 10 metres of road frontage (for example 10 metres frontage - 2 trees, 20 metres frontage - 3 trees, etc.). Trees are planted along the road frontage and in front of any buildings on the site. Trees are planted no more than 15 metres apart, and no closer than 4 metres apart. Species are to be selected from the list in condition (10) or such other species as may be approved by the Council. Trees along the Salisbury and Champion Road boundaries shall be at a minimum 3-3.5m high at the time of planting with a caliper of 50mm. All trees along the Salisbury and Champion Road boundaries shall be planted with root guard barriers.
- (10) Within the landscape strip required by condition (7) above, trees are planted at a rate of one tree every 10 metres, or one tree for every 1.5 metres where hedged, and are between 2.2 and 2.5 metres in height at time of planting, with species to be selected from the following list, or such other species as may be approved by the Council:

Botanical Name	Common Name	Habit
<b>Marchwood Grove Boundary and Southern Boundary</b>		
<i>Acer palmatum</i>	Japanese Maple	Deciduous
<i>Acer rubrum</i> cultivars	Red Maple	Deciduous
<i>Alectryon excelsus</i>	Titoki	Evergreen
<i>Cordyline australis</i>	Cabbage tree	Evergreen
<i>Corokia</i> sp	Corokia	Evergreen

Fagus ‘Dawyck Gold’	Gold columnar Beech	Deciduous
Fagus sylvatica ‘Riversii’	River Purple Beech	Deciduous
Fraxinus excels ‘Aurea’	Golden Ash	Deciduous
Fraxinus ornus	Manna Ash	Deciduous
Fraxinus sylvatica ‘Purple Spire’	Purple Spire Ash	Deciduous
Griselina littoralis	Griselina	Evergreen
Kunzia ericoides	Kanuka	Evergreen
Phormium cookianum (dwarf)	Mountain flax	Evergreen
Pittosporum ‘Stephens Island’	NZ Pittosporum	Evergreen
Plagianthus regius	Ribbonwood	Evergreen
Sophora macrophylla	Kowhai	Evergreen
Pseudopanax ‘Cyril Watson’	Pseudopanax	Evergreen
<b>Street Trees</b>		
Fraxinus purple spire	Ash	Deciduous
Melia azedarach	Melia	Deciduous
Quercus palustris	Pin Oak	Deciduous
<b>Grasses</b>		
Astelia ‘westland’	Astelia	Evergreen
Chionochloa flavicans	Dwarf toe toe	Evergreen
Coprosma virescens	Coprosma	Semi deciduous
Dianella nigra	Dianella	Evergreen
Hebe ‘black panther’	Hebe	Evergreen
Libertia sp	NZ iris	Evergreen
Lomandra ‘little pal’	Lomandra	Evergreen
Muehlenbeckia astonii	Muelenbeckia	Evergreen
Phormium cookianum (dwarf)	Mountain flax	Evergreen
<b>Ground Cover</b>		
Acaena inermis ‘Purpurea’	New Zealand Burr	Evergreen
Coprosma acerosa taiko ‘red rocks’	Coprosma	Evergreen
Muehlenbeckia axillaris	Muehlenbeckia	Evergreen

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- (11) One tree is planted for every five parking spaces provided on the site. Trees are planted within or adjacent to the car parking area. The car parking contains at least 14 trees with all of these planted in tree pits.
- (12) Plantings are designed and established to meet the following requirements:
- The minimum planting size of trees specified in conditions (6) and (7) is a 50-millimetre caliper at shoulder height to minimise effects of vandalism.  
**Advice Note:** Staking may be required.
  - Plantings are watered during the first two summers, if necessary, to maintain tree health.
  - Plantings that die or are damaged are replaced.
  - The trees selected for the landscape strip required by condition (10) are capable of reaching a minimum of 6-8 metres in height at maturity.
  - Once mature, the trees are actively maintained at their mature heights.

C62 3/16  
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9/21**Acoustic Barrier**

- (13) An acoustic barrier of 2.5 metres in height is provided along the entire length of the south-western site boundary and south-eastern site boundary, decreasing in height within no more than 5 metres of Salisbury and Champion Roads to allow for safe sight distances at the south-eastern site boundary.

- (14) This barrier shall:
- (a) be offset 2 metres from the Marchwood Grove boundary for the first 11 metres from Salisbury Road to provide amenity planting along Marchwood Grove;
  - (b) be located on the site so as to enable, planting to be located on the outer side of this barrier for the purposes of screening and mitigation of the acoustic barrier;
  - (c) consist of a close boarded or overlapping treated pine fence with timber capping; and
  - (d) the footings are to be placed in the best positions to provide suitable growing conditions for planted landscape screening along those boundaries.

C62 3/16  
Op 10/17**Building Setbacks**

- (15) Any building is set back:
- (a) at least 10 metres from boundaries with the adjoining Residential Zone;
  - (b) at least 75 metres from the legal road boundary with Salisbury Road;
  - (c) at least 5 metres from the legal road boundary with Champion Road.
- Note:** The acoustic barrier in condition (13), the signage in condition (17), and the enclosed loading bay in (19) are exempt from these setback requirements.

**Access and Vehicle Crossings**

- (16) Access and vehicle crossings comply with the applicable permitted activity conditions in 16.2 (Transport (Access, Parking and Traffic)), except that:
- (a) vehicular access from the Richmond North Commercial Zone is to be limited to a single 'left in-left out' access point and vehicle crossing at Salisbury Road and is limited to no more than two access points and vehicle crossings at Champion Road, the most southern of which is only for servicing vehicles egress;
  - (b) a vehicle access point that includes a physical island that separates inbound and outbound movements for the purpose of restricting some turning movements or providing a waiting place for pedestrians crossing the access point is to be treated as a single vehicle access point and vehicle crossing.

**Signage**

- (17) Any signage complies with the applicable permitted activity conditions relating to outdoor signage and advertising as contained in 16.1 (Outdoor Signs and Advertising), except that two free-standing signs, each with a maximum height of 8 metres and a maximum sign area each of 26.4 square metres (on each side where double sided), may be established along the Salisbury Road and Champion Road frontages.

**Structure Plan**

- (18) Any development within the Richmond North Commercial Zone shall be in general accordance with Structure Plan 2 for the zone shown on the planning maps.

**Loading Bay**

- (19) An enclosed loading bay associated with the supermarket development shall be provided to assist in achieving compliance with applicable noise standards.

**Construction noise**C62 3/16  
Op 10/17

- (20) Construction noise must be measured and assessed in accordance with NZS 6803:1999 *Acoustics – Construction Noise* and must, as far as practicable, comply with the following noise limits:

Day	Time of Day	Noise Limit	
		dB LAeq	dB LAFmax
Monday to Friday	0630 – 0730 hrs	55	75
	0730 – 1800 hrs	70	85
	1800 – 2000 hrs	65	80
Saturdays	0730 – 1800 hrs	70	85
Sundays and public holidays	0730 – 1800 hrs	55	85
At all other times	-	45	75



**17.3 MIXED BUSINESS ZONE RULES**C10 10/07  
Op 3/14*Refer to Policy sets 5.1, 5.5, 6.5, 6.6, 9.3, 11.1, 11.2.***17.3.1 Scope of Section**

This section deals with land uses in the Mixed Business Zone. Subdivisions are dealt within 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.

NES-FW (ca)  
12/20**17.3.2 Land Use**C10 10/07  
Op 3/14**17.3.2.1 Permitted Activities (Land Use)**

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) A retail activity less than 500 square metres gross leasable floor area, including any separate tenancy less than 500 square metres, with the exception of the following retail activities that can be less than 500 square metres gross leasable floor area:
    - (a) Trade supply activities and outlets.
    - (b) Retail sale of goods produced or processed on site and ancillary products to goods produced or processed on the site.
    - (c) Outdoor storage, display or sales areas for the retail sale of vehicles, machinery, and equipment.
    - (d) Restaurants, cafes, food takeaway outlets and licensed premises in the Richmond West Development Area.
    - (e) Dairy or grocery stores which are less than 200 square metres gross leasable floor area.
  - (ii) A retail activity greater than 3,000 square metres Gross Leasable Floor Area.
  - (iii) An outdoor storage, display or sales area for the retail sale of vehicles, machinery, and equipment, greater than 3,000 square metres.
  - (iv) A non-retail activity, or a retail activity where less than 70 percent of the Gross Leasable Floor Area or area is dedicated to retail sales, along the Retail Frontage shown on the planning maps.
  - (v) A residential activity, or visitor or tourist accommodation.
  - (vi) A community activity, except on Part Section 217 Waimea East District (Lower Queen Street, Richmond, occupied by Nelson Marlborough Institute of Technology) where the permitted activity is education, training and research; and on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church).
  - (vii) Intensive livestock farming, or commercial boarding or breeding of animals.

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C10 10/07

- Op 3/14**
- (viii) A rural industry, motor vehicle repairs or dismantling, or sheet metal work, on sites adjoining a Residential Zone.
  - (ix) A refuse transfer station and recycling station.
  - (x) A crematorium.
  - (xi) A constructed or marked out landing area or pad for helicopters (other than for medical or fire-fighting purposes), an aircraft landing strip, aerodrome or airport.
  - (xii) A trade supply activity or outlet, or an outdoor storage, display or sales area for the retail sale of vehicles, machinery and equipment, on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).

### Hours of Operation

- (b) Non-residential activities on sites adjoining a Residential Zone operate only between the hours of 7.00 am and 11.00 pm, except for telecommunications and radio communications and substations which are exempt from this requirement.

### Storage and Service Area

- (c) Where storage areas (other than for customer and employees' vehicles and the display of goods for sale) are located outdoors they are:
  - (i) located to the rear of any building or outdoor area where there is no building;
  - (ii) screened from public view;
  - (iii) screened or covered to prevent windblown debris leaving the storage area;
  - (iv) screened with a wall or fence 1.8 metres high from adjoining sites or dense planting of vegetation capable of growing to 1.8 metres high;
  - (v) maintained with an all-weather dust free surface;
  - (vii) separated from and do not encroach onto a parking, pedestrian, loading and manoeuvring area, or amenity planting area.
- (d) Buildings are provided with a storage area at least 10 square metres or 1 percent of the gross floor area of the building, whichever is the greater, and a minimum dimension of 2.5 metres.

### Storage Envelope (Lot 1 DP 457909)

**C10 10/07  
Op 3/14**

- (e) The outdoor storage of goods or materials on Lot 1 DP 457909 (at the eastern end of the McPherson Street extension), located within 6 metres of a boundary with the Open Space Zone, does not project beyond an envelope constructed at an angle of 45 degrees (1:1) from a height of 2.5 metres above ground level at the boundary with that Zone. This restriction does not apply to the parking of vehicles or mobile equipment that are roadworthy.

### Air Emissions – Dust and Odour

**C10 10/07 Op 3/14**

- (f) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site. **C68 7/18  
Op 6/19**
- (g) Open areas of land and stockpiles of loose material are contained or maintained to prevent materials moving onto other sites and so that dust does not cause an adverse effect at, or beyond, the boundary of the site. **C68 7/18  
Op 6/19**

### Lighting and Glare

**C10 10/07  
Op 3/14**

- (h) External lighting is shaded or directed away from adjoining sites, roads, and any

adjoining site within the Residential Zone, and is less than 8 lux spill of light (horizontally or vertically) measured at a height of 1.5 metres above the ground at the boundary of the site.

- (i) Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

### Noise

C10 10/07  
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- (j) Noise generated by the activity, measured:

- (i) at or within the boundary of any site within the zone, other than the site from which the noise is generated, does not exceed:

	Day	Night
$L_{eq}$	60 dBA	45 dBA
$L_{max}$		70 dBA

- (ii) at the boundary of the zone:

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

N.B. Day = 7.00 am to 9.00 pm Monday to Sunday inclusive  
(including public holidays).  
Night = All other times.

- (iii) at or within the notional boundary of any dwelling in the Rural 1 Zone or at or within the boundary of the Residential Zone or Tourist Services Zone, does not exceed:

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

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*.

### Stormwater

- (k) (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.

### Filling of Allotments

- (l) In the Richmond West Development Area, allotments below the 4.6 metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area.

### Display Setbacks

- (m) Display areas for the retail sale of vehicles, machinery, and equipment are set back 2.5 metres from road boundaries.

**Amenity Plantings**

- (n) In the Richmond West Development Area, all amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
  - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

**17.3.2.2 Controlled Activities (Land Use)**C10 10/07  
Op 3/14

Any land use is a controlled activity if it complies with the following conditions:

**Outdoor Storage Display or Sales Areas**

- (a) The activity complies with the conditions of rule 17.3.2.1, except condition (a)(iii).
- (b) The activity complies with the following:
  - (i) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment are more than 3,000 square metres but less than 5,000 square metres.
  - (ii) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment comprises at least 70 percent of the site area available for retail activity.
  - (iii) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment are not located on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).

**Amenity Plantings and Fencing for Outdoor Display, Sales and Storage**C10 10/07  
Op 3/14

- (c) For all areas of outdoor storage, display or sale areas for retail sale of vehicles, machinery and equipment, the following apply:
  - (i) Amenity plantings 2.5 metres wide are provided along all road boundaries, except at access points.
  - (ii) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from Lower Queen Street, behind the amenity planting.
  - (iii) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone, are set back behind the width of amenity plantings required in conditions 16.3.4.1(t) and 17.3.3.1(n)(iii), and  
  
are no higher than 1.8 metres.

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

- (1) Plant species, height, spacing and layout.
- (2) Variation in the use of trees, shrubs, groundcovers and grass to create a planting framework, including the utilisation of existing plantings where appropriate.
- (3) Visual and amenity effects of planted setbacks when viewed from roads, reserves and adjoining zones.
- (4) Effectiveness of screening or reducing the impact of outdoor storage, display or sales areas seen from roads, reserves and adjoining zones, particularly where items are of a

large scale and bulk.

- (5) The contribution of the planting to the continuity of the planting theme with adjoining sites and to an overall planting theme along the boundary-facing streets, reserves and zone boundaries.
- (6) The degree to which the planting height reduces the dominance of fencing, where this is used, when viewed from roads, reserves and adjoining zones.
- (7) Retention of existing trees, groups of trees and plantings.
- (8) Setbacks.
- (9) Layout and visual effects.

### 17.3.2.3 Restricted Discretionary Activities (Land Use)

C10 10/07  
Op 3/14

Any activity that does not comply with the permitted conditions in rule 17.3.2.1 or the controlled conditions in rule 17.3.2.2 is a restricted discretionary activity, if it complies with the following conditions:

The activity is one of the following:

- (a) Visitor or tourist accommodation which is:
  - (i) acoustically designed or fitted with sound attenuation measures designed to meet an internal night-time (9.00 pm to 7.00 am) standard of 30 dBA  $L_{eq}$  and 70 dBA  $L_{max}$ ; and
  - (ii) provided with an area of open space or a balcony of at least 7 square metres and 1.5 metres minimum dimension, directly accessible from a living area; and
  - (iii) not located on a site or within 30 metres of a site where hazardous facilities and substances have a consent status index greater than 0.1; and
  - (iv) not located along the ground floor of the Retail Frontage shown on the planning maps.
- (b) A residential activity which is:
  - (i) ancillary to and associated with a business activity operating as a company or similar registered business entity and is:
    - either
    - (a) for the purposes of security or management of the business activity on the site, or
    - (b) is occupied by the owner or tenant of the business activity, and is
  - (ii) no more than one residential activity per business activity, and is contained within the same building as the business activity, with a separate access from the business activity; and
  - (iii) acoustically designed to meet a night time (9.00 pm to 7.00 am) standard of 30 dBA  $L_{eq}$  and 70 dBA  $L_{max}$ ; and

- (iv) located above ground floor level and provided with an area of open space or a balcony of at least 7 square metres and 1.5 metres minimum dimension, directly accessible from a living area; and
  - (v) not located on a site or within 30 metres of a site where hazardous facilities and substances have a consent status index greater than 0.1; and
  - (vi) not located in the Retail Frontage shown on the planning maps.
- (c) A community activity which is:
- (i) not located on a site or within 30 metres of a site where any hazardous facility has a consent status index greater than 0.1; and
  - (ii) not located along the ground floor of the Retail Frontage shown on the planning maps.

**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:

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### Visitor and Tourist Accommodation and Residential Activity

- (1) The level of compatibility with existing activities in respect of emissions (including discharges to air, odour, noise and dust) and the effectiveness of any proposed mitigation measures to avoid, remedy or mitigate any potential cross boundary or reverse sensitivity effects.
- (2) The ability to provide for a safe living environment.
- (3) The degree of separation of the living environment from the business environment and the provision of a separate access.
- (4) The extent that the visitor or tourist accommodation is ancillary to the commercial activity.
- (5) The extent that the residential activity is ancillary to the business activity, and does not constitute a home occupation.
- (6) Traffic effects and nuisance associated with traffic movements.
- (7) Hours of operation.
- (8) Noise generated by the activity.
- (9) Lighting and glare.

### Community Activity

- (10) The level of compatibility with existing activities in respect of emissions (including discharges to air, odour, noise, and dust) and the effectiveness of any proposed mitigation measures to avoid, remedy or mitigate any potential cross-boundary or reverse-sensitivity effects.
- (11) Compatibility with the adjoining Residential Zone, Rural zones and activities within the Mixed Business Zone.
- (12) Traffic effects and nuisance associated with traffic movements.
- (13) Hours of operation.
- (14) Noise.
- (15) Lighting and glare.

- (16) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

#### 17.3.2.4 Discretionary Activities (Land Use)

C10 10/07  
Op 3/14

Any activity that does not comply with the conditions of rules 17.3.2.1 to 17.3.2.3 is a discretionary activity, if it complies with the following conditions:

C10 10/07 Op 3/14

- (a) The activity is one of the following:

C19 5/10 Op 8/12

C10 10/07

Op 3/14

- (i) A retail outlet with a gross leasable floor area for any individual retail activity tenancy or ownership greater than 3000 square metres; and is not a trade supply activity or outlet on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).
- (ii) An outdoor storage, display or sales area for the retail sales of vehicles, machinery, and equipment greater than 5000 square metres; and is not located on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).
- (iii) Commercial boarding or breeding of animals.
- (iv) A community activity.
- (v) A refuse transfer station and recycling station.
- (vi) visitor or tourist accommodation

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Op 3/14

A resource consent is required and may include conditions including but not limited to:

#### Retail Activity and Outdoor Storage, Display and Sales

- (1) The scale, nature and intensity of the retail activity and the potential adverse effects of the activity on the vitality and functioning of the Central Business Zone as a result of smaller or larger gross leasable floor areas.
- (2) The effects on the safe operation and efficiency of the transport network associated with larger floor areas and increased traffic movements.
- (3) The compatibility of the activity with surrounding uses, and the degree of risk those activities pose to the health and safety of employees and customers.
- (4) The ability of the site to provide for the requirements of the activity and to maintain and enhance the amenity values of the area.

#### Nature, Scale and Intensity

C43 4/13  
Op 1/15

- (5) The extent to which the nature, scale and intensity of the activity detracts from the vitality and amenity values of the nearest Central Business Zone.
- (6) The extent to which the nature, scale and intensity of the proposed activity on the site detracts from the amenity values and character of the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.
- (7) The extent to which emissions associated with the proposed activity on the site, such as noise, odour, dust, smell and vibration adversely affects the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.
- (8) The extent to which the effects of the proposed activity on the site, such as visual dominance of buildings and structures, shading, glare, lighting and heavy vehicle traffic movements, adversely affects the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.

C10 10/07  
Op 3/14

**Outdoor Storage Space**

- (9) The extent to which the reduction in outdoor storage space and its location adversely affects the ability of the site to provide for the storage needs of future activities on the site.
- (10) Alternative provision on, or in close proximity to, the site for outdoor storage space to meet the needs of future activities on the site.
- (11) The extent to which the location of storage space or lack of screening adversely affects the visual amenity of adjoining sites and public places or results in wind-blown debris leaving the site.

**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).

**17.3.2.5 Non-Complying Activities (Land Use)**C10 10/07  
Op 3/14

Any activity that does not comply with the discretionary conditions of rule 17.3.2.4 is a non-complying activity.

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

**17.3.3 Building Construction or Alteration**C10 10/07  
Op 3/14**17.3.3.1 Permitted Activities (Building Construction or Alteration)**

Construction or alteration of a building is a permitted activity, if it complies with the following conditions: C10 10/07 Op 3/14  
C19/5/10 Op 8/12

- (a) The activity is not the construction or alteration of any building: C10 10/07  
Op 3/14  
*Item (a) (i) removed as part of plan change 73.* C73  
Op 6/23
- (ii) where any side of the building is more than 50 metres in length (regardless of any wall off set provided in condition 17.3.3.1(i)); C10 10/07  
Op 3/14
- (iii) where the gross floor area is greater than 2,000 square metres.

**Building Coverage**

- (b) The maximum building coverage is 50 percent, subject to compliance with the conditions of all other permitted activity rules relevant to the use of space on the site.

**Height**

- (c) The maximum height of any building is 10 metres, except that: C43 4/13  
Op 1/15
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
- (ii) for antenna attached to a building, condition 16.6.2.1(k) applies;
- (iii) in the Richmond West and Motueka West development areas for any site adjoining the Residential and Open Space zones and any indicative reserve, the maximum height is 8.5 metres.



**Building Envelope**C10 10/07  
Op 3/14

- (d) Buildings on sites that adjoin a Residential Zone or an indicative reserve do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone or an indicative reserve. The angle is calculated according to the elevation calculator in Schedule 17.1A.

**Setbacks**

- (e) The building is set back from roads and zone boundaries at least:
- (i) 10 metres from roads, except where these roads adjoin the Borck Creek indicative reserve;
  - (ii) 5 metres from roads adjoining the Borck Creek indicative reserve;
  - (iii) 10 metres from the boundaries of sites in an adjoining Residential, Open Space, Recreation, or Rural 1 zone.
- (f) The building is set back from reserves, rivers and amenity planting setbacks at least:
- (i) 5 metres from boundaries of public reserves;
  - (ii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (g) Telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from setback requirements.
- (h) In the Richmond West Development Area, notwithstanding condition (g) of this rule, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.
- (ha) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
- (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.

C73  
Op 6/23**Walls and Modulation**

- (i) An offset of at least 2.5 metres is required at intervals no greater than 25 metres along any wall that adjoins a road, a reserve, or a Residential, Recreation, Open Space or Rural zone.

**Building Frontage**

- (j) The front of buildings on any site along the Retail Frontage in the Richmond West Development Area shown on the planning maps face Lower Queen Street.

**Windows**

- (k) The front of buildings in (j) adjoining the Retail Frontage shown on the planning maps contain display windows at least 2.4 metres high starting at ground floor level or no higher than 500 millimetres above ground floor level, and cover at least 50 percent of the area of the ground floor walls for the purpose of display of goods and services, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church) while the activity remains a community activity.

## Fences

- (l) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from lower Queen Street, behind the amenity planting, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church), while the activity remains a community activity, fences are no higher than 1.2 metres and set back behind the amenity planting.
- (m) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone are set back behind the width of amenity plantings required in condition 16.3.4.1(t) and condition 17.3.3.1(n)(iii), and are no higher than 1.8 metres.

## Landscaping

- (n) The site is landscaped, comprising:
- (i) amenity planting required in car park areas in rule 16.2.2.4;
  - (ii) amenity planting required by conditions 16.3.4.1(t) and (u) which have been completed;
  - (iii) amenity planting at least 2.5 metres wide along the road frontage of any site, except where required in condition 16.3.4.1(t) and the width of the site access;
  - (iv) except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, additional amenity planting so that the total planting is at least 10 percent of the total site area;
  - (v) despite condition (n)(iii), on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, where any site adjoins Designation 132 (Richmond Deviation), on the south boundary of this land, additional amenity planting at least 5 metres wide along the entire south boundary provides, at maturity, a dense screen of at least 2.5 metres high;
  - (vi) amenity planting at least 2.5 metres wide along any boundary of a site that adjoins a Residential Zone or the Open Space Zone separating the Residential Zone from the Mixed Business Zone west of Borck Creek. C79 11/24
- (o) Amenity plantings are maintained and replaced where dead, damaged or diseased.

## Cross-boundary Effects

- (p) Goods service docks, open work bays and openable work bays do not face a Residential Zone, Open Space Zone, public place or facility located on an adjoining site.
- (q) Sites are screened from adjoining land in a Residential Zone by a fence, a wall, or planting that at maturity provides a dense screen, 1.8 metres high along the entire boundary (except for any vehicle or pedestrian entrance on a road boundary). Any such fence or wall does not include barbed or razor wire.

### 17.3.3.2 Controlled Activities (Building Construction or Alteration)

C10 10/07  
Op 3/14

Construction or alteration of a building is a controlled activity if it complies with the following conditions:

- (a) All the conditions of rule 17.3.3.1, except condition (a)(iii).
- (b) The building has a gross floor area greater than 2,000 square metres.

**Building Design and External Appearance**

- (c) A design statement is provided by an appropriately competent person in architecture setting out how the design and appearance of the building fits into the site and surrounding landscape and addresses:
- (i) in the Richmond West Development Area, scale, bulk, height and layout to minimise visual effects and dominance of built form relative to neighbouring buildings, streetscape, reserves and from the Richmond Hills;
  - (ii) glare and identifies the colour and reflectivity values of walls and roof;
  - (iii) wall and roof modulation to minimise visual impacts;
  - (iv) design elements and features to minimize adverse visual effects;
  - (v) location of utility elements away from public view.
- (d) In the Richmond West Development Area, notwithstanding condition 17.3.3.1(g), the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

C43 4/13  
Op 1/15C10 10/07  
Op 3/14

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

**Building Design and External Appearance**

- (1) Visual effects and dominance of built form relative to adjoining buildings, streetscape, reserves and the use of design features and elements to mitigate effects.
- (2) Design features and elements that mitigates visual impacts when viewed from the Richmond Hills residential and rural residential areas, roads, reserves and adjoining zones, where relevant.
- (3) Scale, height and bulk of buildings.
- (4) Glare and reflectivity, materials and colour.

**Miscellaneous**

- (5) Financial Contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**17.3.3.3 Restricted Discretionary Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

Construction or alteration of a building that does not comply with condition (h) of rule 17.3.3.1 or condition (d) of rule 17.3.3.2 is a restricted discretionary activity.

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

- (1) In the Richmond West Development Area:
  - (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (b) the extent to which buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.3.3.4 Discretionary Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14  
C73  
Op 6/23

Construction or alteration of a building that does not comply with the conditions of rule 17.3.3.1, 17.3.3.2 or 17.3.3.3 is a discretionary activity, if it complies with the following conditions:

- (a) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from lower Queen Street, behind the amenity planting.
- (b) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone are set back behind the width of amenity plantings required in condition 16.3.4.1(t) and condition 17.3.3.1(n)(iii), and are no higher than 1.8 metres.
- (c) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
  - (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.

**A resource consent is required** and may include conditions including but not limited to:

C10 10/07  
Op 3/14**Building Coverage**

- (1) The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.
- (2) The extent to which site development complies with other requirements for setback, landscaping, parking, vehicle manoeuvring, access and loading provisions.
- (3) The necessity for the increased building coverage in order to undertake the proposed activities on the site.
- (4) The degree to which any reduction in open space can be mitigated by building design and appearance, or landscaping.

**Height**

- (5) The extent of any adverse effects on the environment from exceeding a maximum height and, in particular, the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.
- (6) The degree to which the increased height or intrusion through the daylight admission lines (Schedule 17.1A) affect the amenity and enjoyment of adjoining sites, streets and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked from buildings, which is out of character with the local environment.
- (7) The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- (8) The degree to which any adverse effects from increased height can be mitigated by site layout, setback, building design and appearance, and landscaping.
- (9) The extent to which the increased building height adversely affects the natural

character of the coastal environment.

#### **Setback from Roads and Zone Boundaries**

- (10) The necessity for a reduced setback to enable more efficient or practical use of a site.
- (11) The extent of the visual impact of the building from adjoining residential sites and streets and its impact on the amenity and character of the neighbouring residential environment, taking into account its design and appearance, bulk and length of walls.
- (12) The potential for the development to affect the amenity of the adjoining residential environment in terms of effects, such as shading, noise, glare, dust, smell and vibration.
- (13) The potential for the privacy of adjoining residential sites to be affected from buildings built at a reduced setback.
- (14) The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale and the openness and visual amenity of the street when viewed from adjoining properties.
- (15) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.
- (16) The extent to which reduced setback affects compliance with parking, loading and access rules.
- (17) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.

#### **Setback from Reserves and Rivers**

- (18) The extent of any shading created and the impact this may have on the public use and enjoyment of a reserve and ecological health of a river.
- (19) The potential for the development to affect the public use and enjoyment of a reserve or river.
- (20) The potential for the development to detract from the amenity and pleasantness of the adjoining reserves or rivers in terms of effects such as noise, glare, dust, smell and vibration.
- (21) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.
- (22) 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.

#### **Building along a Retail Frontage**

- (23) The visual continuity of building frontage and the character of the streets as visually distinctive centres of business activity.
- (24) The need for access to the rear of the site for other business activities as well as activities such as off-street parking, loading and storage.
- (25) The layout of the site and the options for maximum use of the site.
- (26) The design and appearance of buildings and compatibility with other adjoining buildings in terms of design, height, setback and scale.

#### **Windows**

- (27) Where display windows are not provided as permitted in the Retail Frontage, the effect this has on the visual continuity of building frontage from the street and the distinctive form and character of buildings in the precinct.

- (28) The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale, and the extent of the impact that non-permitted display windows has on the architectural cohesiveness of the street.

### **Fences**

- (29) The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale, and the extent of the impact that fences has on the architectural cohesiveness of the street.

### **Building Design and Appearance**

- (30) The degree to which the proposed development impacts 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.
- (31) 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.
- (32) 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.
- (33) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening, or use of other materials.
- (34) The extent to which building design and appearance adversely affects the natural character of the coast.
- (35) The extent and quality of amenity plantings.
- (36) The extent to which practical use of the site will be affected by the proposal.

### **Landscaping**

- (37) Whether the location, scale and design of landscaped areas, including open space, courtyards and yards, effectively contributes to the amenity of the site and the wider area.
- (38) Whether the development ensures the retention of any significant existing trees and vegetation.

### **Cross-Boundary Effects**

- (39) The extent to which goods service docks, open work bays and openable work bays will affect the amenity, character and use of neighbouring sites and public places and in particular the extent to which these can be viewed from neighbouring sites and public places.
- (40) The extent to which the lack of screening adversely affects the visual amenity of adjoining sites and public places or results in wind-blown debris leaving the site.

### **Services**

- (41) The ability to adequately reticulate water supply, wastewater, stormwater and solid waste storage and collection.

### **Stormwater**

- (42) The ability of the Council-provided stormwater drainage network to accommodate additional stormwater.

- (43) The extent to which the stormwater run-off generated by additional development is managed.
- (44) The extent to which the activity has employed low impact design solutions to the management of stormwater flow and water quality.
- (45) The extent to which permitted activity conditions for the use and storage of hazardous substances can be met.

**Traffic (roading, access, parking, manoeuvring, loading)**

- (46) Whether vehicle access provided is functional and safe.
- (47) 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 dominate the streetscape.

**Miscellaneous**

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

**17.3.3.5 Non-Complying Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

Construction or alteration of a building that does not comply with the discretionary conditions of rule 17.3.3.4 is a non-complying activity.

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

**17.3.20 Principal Reasons for Rules**C10 10/07  
Op 3/14**Noise**

In the Richmond West Development Area the noise standards have been formulated in such a way that there is a gradation of zones and increasing noise levels from Residential to Mixed Business to Light Industrial zones. The Mixed Business Zone effectively acts as a buffer between Residential and Industrial zones. Noise thresholds within the Mixed Business Zone are higher than the Residential Zone to enable a range of business activities to establish and operate, but also seek to maintain a level of comfort for adjacent zones. Night-time noise levels from mixed business activities at the boundary of the Residential Zone and dwellings in other zones are the same as the Residential Zone. This reduces the nuisance effect from, and recognises the importance of, enabling a quiet sleeping environment at night.

C10 10/07  
Op 3/14  
C43 4/13  
Op 1/15

The noise limits do not apply at roads and this is inferred by applying noise limits at the boundary of any other site (not a road).

**Retail Activity**

Retail activity that replicates the scale, nature and intensity of that provided for in the Central Business Zone has the ability to adversely affect the vitality and amenity values of the area by diminishing it as the central focal point, specialty retail activity focus and core pedestrian-oriented area. Consequently, the Mixed Business Zone provides for a specific range of large format retail activities which are car-oriented destinations, often involving bulky goods. Exemptions to the increased scale of retail activities within the Mixed Business Zone are made for those retail activities that are not generally accommodated or provided for within the Central Business Zone such as trade activities and outdoor display and sales areas or those activities that are unlikely to

affect the vitality of the area. An upper limit to the permitted scale of a retail activity is established beyond which, depending on the nature of the activity, an assessment of the potential adverse effects on the Central Business Zone may be necessary. This may be required, in particular, for the establishment of a mall or larger supermarket complex, and to address the effects on amenity values associated with the bulk and scale of buildings and effects on the transport network. Gross Leasable Floor Area has been applied to avoid multiple retail tenancies establishing under one roof at lower minimum thresholds than identified for the zone and having the potential to replicate specialty retail activities provided for in the Central Business Zone.

### **Residential Activities and Visitor and Tourist Accommodation**

C10 10/07  
Op 3/14

The primary focus of the Mixed Business Zone is for business or commercial activities, although community and recreation activities are also provided for within the zone. Some of these activities require flexibility to operate at higher levels of noise emissions and hazardous substances, for example, than generally conducive to the more sensitive nature of residential activities and are generally not as suitable for residential activities. In addition, the Mixed Business Zone in the Richmond West Development Area, particularly west of Lower Queen Street acts as a buffer or spatial separation between the Residential Zone and the Light Industrial Zone, reducing the potential adverse effects of industrial activities on residential activities whilst providing for the ongoing operation of these activities, particularly the Nelson Pine Industries MDF operation, with minimal reverse sensitivity effects.

Provision for residential activities within the zone is restricted to those for security or management purposes and to those that are of a 'live-work' nature restricted to owners or tenants of the business activity, and a single residential unit per site. In the Richmond West Development Area this is likely to be more appropriate east of Lower Queen Street given the proximity to the Waimea Inlet and recreation activities, and to avoid any potential reverse sensitivity effects on the MDF site as a consequence of prevailing winds. The commercial focus of visitor and tourist accommodation and the short term nature of residential activities mean that these activities can be accommodated within the Mixed Business Zone where they are compatible with surrounding activities, and adverse effects can be avoided, remedied or mitigated. Consideration needs to be given to the potential for reverse sensitivity effects on existing business activities.

Home occupations are not appropriate in the Mixed Business Zone because the business activity is ancillary to the living activity.

### **Light Industrial Activity**

Industrial activities of a scale, nature and intensity that result in low emissions (e.g. noise, odour) and contribute to maintaining and enhancing high amenity values within the zone and at the boundary of the zone are provided for in the Mixed Business Zone. These activities do not involve the use of heavy machinery, are generally not of a heavy industrial or rural industrial nature, tend to be carried out indoors, are generally small scale, and include printing works, furniture manufacture, car repairs, light engineering, and trade depots.

### **Indicative Roads and Reserves**

C73  
Op 6/23

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.



Large scale warehousing and storage operations and transport depots are considered to be more appropriate in the Light Industrial Zone due to the effects associated with matters such as traffic movements, heavy vehicles, and visual effects.

C10 10/07  
Op 3/14

Larger scale industrial activities and buildings, similar to other large scale businesses, have the potential to adversely affect amenity values, as a consequence of use of the site for outdoor storage and use, and the tendency for utilitarian buildings and a larger scale. Plan standards seek to ensure that activities and buildings maintain and enhance amenity values through the use of amenity and building design controls relative to the scale of the activity and building. Outdoor activities 5,000 square metres and above and the construction of buildings 3,000 square metres and above are full discretionary activities.

Certain activities are excluded from the Mixed Business Zone where they would adjoin a Residential Zone, because of their potential effect on amenity and environmental values in residential areas.

### **Amenity**

In conjunction with one another, provisions relating to building design and appearance, building coverage, fencing, amenity plantings and setbacks provide an integrated rule framework for the Mixed Business Zone, designed to promote a high standard of amenity with a low impact on the surrounding people and environment.

### **Emissions**

In conjunction with one another, provisions relating to dust, odour, lighting, glare, and noise provide an integrated rule framework for the Mixed Business Zone designed to manage emissions and mitigate effects on the surrounding people and environment.

### **Filling of Allotments**

The standard seeks to avoid inhibiting or altering the course of natural over-land stormwater flow paths and the risk of flooding other properties.

C10 10/07  
Op 3/14

## 17.4 INDUSTRIAL ZONE RULES

*Refer to Policy sets 5.1, 5.5, 6.5, 6.7, 9.1, 9.3, 11.1, 11.2, 13.1, 14.4.*

### 17.4.1 Scope of Section

This section deals with land uses in the Heavy Industrial Zone and the Light Industrial Zone. Rules apply to each zone unless otherwise stated. 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. NES-FW (ca)  
12/20

### 17.4.2 Land Use

#### 17.4.2.1 Permitted Activities (Land Use)

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) If the location of the activity is within the area that is subject to Schedule 17.4A (as shown on the planning maps), the activity is permitted by Rule 17.5.2.1 or 17.5.4.1. C79 11/24

~~(a)~~(aa) The activity is not one of the following:

- (i) a residential activity;
- (ii) a community activity (except in the Light Industrial Zone location at Beach Road as shown on the planning maps); C10 10/07  
Op 3/14
- (iii) motor vehicle repairs or dismantling or sheet-metal work, on sites adjoining or across a road from a Residential Zone;
- (iv) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.

(b) Retail sales are limited to:

- (i) goods produced on, or ancillary to, the industrial use of the site (maximum retail area 100 square metres); or
- (ii) goods of sufficient bulk to require outdoor storage such as landscape materials, machinery, or vehicles; or
- (iii) takeaway food bars.

(c) On Lot 1 DP 18856, located on parts of 67, 69 and 71 Ellis Street, Brightwater permitted activities are limited to those listed under condition 17.4.2.1(b)(i), (ii) and (iii), plus indoor storage of goods.

##### Screening

(d) Outdoor storage areas are screened where directly exposed to immediately adjoining sites zoned Residential (except those across a road) by a wall or close-boarded fence at least 1.8 metres high.

**Air Emissions – Dust and Odour**

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

**Glare**

- (g) Exterior lighting is directed away from adjacent residential properties and public places.
- (h) All metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

**Amenity Plantings**

- (i) Amenity plantings 2 metres wide are provided along all site boundaries with formed roads and sites adjoining a Residential Zone and the Seaton Valley Stream. Amenity plantings consist of species that, at maturity, provide a solid screen up to a height of at least 2 metres; except for telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height, and masts and poles and their antennas and mounting structures less than 10 metres in height. C10 10/07  
Op 3/14  
C22 2/11  
Op 1/15
- (j) In the Richmond West Development Area, all amenity plantings located within or 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:  
(i) access to support structures is retained; and  
(ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors. C10 10/07  
Op 3/14
- (k) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, fences, including security fences, along site boundaries that adjoin roads, reserves and the Open Space Zone, are set back behind the width of amenity plantings and are no higher than 1.8 metres. C22 2/11  
Op 1/15

**Noise**

- (l) Except as specified in condition (n), in the Light Industrial and Heavy Industrial zones, noise generated by the activity, measured at or within the boundary of any site within the Light Industrial Zone, other than the site from where the noise is generated, or at or within the boundary of any site within the Central Business, Commercial or Rural Industrial zones, does not exceed:  

	Day	Night
$L_{eq}$	65 dBA	55 dBA
$L_{max}$		85 dBA

 C10 10/07  
Op 3/14  
C19 5/10  
Op 8/12
- (m) Except as specified in condition (n), in the Light Industrial and Heavy Industrial zones, noise generated by the activity measured at or within the boundary of any site within a Residential or Tourist Services Zone, or at or within the notional boundary of any dwelling in the Rural, Rural Residential or Papakainga Zone, does not exceed:  

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

 C19 5/10 Op 8/12

**N.B.** Day = 7.00 am to 9.00 pm, Monday to Friday, inclusive of 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = All other times, including 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*. C19 5/10  
Op 8/12

This rule also applies to that part of the Quarry Area in Lee Valley which is also Industrial Heavy Zone in and adjoining Record of Title 11A/542, and accordingly the provisions of condition 18.6.4.1(e) do not apply to that particular part of the Quarry Area.

(n) The following are exceptions to conditions (l) and (m): C19 5/10  
Op 8/12

(i) In the Light Industrial Zone located on Part Section 18 and Part Sections 18A District of Takaka; Lot 4 District Plan 9734; Lot 1 District Plan 7173; Part Lot 1 District Plan 8754; and Part Lot 1 District Plan 11703 (68 Meihana Street, Takaka, occupied by Fonterra Ltd), noise measured at night does not exceed 45 dBA  $L_{eq}$ ; and ‘Day’ equals 7:00 am to 9:00 pm every day of the year;

(ii) In the Light Industrial Zone located on Lots 1 and 2 DP 12079, and Lot 2 DP 11787 (Poutama Street, Richmond), noise measured at night does not exceed 45dBA  $L_{eq}$ .

(iii) In the Light Industrial Zone located in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), noise generated by the activity, measured: C10 10/07  
Op 3/14

(a) at or within the boundary of any site within the Light Industrial Zone, other than the site from where the noise is generated, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	60 dBA	50 dBA
$L_{max}$		80 dBA

(b) at or within the notional boundary of any dwelling in the Rural 1 Zone, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

(c) at or within the boundary of the Mixed Business Zone, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	60 dBA	45 dBA
$L_{max}$		70 dBA

(d) at or within the boundary of the Residential Zone, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

**N.B.** Day = 7.00 am to 9.00 pm, Monday to Sunday inclusive (including public holidays)

Night = All other times.

(iv) In the Light Industrial Zone located at Bird Lane, Wakefield, noise generated by the activity, measured at 20 metres from the zone boundary, within the Residential Zone, does not exceed: C58 11/15  
Op 7/17

	<b>Day</b>	<b>Night</b>
$L_{eq}$	55 dBA	40dBA
$L_{max}$		70dBA

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*.

- (o) For the areas of land located at 68 Meihana Street, Takaka (occupied by Fonterra Ltd), there must be at all times a current Noise Management Plan. The Noise Management Plan must specify the following:
- (i) aims and approach;
  - (ii) the noise rules in this Plan which apply to the site;
  - (iii) the approach to compliance monitoring;
  - (iv) a complaints procedure;
  - (v) the best practicable option methods for noise mitigation for site areas, activities, and/or processes;
  - (vi) equipment maintenance requirements;
  - (vii) any site layout provisions relating to noise mitigation;
  - (viii) new plant/equipment policy;
  - (ix) staff training;
  - (x) means of communication with local residents and the wider community;
  - (xi) methods for review.

The current Noise Management Plan must be certified by the relevant Site Manager and must be available at the Takaka office of the Tasman District Council for inspection by the Public at any time.

#### Stormwater

C7 7/07  
Op 10/10

- (p) (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.

- (q) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be discharged is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network.

C10 10/07  
Op 3/14

**Note:** Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council Engineering Standards and Policies.

#### Filling of Allotments

- (r) In the Richmond West Development Area, allotments below the 4.6 metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area. This condition does not apply in the Light Industrial Zone location at Beach Road as shown on the planning maps.

**17.4.2.1A Controlled Activities (Scheduled Location)**

C79 11/24

Any land use that does not comply with permitted condition (a) of rule 17.4.2.1 is a controlled activity if it complies with the following conditions:

- (a) The activity complies with conditions (aa) to (r) of rule 17.4.2.1.
- (b) Mean Sea Level is lower than the Schedule 17.4A sea level rise trigger.
- (c) Any resource consent issued will expire 12 months after Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.

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

- (1) The removal of structures and materials associated with the activity from the site.
- (2) The restoration of the site
- (3) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (4) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**17.4.2.2 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14  
C79 11/24

Any land use that does not comply with permitted condition (j) of rule 17.4.2.1, but does comply with all other conditions of that rule, is a restricted discretionary activity.

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

**Amenity Plantings**C10 10/07  
Op 3/14

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.4.2.3 Discretionary Activities (Land Use)**

Any land use that does not comply with the conditions of rules 17.4.2.1, 17.4.2.1A and 17.4.2.2 is a discretionary activity, if it complies with the following conditions:

C10 10/07  
Op 3/14  
C79 11/24

- (a) The activity is not a residential activity other than a caretaker's residence on the same site as the caretaker works.
- (b) The activity is not motor vehicle repairs or dismantling or sheet-metal work, on sites adjoining or across a road from a Residential Zone.
- (c) The activity is not a community activity.

C10 10/07 Op 3/14

**A resource consent is required** and may include conditions.

**17.4.2.4 Non-Complying Activities (Land Use)**C10 10/07  
Op 3/14

Any land use that does not comply with the conditions for a discretionary activity is a non-complying activity.

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

**17.4.3 Building Construction or Alteration****17.4.3.1 Permitted Activities (Building Construction or Alteration)**

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

(aa) The building is not on a site (as shown on the planning maps) that is subject to Schedule 17.4A. C79 11/24

(a) The building is not on any of the Specified Sites in the Light Industrial Zone at Brightwater (as shown on the planning maps). C57 11/15  
Op 12/18

*Item (b) deleted as part of Plan Change 73* C10 10/07  
Op 3/14  
C73  
Op 6/23

**Building Coverage**

- (c) Maximum building coverage is 90 percent, except: C10 10/07  
Op 3/14
- (i) in the Light Industrial Zone in the Motueka West and Richmond West development areas (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) and at Mapua C22 2/11  
& C43 4/13  
Op 1/15
- (ii) in the Heavy Industrial Zone in the Motueka West Development Area; C57 11/15  
Op 12/18
- (iii) in the Light Industrial Zone at Brightwater.  
where the maximum building coverage is 75 percent.

**Height**

- (d) The maximum height of a building is:
- (i) 15 metres in the Light Industrial Zone other than on Lot 1 DP 6223 (Batchelor Ford Road) where the maximum height limit is 8 metres;
- (ii) 20 metres in the Heavy Industrial Zone;
- (iii) 7.5 metres on Lot 1 DP 18856 on parts of 67, 69 and 71 Ellis Street, Brightwater; except that:
- (a) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
- (b) for antenna attached to a building, condition 16.6.2.1(k) applies;
- (c) any chimney or other equipment that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the meaning of "height" in the Plan;
- (d) at Motueka West Development Area, the building or structure does not exceed the height limits shown in Schedule 16.11A for Motueka Aerodrome. C43 4/13  
Op 1/15

**Walls**

- (e) In the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), an offset of at least 2.5 metres is required at intervals no greater than 25 metres along any wall that adjoins a road, a reserve, or Open Space or Residential zone, except that on Part Section 108 Waimea East District (Appleby Highway) adjoining the Residential boundary, the interval is no greater than 15 metres. C10 10/07  
Op 3/14

**No Dwellings**

- (f) The building is not a dwelling.

**Cross-boundary Effects**

- (g) Goods service docks, open work bays and openable work bays do not face a Residential Zone, Open Space Zone, public place or public facility located on an adjoining site.
- (h) Sites are screened from adjoining land in any Residential Zone by a fence or wall 1.8 metres high along the entire boundary (except for any vehicle or pedestrian entrance on a road boundary). C10 10/07  
Op 3/14

**Glare**

- (i) Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

**Building Envelope**

- (j) Buildings on sites which adjoin a Residential Zone do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

**Setbacks**

- (k) The building is set back from road boundaries at least: C10 10/07  
Op 3/14
- (i) 3 metres in the Light Industrial Zone, except that in the Richmond West Development Area (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) buildings are set back at least 10 metres from roads, and in Motueka West Development Area buildings along the east side of Queen Victoria Street are set back at least 15 metres. C43 4/13  
Op 1/15
- (ii) 10 metres in the Heavy Industrial Zone;
- 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.
- Note:** Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements. C68 7/18  
Op 6/19
- (ka) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at least 10 metres from indicative roads and 5 metres from indicative reserves, 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.
- (l) In the Light Industrial Zone, the building is set back from roads and zone boundaries at least: C10 10/07  
Op 3/14  
C73  
Op 6/23
- Item (i) removed as part of plan change 73*



- (ii) 20 metres from the boundaries of sites in an adjoining Rural 1 Zone, except adjoining Swamp Road where the setback is 15 metres and adjoining McShane Road, where the setback is 10 metres; C10 10/07  
Op 3/14
- (iii) 10 metres from the Open Space Zone.
- (m) In the Richmond West Development Area, notwithstanding the exemption in condition (k) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.
- (n) In the Heavy Industrial Zone, buildings are set back 10 metres from any boundary of a public reserve and from any adjoining Residential Zone, and at least 15 metres from Queen Victoria Street in the Motueka West Development Area. C43 4/13  
Op 1/15
- (o) The building is set back at least:
- (i) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (ii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.
- (p) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, fences, including security fences, along site boundaries that adjoin roads, reserves, and the Open Space Zone, are set back behind the width of amenity plantings and are no higher than 1.8 metres. C10 10/07  
Op 3/14

#### Wastewater Disposal

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

#### Stormwater

- (r) (i) EITHER C7 7/07  
Op 10/10
- 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.
- (s) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be discharged is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network. C10 10/07  
Op 3/14
- Note:** Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council Engineering Standards and Policies.

#### Landscaping

- (t) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, the site is landscaped comprising: C10 10/07  
Op 3/14
- (i) amenity planting required in carparking areas in rule 16.2.2.4;
- (ii) amenity planting required by conditions 16.3.4.1(q), (r) and (s);
- (iii) amenity planting at least 2.5 metres wide along the frontage of any site, except where required in condition 16.3.4.1(q);

- (iv) additional amenity planting so that the total planting is at least 10 percent of the site area.
- (u) Amenity plantings are maintained and replaced where dead, damaged or diseased.

### 17.4.3.2 Controlled Activities (Building Construction or Alteration - Light Industrial Zone at Brightwater: Specified Sites)

C19 5/10  
Op 8/12C57 11/15  
Op 12/18

For the area of the Light Industrial zone in Brightwater contained within Part Section 2, Waimea South District, being the land contained in Record of Title 65/68 12C/239 or on those parts of Lots 4 and 5 DP 18856 (Spencer Place, Brightwater), any construction or alteration of a building is a controlled activity, if it complies with the following conditions:

- (a) The maximum height of a building is 8 metres; and
- (b) The building coverage is not extended on the site.

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

- (1) The location and size of building. C57 11/15 Op 12/18
- (2) The location of mounding, landscaping, ponding areas and flood flow paths.
- (3) The duration of the consent and the timing of reviews of condition and purpose of reviews.
- (4) Financial contributions, bonds and covenants in respect of the performance of conditions.

### 17.4.3.3 Restricted Discretionary Activities (Building Construction or Alteration)

Construction or alteration of a building that does not comply with the conditions of rules 17.4.3.1, 17.4.3.2(a) or 17.4.3.3A is a restricted discretionary activity. However, this rule shall not apply to the construction or alteration of a building in a location that is subject to Schedule 17.4A.

C19 5/10 Op 8/12  
C57 11/15 Op 12/18  
C79 11/24

**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:

#### Building Coverage

- (1) The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.
- (2) The extent to which site development will be able to comply with other requirements for setback, landscaping, parking, vehicle manoeuvring, access and loading provisions.
- (3) The necessity for the increased building coverage in order to undertake the proposed activities on the site. Any increased flood hazard or flood hazard risk will be a consideration at Brightwater, including:
  - (a) protection for flood flow paths during a 1 percent Annual Exceedance Probability flood event;
  - (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building is not subject to inundation; and
  - (c) the effects any proposed development has on the flood hazard within the site and beyond the site boundaries.
- (4) The degree to which any reduction in open space can be mitigated by building design and appearance, or landscaping.

C57 11/15  
Op 12/18

#### Setback from Roads

- (5) The extent to which reduced setback will affect compliance with parking, loading and access rules.

- (6) The design and appearance of the building and its visual impact from the street or adjoining properties.
- (7) The necessity for a reduced setback to enable more efficient or practical use of a site.
- (8) The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale, and the openness and visual amenity of the street when viewed from adjoining properties.
- (9) The potential for the privacy of adjoining residential sites to be affected from buildings built at a reduced setback.
- (10) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.

#### **Setback from a Residential Zone or Public Reserve**

- (11) The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment or reserve, taking into account its design and appearance, bulk and length of walls.
- (12) The extent of any shading created and the impact this may have on any outdoor living spaces or main living areas within a dwelling or on the public enjoyment of a reserve.
- (13) The potential for the development to affect the privacy of the residents or users of the reserve.
- (14) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.
- (15) The potential for the development to affect the amenity of the adjoining residential environment or reserve in terms of effects such as noise, glare, dust, smell and vibration.

#### **Setbacks from Indicative Roads and Reserves**

C73  
Op 6/23

- (15A) The extent to which alternative practical locations are available for the building.
- (15B) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.
- (15C) The extent to which alternative practical locations are available for future reserves.
- (15D) The effects of the building being sited within the setback of the indicative road or reserve.

#### **Height**

- (16) The extent of any adverse effects on the environment from exceeding a maximum height and, in particular, the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.
- (17) The degree to which the increased height or intrusion through the daylight admission lines (Schedule 17.1A) will affect the amenity and enjoyment of residential sites, streets and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked from buildings, which is out of character with the local environment.
- (18) The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- (19) The degree to which any adverse effects from increased height can be mitigated by site layout, setback, building design and appearance, and landscaping.

- (20) The extent to which the increased building height will adversely affect the natural character of the coastal environment.

**Services**

- (21) Provision for the collection and disposal of stormwater and wastewater.

**Stormwater**C7 7/07  
Op 10/10

- (22) The ability of the Council-provided stormwater drainage network to accommodate additional stormwater.
- (23) The extent to which the stormwater run-off generated by additional development has been managed.
- (24) The extent to which the activity has employed Low Impact Design solutions to the management of stormwater flow and water quality.
- (25) The extent to which permitted activity conditions for the use and storage of hazardous substances can be met.

**Electricity Transmission Corridor**C10 10/07  
Op 3/14

- (26) In the Richmond West Development Area:
- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**Duration and Financial Matters**

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

**17.4.3.3A Restricted Discretionary Activities (Building Construction or Alteration - Specified Sites in Brightwater)**C57 11/15  
Op 12/18

Construction or alteration of a building that either:

- (a) creates a new footprint or extends the footprint of a building in the Light Industrial zone in specified sites in Brightwater (as shown on the planning maps) that complies with permitted activity conditions 17.4.3.1(c)(iii), (d), (f) to (u); or
- (b) does not comply with Controlled Activity condition 17.4.3.2(b);

is a restricted discretionary activity.

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

- (1)
  - (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event flood event;
  - (b) the effects of a 1 percent Annual Exceedance Probability event flood event are mitigated so the building is not subject to inundation; and
  - (c) the effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

**17.4.20 Principal Reasons for Rules****Building Coverage**

Setting maximum building coverage enables space available for tree and garden plantings and parking. In Light Industrial and Heavy Industrial zones, building coverage allows for landscaping, parking, access and manoeuvring. The performance requirements allow reasonable development opportunities.

In Brightwater, a flexible approach to building coverage has been introduced in 2017 to enable site-by-site design for avoidance or mitigation of flood hazards from a 1 percent Annual Exceedance Probability flood event. The sites are located in on the floodplain of the Wairoa River at Brightwater and have been subject to periodic flooding. A site at the northern end of Spencer Place, Brightwater, is also bisected by the main trunk wastewater line.

C57 11/15  
Op 12/18

In the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) and the Motueka West Development Area, coverage is limited to provide a standard of amenity and open space anticipated in a new industrial park.

C10 10/07 Op 3/14

C43 4/13 Op 1/15

**Building Setbacks**

Setback is a means of mitigating various adverse effects, such as loss of privacy, loss of amenity, the visual impact of buildings from the street and from other zones (especially the Residential Zone), the lack of available parking areas and lack of opportunity for landscaping. Natural hazards, particularly river erosion, are also a consideration.

In the Industrial zones, road boundary setback is required in order to provide space for landscaping and parking, and due to the potential need for higher buildings, greater setback will enhance the feeling of spaciousness in these areas. Greater setback is required from Queen Victoria Street to allow for landscaping and a possible future bypass.

C43 4/13  
Op 1/15

Side and rear yards are required where Industrial zones adjoin a Residential Zone or public reserve to allow for screening, landscaping and to provide a degree of separation to protect the amenity of residential areas and reserves from dominance by industrial buildings.

**Indicative Roads and Reserves**C73  
Op 6/23

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.

**Building Height**

Height is a key factor in determining the visual amenity, dominance of buildings, levels of privacy, access to sunlight and daylight, and the spaciousness of an area.

The maximum height in the Light Industrial and Heavy Industrial zones is higher than in other zones to allow for machinery and processes which may be necessary for industrial activity to occur. There is a lower height limit on Lot 1 DP 6223 (Batchelor Ford Road, Motueka) as it is a small isolated coastal site. At Motueka West Development Area, the obstacle limitation surface for the aerodrome may be a relevant matter.

C43 4/13  
Op 1/15

Daylight admission lines are intended to reduce shading of adjoining sites by buildings by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line will vary depending on the orientation of the building to the sun and is based on obtaining some sun onto sites even in mid-winter at midday. Consequently, north-facing walls will be able to be higher than south-facing walls. The angle has been set at a level that ensures reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites.

### Privacy

The proximity and location of windows adjacent to site boundaries can affect the privacy enjoyed on adjoining sites through being overlooked from buildings. Privacy is particularly valued in areas zoned Residential and therefore rules only relate to sites adjacent to these areas.

### Landscaping and Visual Amenity

The location of outdoor storage areas at the rear of buildings, together with screening, will mitigate any adverse visual effects. Landscaping is only required to improve the visual appearance of business activity where activities can be viewed by the public from roads and public spaces and where sites are adjacent to a Residential Zone. Fences or walls are required where industrial zones adjoin a Residential Zone, in order to contain debris within the site and to screen business activities from residential areas. These requirements will separate incompatible activities and improve the standard of amenity in residential areas by reducing the dominance of buildings and improving the outlook towards residential areas.

### Retailing

Limitations on retailing in Light Industrial and Heavy Industrial zones are imposed in order to encourage retail activity to consolidate in and close to the Central Business and Commercial zones. An additional reason for this rule involves the lower standard of amenity which is usually allowed for in Industrial zones compared with Central Business and Commercial Zones. This is sometimes necessary to enable activities to occur. Retailing that is primarily limited to bulky items and goods made on the site is unlikely to undermine the coherence and amenity values of either the commercial or industrial areas.

### Noise

Restrictions on noise levels are necessary adjoining a Residential Zone as prevailing noise levels are low and need to be maintained at a low level in order to protect the pleasantness and amenity of these areas.

There are some specific sites where the permitted activity standards are set at a slightly higher level than for the Zone generally. This is in recognition of industrial activities which have been established under previous plans which have provided for such levels, and which are not practicably able to meet the standards now generally applying to the industrial/residential interface. For the larger of these sites, there is also a requirement for a Noise Management Plan to assist in mitigating effects of noise.

In some areas, such as in the vicinity of 68 Meihana and/or 83 Motupipi Streets (Fonterra Ltd) in Takaka, there are established existing use rights, and nearby residents may at times be affected by higher levels of noise than the Plan provides for.

In the Light Industrial Zone in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) the intra-zone noise emission control allows for light industrial activities to operate for 24 hours at a noise emission level that is compatible with the zone use. On the zone boundary, day and night controls (apart from exemptions) ensure compatibility with adjoining land uses and provides certainty as to the measurement point, compared with other controls such as “notional boundaries” where the establishment of sensitive activities nearby outside the zone may have the effect of continually altering the measurement point for noise assessment.

C10 10/07  
Op 3/14

The use of a gradation of zones between Industrial zones and sensitive Residential Zones where the intermediate zones act as buffers, means that the separation distance will provide an effective mitigation measure from the adverse effects of noise emitted from the Light Industrial Zone. A buffer provided around the perimeter of the Light Industrial Zone at the interface with the Rural 1 Zone will also assist with providing noise attenuation at the boundary of the zone.

## Residential Activities

Residential activities are excluded from Light Industrial and Heavy Industrial zones as often a lower standard of amenity is required in these zones for industrial activities to operate than would be expected in areas of residential activity. Therefore, if residential activities were located in industrial areas, the operation of these activities could be adversely affected by pressure from residents to reduce noise levels (and other effects) to levels compatible with residential activities.

Due to the level of amenity sought in the Residential Zone, where Light Industrial and Heavy Industrial zones adjoin this zone, performance requirements are provided regarding the location of work bays and vehicle access, parking and loading areas as it is considered that the effects of these activities, such as visual effects and noise, can be mitigated in this way.

Certain activities, which are known to be likely to cause noise nuisance (and other effects incompatible with residential amenity), are excluded from Light Industrial and Heavy Industrial zones where they adjoin a Residential Zone in order to protect the amenity of a Residential Zone.

## Dust and Odour

Dust and odour can adversely affect 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.

The effects of odour can also affect the amenity enjoyed in areas and in some cases, can be hazardous to people's health, particularly where adjoining residential areas.

## Glare

Lighting can have effects due to the glare or illumination produced, which can interfere with the enjoyment of a property and the sleep of occupants. These effects can be mitigated by altering the direction of lighting.

In addition, 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.

## Stormwater

C7 7/07  
Op 10/10

The effective management of stormwater within industrial developments is an important issue that must be addressed. The risk of stormwater contamination is generally higher than in other zones. Industrial sites can have large areas of sealed or compact surfaces for outdoor storage, such as heavy machinery. Industrial businesses often also use and store hazardous substances and potentially contaminating substances.

## Filling of Allotments

The standard seeks to avoid inhibiting or altering the course of natural over-land stormwater flow paths and the risk of flooding other properties.

## Lower Queen Street Light Industrial Zone location

C79 11/24

Part of the Light Industrial Zone location in Lower Queen Street is subject to Schedule 17.4A. In this low-lying area appropriate land use activities and buildings can be undertaken in the short to medium term until such time as they become inappropriate due to their exposure to inundation, coastal hazards and sea level rise. Activities that are permitted in the Rural 1 zone remain permitted in this scheduled area.

Buildings in this area are subject to specific rules in the schedule and are required to obtain a resource consent and to be reassessed, and/or removed or relocated once the Schedule 17.4A sea level rise trigger is reached.

## SCHEDULES

### Schedule 17.4A: Subdivision and building on low-lying light industrial land, Lower Queen Street, Richmond

This schedule provides rules for the land that is subject to Schedule 17.4A as shown in the planning maps. Rules for building construction or alteration are provided in this schedule. Rules for land use activities are in Section 17.4.2.1.

#### 17.4A.1 Building Construction or Alteration

##### 17.4A.1.1 No Permitted Building

No buildings are permitted.

##### 17.4A.1.2 Controlled Activities

Construction or alteration of a building is a controlled activity, if it complies with the following conditions:

- (a) The building complies with the conditions (a) to (u) of Rule 17.4.3.1
- (b) The building is temporary, relocatable, or readily removable.
- (c) A condition is placed on any resource consent to the effect that the building must be relocated or removed from the site when Mean Sea Level reaches or exceeds the Schedule 17.4A sea level rise trigger.
- (d) With any resource consent application, the applicant provides a plan that satisfactorily addresses how the buildings are able, both physically and financially, to be removed from the site.

For the purpose of this rule, “readily removable”, means that the building is designed to be deconstructed with minimal destructive demolition. For example, it is made with panels which are bolted together and can be unbolted.

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

- (1) The nature of the building and its construction.
- (2) The risk of coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards.
- (3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character and the coastal environment.
- (4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

##### 17.4A.1.3 Restricted Discretionary Activities

Construction or alteration of a building is a restricted discretionary activity, if it complies with the following conditions:

- (a) The building complies with conditions (b) to (d) of rule 17.4A.1.2



**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) All matters identified in Rule 17.4A.1.2
- (2) All matters identified in Rule 17.4.3.3.

#### **17.4A.1.4 Discretionary Activities**

Construction or alteration of a building that does not comply with the conditions of Rule 17.4A.1.3 is a discretionary activity.

**A resource consent is required.** Consent may be granted and conditions imposed, or consent may be refused.

### **Principal Reasons for Rules**

This scheduled area is subject to projected future inundation in the Light Industrial Zone location that was established by Plan Change 10. The rules for this location reflect that use of this land for light industrial purposes may be appropriate for a period of time, but that ultimately landowners must be responsible for removing industrial buildings and activities, and that this should be done “on a fine day” before significant damage or destruction of the buildings is done requiring forced relocation and coastal clean-up.

**17.5 RURAL 1 ZONE RULES**

*Refer to Policy sets 5.1 - 5.3, 5.5, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1, 11.1, 11.2, 12.1, 13.1, 14.3, 14.4, 33.4, 34.1, 34.2, 36.2, 36.6.*

*Refer to Rule sections 16.2, 16.11.*

**17.5.1 Scope of Section**

This section deals with land uses in the Rural 1 Zone, including the Rural 1 Closed and Rural 1 Coastal zones. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19. C22 2/11  
Op 1/15

**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. NES-FW (ca)  
12/20

**17.5.2 Land Use****17.5.2.1 Permitted Activities (Land Use - General)**

C19 5/10  
Op 8/12

**NOTE:** Rule 17.5.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

**Activities**

- (a) The activity is not:
- (i) an industrial or rural industrial activity;
  - (ii) quarrying, where the volume of land disturbed is greater than 50 cubic metres in any 12-month period;

**Advice Note:** Clause (a)(ii) does not apply to forestry quarrying which is managed by NES-PF regulations 51 - 59.

- (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
- (iv) the sale of liquor;
- (v) a rural selling place where:
  - the sale and display area is greater than 25 square metres; or
  - access is to an arterial route;
- (vi) a commercial activity; C10 10/07  
Op 3/14
- (vii) a community activity, except on Part Section 217 Waimea East District (Lower Queen Street, Richmond, occupied by Nelson Marlborough Institute of Technology), where the permitted activity is education, training and research;
- (viii) tourist accommodation;
- (ix) cooperative living; C60 1/16  
Op 6/19

*[Condition (a)(x) is deleted]*

- (xi) a papakainga development;
- (xii) on Lot 1 DP 20183, Lot 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lot 2 DP 4875, and Lot 3 DP 4875 (Main Road, Hope); C19 5/10 Op 8/12  
C50 4/13 Op 8/14  
C70 8/19 Op 1/21
- (xiii) a home occupation, except as allowed by rule 17.5.2.2. C19 5/10 Op 8/12
- (xiv) the maintenance, repair, storing or parking of more than two heavy vehicle with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. C60 1/16  
Op 6/19

Except that on Record of Title 3C/906 (Part Section 190 and 192, Waimea East District) at Appleby, the following activities are permitted to the extent set out:

- (i) A building and engineering contractor's yard, operated by the resident occupier of the site, including storage and maintenance of the occupier's equipment.
- (ii) Log, post and sawn timber production, including splitting, drying and storage of timber and the construction and repair of pallets and bins used in the horticulture industry.
- (iii) The use of one dwelling. C60 1/16 Op 6/19

*[Condition (b) (including the heading) is deleted]*

C60 1/16  
Op 6/19

## Noise

- (c) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed: C10 10/07  
Op 3/14

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	55 dBA	40 dBA	C19 5/10 Op 8/12
$L_{max}$		70 dBA	

Except as required by condition (e), this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: C14 5/09  
Op 8/12  
C60 1/16  
Op 6/19

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (c)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**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.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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. C19 5/10  
Op 8/12

- (d) In the Richmond West Development Area noise generated by the activity when measured at or within the notional boundary of any dwelling in a Rural 1 Zone (other than any dwelling on the site from which the noise is being generated), Rural Industrial, Light Industrial, Mixed Business, or at or within the boundary of any site within a Residential Zone, does not exceed:

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

Except as required by condition (e) of this rule, this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural or agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

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*.

### Frost Protection Devices

- (e) Noise generated by any frost protection device, in combination with noise from any other authorised frost protection device, does not at any time exceed 55 dBA  $L_{eq}$  when measured:

- (a) at or within the notional boundary of any dwelling that existed before the frost protection device is installed (other than a dwelling on the site from which the noise is being generated) in the Rural 1, Rural 2, Rural 3 or Rural Residential Zone; and
- (b) at or within the boundary of the Residential, Papakainga, or Tourist Services Zone; and
- (c) in any other circumstances, at a distance of 300 metres from the frost protection device;

**provided that** evidence of the ability to meet this condition is certified by an appropriately competent person in acoustic engineering and a copy of that certification, including a plan showing the location of the frost protection device or devices to which the certification applies, is lodged with the Council prior to the installation of any frost protection device.

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*.

- (f) Any frost protection device is operated only when the air temperature at the lowest level of the frost-tender part of the crop has fallen to 2 degrees Celsius, and ceases operating when the air temperature at that height has risen to 3 degrees Celsius; except that the device may be operated for maintenance purposes between 8.00 am and 6.00 pm.

C10 10/07  
Op 3/14  
C14 5/09  
Op 8/12

C14 5/09  
Op 8/12

- (g) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in (e) above, is located, oriented, and constructed to ensure that bedrooms and living rooms achieve an indoor design sound level of 30 dBA  $L_{eq}$  and 45 dBA  $L_{max}$  from any noise permitted in the zone beyond the notional boundary of the building or dwelling. C14 5/09  
Op 8/12
- (h) Outdoor fan-type frost protection devices are used only for frost protection, for crops that have a distinct period of bud-burst and a distinct end of harvest, and only in the period between bud-burst and end of harvest.

### Quarrying

- (i) The setbacks in condition 17.5.3.1(h)(i) to (iv) are complied with.
- (j) Condition 18.5.3.3(d) is complied with.

### Planting Near Viewpoints

- (k) Vegetation planted on or near to a viewpoint shown on the planning maps does not grow to a height that will obscure the view from the viewpoint.
- Advice Note:** Where vegetation is plantation forestry as defined in the NES-PF, regulation 13 allows condition (k) to apply.

### Amenity Plantings

C10 10/07  
Op 3/14

- (l) In the Richmond West Development Area, all amenity plantings located within or 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
- (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

### Intensive Livestock Farming

C60 1/16 Op 6/19

- (m) Intensive livestock farming which is intensive pig farming, including the keeping of pigs or the disposal of piggery effluent, must achieve the following setbacks:
- (i) Distance from a Residential Zone boundary existing at the date of the establishment of the pig farming activity - 2,000 metres.
- (ii) Distance from a Rural Residential Zone or Papakainga Zone boundary, school, church, public hall, marae, recreation ground, or other area with frequent public use existing at the date of the establishment of the pig farming activity - 1,500 metres.
- (iii) Distance from a dwelling on another site in a Rural 1, Rural 2 or Rural 3 zone existing at the date of the establishment of the pig farming activity, or in relation to Rural 3 Zone, distance from any building location area as approved on a survey plan of subdivision - 500 metres.
- (n) Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming, is set back at least 170 metres from any boundary of the site. C60 1/16  
Op 6/19

**Temporary Activities**C60 1/16  
Op 6/19

- (o) An event which is advertised for public admission meets the following conditions:
- (i) for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm;
  - (ii) any temporary building or structure that is used is removed at the end of the event;
  - (iii) where the event is located in the High Fire-Risk Area as shown on the planning maps and occurs between 1 October to 30 April, a fire preparedness plan is provided to the Waimea Fire and Emergency New Zealand for management under the Fire and Emergency New Zealand Act 2017 and to adjacent landowners 14 days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required and includes:
    - (a) the location, time and duration of the event and the number of people expected to attend the event;
    - (b) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbeques); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;
    - (c) fire readiness measures including water and equipment for firefighting; number of people on site trained in firefighting to New Zealand Qualifications Authority (NZQA) or Fire and Emergency New Zealand Training and Progressive System (TAPS) module standards; location of safe site areas; an evacuation plan with a stay/go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.

**Note:** Other legislation or requirements relating to health, food safety, building, and traffic management may need to be complied with.

**17.5.2.2 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:

- (a) A home occupation which is visitor accommodation:
  - (i) accommodates no more than six visitors at any time;
  - (ii) occupies a building which is a dwelling which either existed on 25 May 1996 or is otherwise permitted by the Plan.

- (b) A home occupation which is other than visitor accommodation:
- (i) occupies no more than 75 square metres gross floor area;
  - (ii) employs or engages no more than two full-time equivalent persons who reside elsewhere than on the site.
  - (iii) takes place indoors if it is motor vehicle repairs or dismantling, motor body building, spray-painting, fibre-glassing, or sheet-metal working; C60 1/16  
Op 6/19
  - (iv) is not bottle or scrap storage, rubbish collection or the composting of animal body parts;
  - (v) is not the boarding of domestic animals.
- (c) The conditions for noise as set out in 17.5.2.1(c) or (d).
- (ca) Where a home occupation gains access from a local road, the home occupation does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic is generated by:
- (i) a home occupation that is visitor accommodation; or
  - (ii) vehicles that are being used for or in connection with plant and animal production activities.
- (d) Retailing is permitted in accordance with the rural selling place provisions in rule 17.5.2.1 and is in accordance with the definition of rural selling place.
- (e) The home occupation is not undertaken on a site which is located on a shared access or private way, except where:
- (i) the activity is carried out solely by a person or persons permanently resident on site;
  - (ii) there are no visitors, clients or deliveries to the site.

### 17.5.2.3 Controlled Activities (Land Use) — Site Specific Activity (Hope Depot)

C19 5/10  
Op 8/12

*Refer to Schedule 17.5A.*

### 17.5.2.4 Restricted Discretionary Activities (Land Use)

C10 10/07  
Op 3/14

Any land use that does not comply with condition (l) of rule 17.5.2.1 is a restricted discretionary activity.

C19 5/10  
Op 8/12

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

#### Amenity Plantings

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.5.2.5 Restricted Discretionary Activities (Land Use – Frost Protection Devices)**

C14 5/09  
Op 8/12

Noise generated by any frost protection device that does not comply with conditions (e) and (f) of rule 17.5.2.1 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 Council has restricted its discretion:

- (1) Operational requirements of frost protection devices.
- (2) Noise mitigation measures.
- (3) Hours of operation (including maintenance).
- (4) Height of the device.

**17.5.2.6 Restricted Discretionary Activities (Home Occupations)**

C19 5/10  
Op 8/12

A home occupation that does not comply with the conditions of rule 17.5.2.2 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:

**Rural Character**

- (1) The extent to which the activity will result in the loss of rural character on the site and in the vicinity of the site.
- (2) Any adverse effect on the amenity values of the area.

**General Adverse Effects**

- (3) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on site, and safety and efficiency of traffic on roads giving access to the site.
- (4) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (5) Any effects relating to natural or technological hazards.

**Miscellaneous**

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



### 17.5.2.7 Restricted Discretionary Activities (Papakainga Development)

C19 5/10  
Op 8/12

A papakainga development 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) Appropriate access from adjoining roads and within the site.
- (2) Methods of wastewater and stormwater disposal and provision of a reliable potable water supply.
- (3) Risk from natural hazards.
- (4) Means of avoiding conflicts within the development.
- (5) Landscaping of the site to control any adverse visual effects.
- (6) The objectives and policies of Chapter 7 of the Plan.

### 17.5.2.8 Restricted Discretionary Activities (Community Activities)

C19 5/10  
Op 8/12

A community activity 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 rural 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.

### 17.5.2.8A Discretionary Activities (Cooperative Living)

C60 1/16  
Op 6/19  
C73  
Op 6/23

Cooperative living is a discretionary activity,

**A resource consent is required.** Consent may be refused or conditions imposed. In considering the applications and determining conditions, Council will have particular regard to the following criteria and to other provisions of the Plan or Act:

**Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)**

- |      |  |  |
|------|--|--|
| (1)  | The extent to which the proposal has retained or enhanced the potential of the land to support plant and animal production.                          | C60 1/16<br>Op 6/19                        |
| (2)  | The extent to which the buildings and proposed land use are consistent with low impact design and low impact building design principles and methods. |  |
| (3)  | Provision for the long term protection of the site from inappropriate subdivision contributing to land fragmentation of the site.                    |  |
| (4)  | The extent to which the proposed legal arrangement establishes, in an enduring manner:   | C60 1/16<br>Op 6/19<br>C73<br>Op 6/23<br>) |
| (a)  | the purpose or intent of the cooperative living activity;  |  |
| (b)  | how it will be managed now and in the future; and  |  |
| (c)  | how the individual members will be bound by this arrangement.  |  |
| (5)  | Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees, and cultural heritage sites.               | C60 1/16<br>Op 6/19                        |
| (6)  | The extent to which the development minimises the potential for adverse cross-boundary effects and reverse sensitivity.                              |  |
| (7)  | Natural hazards within and beyond the site, including wildfire risk, slope instability and flood hazard effects.                                     |  |
| (8)  | Effects on the rural landscape and on amenity values and coastal natural character.  |  |
| (9)  | Effects on servicing, including road access, water supply, and wastewater and stormwater systems.  |  |
| (9A) | Effects on the road network.   |  |
| (10) | The extent to which buildings, structures and accessways minimise the physical fragmentation of a site.  |  |

<b>17.5.2.8B Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)</b>	C60 1/16 Op 6/19
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Any poultry body part of poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 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 Council has restricted its discretion:

- |     |   |  |
|-----|---|--|
| (1) | Effects on amenity, including:  |  |
| (a) | ability to mitigate offensive odour,  |  |
| (b) | ability to mitigate visual effects by screening of activities from adjoining roads and sites,   |  |
| (c) | adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site, |  |
| (d) | ability to manage effluent and waste generated as part of the activity.   |  |

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

Any land use that does not comply with the conditions of rules 17.5.2.1 to 17.5.2.3 is a discretionary activity, if it complies with the following conditions:

C60 1/16  
Op 6/19  
C73 12/20

- (a) Where relevant, the conditions in rule 18.6.4.1 affecting quarrying.
- (b) Where relevant, the conditions in rule 17.5.5.3 affecting the destruction or removal of more than 5 hectares of indigenous forest.

C19 5/10  
Op 8/12

*Item (c) deleted as part of Plan Change 73*

C60 1/16 Op 6/19  
C73 12/20  
Op 6/23

- (d) Where a commercial, industrial or rural industrial activity gains access from a collector road, sub-collector road, local road or residential lane, the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic generated is directly associated with plant and animal production.

C60 1/16  
Op 6/19  
C69 6/19  
Op 6/20

**A resource consent is required** and may include conditions.

C19 5/10 Op 8/12

**17.5.2.10 Non-Complying Activities (Land Use)**C60 1/16  
Op 6/19

Any activity in the Rural 1 Zone that does not comply with the conditions of rule 17.5.2.9 is a non-complying activity.

C60 1/16  
Op 6/19  
C73  
Op 6/23

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any provisions of the Plan or Act.

C60 1/16  
Op 6/19**17.5.3 Building Construction, Alteration, or Use**C60 1/16  
Op 6/19**17.5.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

*Item (a) deleted as part of Plan Change 73*

C10 10/07  
Op 3/14  
C73  
Op 6/23**Dwellings and Workers' Accommodation**

- (b) Any building that is constructed is not:
- (i) a dwelling; or
  - (ii) part of any workers' accommodation; or
  - (iii) altered to become a dwelling; or
  - (iv) used for the purpose of a dwelling.
- (c) Any alteration of a dwelling complies with conditions (f) to (m) [building height, setbacks, coverage and envelope].

C60 1/16  
Op 6/19

**Sleepout**

- (ca) There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling. C60 1/16  
Op 6/19
- (d) The area of each sleepout is no more than 36 square metres.
- (e) The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling.
- (ea) The sleepout is not part of a cooperative living activity.

**Height**

- (f) The maximum height of a building is 7.5 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
- (ii) for antenna attached to a building, condition 16.6.2.1(k) applies;
- (iii) outside the Airport Height Control Areas at Motueka and Takaka described in Schedules 16.11A and 16.11B, any chimney or other structure that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the definition of “height” in the Plan; C42 12/12  
Op 4/13
- (iv) for Hope Depot site, Schedule 17.5A(1)(c)(ii) applies. C50 4/13 Op 8/14
- (g) Any building sited on a hill whose ridgeline is identified on the planning maps is no higher than the level of the ridgeline.

**Setbacks**

- (h) The building is set back at least:
- (i) 10 metres from road boundaries (15 metres from the east side of Queen Victoria Street between Green Lane and Whakarewa Street) and, except as provided for under condition (ka) or condition (kc), 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.5.4.1(b)), 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, C50 4/13  
Op 8/14
  - *(Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements)* C68 7/18  
Op 6/19
  - as provided for in Schedule 17.5A (Hope Depot site); C50 4/13 Op 8/14
- (ii) 20 metres from the margins of lakes, Open Space, Recreation and Conservation zones;
- (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
- (v) 30 metres from a plantation forest.
- (vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following: C73  
Op 6/23
- (a) This rule 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; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
- (b) No building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
- (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.
- (i) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- (j) Buildings are set back at least 100 metres of a viewpoint shown on the planning maps.
- (k) In the Richmond West Development Area, notwithstanding the exemption in condition (h)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps. C10 10/07  
Op 3/14
- (ka) A building, which is not a habitable building, may be set within 5 metres of an internal boundary, where the landowner of the property has provided written permission. C60 1/16  
Op 6/19
- (kb) Any habitable building is set back at least: C60 1/16  
Op 6/19
- (i) 30 metres from any internal boundary, except where:
- (a) the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced; or
- (b) the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres;
- (ii) 130 metres from any barn, shed or roofed enclosure that houses poultry on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm. C60 1/16 &  
V2-C60 7/18  
Op 6/19
- (kc) Any barn, shed or roofed enclosure which houses poultry on an intensive livestock farm that is a poultry farm is set back at least 100 metres from any boundary of the site. C60 1/16  
Op 6/19

### Building Coverage

- (l) Except as provided for in Schedule 17.5A (Hope Depot site), the total area of all buildings on the site, excluding artificial shelters and poultry sheds or enclosures is: C50 4/13  
Op 8/14
- (i) not greater than 600 square metres for any site with a net area of 4,000 square metres or less; or C60 1/16  
Op 6/19
- (ii) either:
- (a) not greater than 600 square metres; or
- (b) 5 percent of the net site area (but not greater than 2,000 square metres) for any site with a net area greater than 4,000 square metres.

### Building Envelope

- (m) Buildings on sites that adjoin a Residential Zone do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

### Stormwater

- (n) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan. C7 7/07  
Op 10/10

**17.5.3.2 Controlled Activities (Building Construction, Alteration, or Use)**C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.5.3.1 is a controlled activity, if it complies with the following conditions:

**Dwellings**

- (a) There is no more than one dwelling or building used for the purpose of a dwelling on a site. A dwelling contains no more than two self-contained housekeeping units, provided:
- (i) both are contained within the same building;
  - (ii) one is clearly subsidiary;
  - (iii) connecting rooms or passages have a continuous roof; and
  - (iv) the walls are fully enclosed.

C60 1/16 &  
V2-C60 7/18  
Op 6/19

*[Condition (b) is merged with condition (a)]*

- (c) The site has a minimum area of 12 hectares or the site was created by a subdivision which was approved by the relevant territorial authority prior to 25 May 1996.
- (d) Only in relation to the construction of a dwelling or the use of a building for the purpose of a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply:
- incorporating water mains fitted with fire hydrants; and
  - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:
- EITHER
- (i) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply;
- OR
- (ii) provided with a water supply that is:
- accessible to fire-fighting equipment; and
  - between 6 metres and 90 metres from the dwelling; and
  - on the same site as the dwelling (except where the specified volume or flow of water is in a pond, dam, or river that is within the required distances); and
- either
- stores at least 45,000 litres;
- or
- provides at least 25 litres per second for 30 minutes;

C73  
Op 6/23C19 5/10  
Op 8/12  
C34 3/12  
Op 4/13C60 1/16 &  
V2-C60 7/18  
Op 6/19

AND		C19 5/10 Op 8/12
(iii)	<p>connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from:</p> <ul style="list-style-type: none"> <li>• a rainwater supply; or</li> <li>• a surface water source; or</li> <li>• a groundwater source</li> </ul> <p>that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.</p> <p><b>Note 1:</b> Further advice and information about managing fire risk and storage of water for fire-fighting, including information about appropriate fittings for connection with fire appliances, can be obtained from Fire and Emergency New Zealand and the Fire and Emergency New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).</p> <p><b>Note 2:</b> Information about the design, installation and maintenance of the sprinkler system can be found in NZS 4517:2010 Fire Sprinkler Systems for Houses.</p> <p><b>Note 3:</b> Fire risk can be further reduced through appropriate management of flammable vegetation near structures and ensuring fire appliances can locate and reach the dwelling in the event of a fire. Further information about managing fire risks is available from Fire and Emergency New Zealand or the Waimea Fire and Emergency New Zealand’s Principal Rural Fire Officer.</p> <p><b>Note 4:</b> The water supply provided for in 17.5.3.2(d)(ii) may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.</p>	C34 3/12 Op 4/13
(e)	<p>Any dwelling or habitable building is set back at least:</p> <p>(i) 30 metres from any internal boundary, except where:</p> <ul style="list-style-type: none"> <li>(a) the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced; or</li> <li>(b) the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres; or</li> <li>(c) the internal boundary adjoins any site that was approved by subdivision consent on or before 30 January 2016 and is less than 2500 square metres, where the setback is 5 metres.</li> </ul> <p>(ii) 130 metres from any barn, shed or roofed enclosure that houses poultry that is on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.</p>	C60 1/16 Op 6/19
(f)	<p>Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).</p>	C60 1/16 Op 6/19
(g)	<p>There is adequate area on site for effluent disposal for each dwelling.</p>	
(h)	<p>The dwelling complies with condition (f) [Height] in rule 17.5.3.1.</p>	
(i)	<p>In the Rural 1 Closed Zone at Golden Hills Road, the exterior cladding of dwellings and ancillary buildings (including roofing) is to be in recessive colour tones.</p>	C73 Op 6/23
<b>Workers’ Accommodation</b>		
(j)	<p>All buildings which are part of workers’ accommodation are relocatable.</p>	
(k)	<p>The site of the workers’ accommodation has a minimum area of 12 hectares.</p>	
(ka)	<p>The site is not part of a cooperative living activity.</p>	C60 1/16 Op 6/19

**Stormwater**C7 7/07  
Op 10/10

- (l) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan.

**General**

- (m) The building complies with conditions (g), (h), (i), (j), (l) and (m) [Setback, Building Envelope and Building Coverage] in rule 17.5.3.1.
- (n) The maximum height of the building (except a dwelling) is 12.5 metres.

*[Condition (o) is deleted]*

C60 1/16 Op 6/19

- (p) The building is not located within, or within 10 metres of, any indicative road or indicative reserve (including Borck Creek) or amenity planting setback in the Richmond West Development Area, except for the following:
- (i) This rule 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 rule 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.
- (q) In the Richmond West Development Area, notwithstanding the exemption in condition 17.5.3.1(h)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

C10 10/07  
Op 3/14  
C73  
Op 6/23

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

- (1) The location of the building on the site and the effects on the potential availability of productive land.
- (2) Location and effects of on-site servicing, including wastewater disposal, access and traffic safety.
- (2A) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.
- (3) Effects on the amenities of the area, including landscaping and the colour, materials and surface treatment of buildings and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (4) Effects of any proposed outdoor storage of goods, machinery or produce.
- (5) For buildings that exceed the permitted activity height, in addition to the other matters listed, the appearance and visual impact (including colour, materials, surface treatment and fenestration), site landscaping and planting, shading effects across site boundaries, and effects on significant views, ridgelines and hill tops.

C51 1/15  
Op 9/16C60 1/16  
Op 6/19



- |      |  |                     |
|------|--|---------------------|
| (5A) | Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on plant and animal production.                              | C60 1/16<br>Op 6/19 |
| (5B) | Low impact building design.  |                     |
| (6)  | The on-site management of stormwater in accordance with Low Impact Design solutions.   | C7 7/07<br>Op 10/10 |
| (6A) | The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated. | C60 1/16<br>Op 6/19 |
| (7)  | The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).   |                     |
| (8)  | Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).  |                     |

**17.5.3.3 Restricted Discretionary Activities (Building Construction, Alteration, or Use)**

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.5.3.2 is a restricted discretionary activity, if it complies with the following conditions:

**Dwellings**

- |      |  |                                      |
|------|--|--------------------------------------|
| (a)  | Except as provided for in condition (ba), no more than two dwellings are placed on a site or no more than two buildings are used for the purpose of dwellings; except that:  | C60 1/16 &<br>V2-C60 7/18<br>Op 6/19 |
|      | (i) no dwelling or building used for the purpose of a dwelling may be placed on the parts of Records of Title 8B/1026 and 11A/465 which are within Area “D” in the annotated area on the planning map at Ruby Bay; and |                                      |
|      | (ii) no more than one dwelling or building used for the purpose of a dwelling may be placed on the part of Record of Title 8B/1025 within Area “D”.  |                                      |
| (b)  | Except as provided for in condition (ba), a site containing more than one dwelling or building used for the purpose of a dwelling has a minimum area of 24 hectares.   |                                      |
| (ba) | The activity is a second dwelling that is a minor dwelling and the principal dwelling contains a single housekeeping unit only.  | C60 1/16<br>Op 6/19                  |
| (bb) | The second dwelling that is a minor dwelling complies with the controlled conditions of rule 17.5.3.2 (d) - (h), (i), (l), (m), (o), (p), (q).   |                                      |
| (bc) | Dwellings are set back at least 500 metres from any boundary of an existing quarry site, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).                            |                                      |

**Stormwater**

C7 7/07  
Op 10/10

- |     |  |  |
|-----|--|--|
| (c) | Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan. |  |
|-----|--|--|

**General**

- (d) If an adjoining property has horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least: C60 1/16  
Op 6/19
- (i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or
  - (ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds-

**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 control (1) – (8) in rule 17.5.3.2. C60 1/16  
Op 6/19
- (2) Effects of a building with reduced setbacks.
- (3) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred for the purposes of the relevant urban zone once it takes effect. C51 1/15  
Op 9/16
- (3A) Where a proposed building location cannot comply with the 30-metre setback rule due to the shape of the site, the potential to mitigate the effects from any reduced setbacks for habitable buildings through measures such as building location, orientation, design, fencing or screening, and clustering of residential activities. C60 1/16  
Op 6/19
- (4) In the Richmond West Development Area: C10 10/07  
Op 3/14
- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001).
  - (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.
- (5) Alternatives for fire risk management. C34 3/12 Op 4/13

<b>17.5.3.3A Discretionary Activities (Building Construction, Alteration or Use)</b>	C60 1/16 Op 6/19
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Any construction, alteration, or use of a building that does not comply with the conditions of rule 17.5.3.3 is a discretionary activity.

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any other provisions of the Plan or Act.

## 17.5.4 Plantation Forests, Horticultural Plantings, and Spray and Shelter Belts

### 17.5.4.1 Permitted Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)

**NOTE:** Rule 17.5.4.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Planting of plantation forests, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

#### Plantation Forest Setbacks

- (a) Plantation forests are set back at least:
- (i) 50 metres from a Residential Zone boundary;
  - (ii) 30 metres from a dwelling;
  - (iii) 10 metres from any boundary, except that:
    - (a) trees are not planted or allowed to grow in a position which could result in any dwelling on an adjoining property becoming shaded between 10.00 am and 2.00 pm on the shortest day; and
    - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council.
  - (iv) 10 metres from the intersection of any formed legal road;
  - (v) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
  - (vi) 10 metres from the bed of any lake;
  - (vii) 50 metres from the coastal marine area.

**Advice Note:** Clause (a)(vii) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).

#### Spray and Shelter Belt and Artificial Shelter Setbacks

- (b) Spray belts, shelter belts and artificial shelter are set back at least:
- (i) 3 metres from property boundaries;
  - (ii) 10 metres from the intersection of any formed legal road;

#### Horticultural Plantings Setbacks

- (c) Horticultural plantings are set back at least:
- (i) 10 metres from the intersection of any formed legal road;
  - (ii) 3 metres from property boundaries.
- (d) Horticultural plantings where pesticides may be discharged to air are set back at least:
- (i) 30 metres from any dwelling, any other building used for any residential activity, visitor accommodation or tourist accommodation, or any school or school grounds, or early childhood education facility or its grounds on an adjoining property; or

- (ii) 20 metres from any of the buildings or grounds specified in (i) of this condition where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.

#### **Trees and Shelter near Roads**

- (e) Trees are not planted or allowed to grow, and artificial shelter is not constructed, in a position which could result in any icing of roads being prolonged by shading of the road between 10.00 am and 2.00 pm on the shortest day.

#### **Height**

- (f) The maximum height of horticultural plantings, spray belts or shelter belts growing within 20 metres of a boundary is 6 metres.
- (g) The maximum height of artificial shelter is 6 metres.
- (h) The height of horticultural plantings, spray belts or shelter belts does not exceed the horizontal distance between the shelter or horticultural plantings and the nearest dwelling.

#### **Maintenance of Horticultural Plantings and Shelter Belts**

- (i) Spray belts or shelter belts and horticultural plantings are maintained by the owner so that no vegetation extends over property boundaries or roads.
- (j) Prunings are removed or otherwise disposed of by the tree owners when they fall on other properties, with the permission of the owners of the other properties.
- (k) Root pruning of horticultural plantings, shelter or spray belt trees along a property boundary is carried out by the owner of trees at least once every five years, or at a lesser frequency agreed between adjoining landowners.

### **17.5.4.2 Restricted Discretionary Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)**

Planting of plantation forests, trees, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter that does not comply with the conditions of rule 17.5.4.1 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 adverse effects of shading on adjoining properties.
- (2) The actual or potential fire risk.
- (3) The actual or potential adverse effects on the open space or amenity values of the area.
- (4) The actual or potential adverse effects of pesticide drift across property boundaries.
- (5) The potential for exotic wildling spread to significant indigenous vegetation or habitat.
- (6) The adverse effects of tree planting or construction of artificial shelter on visibility at road intersections and property accesses or icing on roads.

- (7) The influence of topography on shading.
- (8) The nature of adjoining uses and adverse effects of higher trees or shelter.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

## 17.5.5 Destruction or Removal of Indigenous Vegetation and Forest

### 17.5.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation) [17.4.9A Proposed]

**NOTE:** Rule 17.5.5.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous vegetation (excluding indigenous forest) is a permitted activity if it complies with the following conditions:

- (a) The site is not a naturally occurring wetland.
- (b) The site does not include any of the following:
  - (i) indigenous dune vegetation;
  - (ii) salt herb fields;

**Proposed as at 1 November 2008**

- (b) (iii) woody indigenous vegetation in the Coastal Environment Area;
- [(c) Proposed]

C3 12/03

- (iv) indigenous vegetation on any area of karst that contains an area of fissured or fluted rock outcrops, a cliff face, or any talus slope;
- (v) indigenous vegetation containing small-leaved coprosma shrubs (*Coprosma propinqua* or *Coprosma rigida*) or small-leaved shrub daisy (*Olearia virgata*) on any lowland alluvial site (up to 600 metres above sea level) in the Buller catchment; between 600 and 1200 metres above sea level in the Takaka catchment (including the Cobb); and up to 950 metres in the Canaan Downs/Pikikirunga area.

**Advice Note:** Clauses (b) (i), (ii), (iii), (iv) and (v) prevail over regulation 93 because they are more stringent under regulations 6(1)(b) NZCPS and 6(3)(b) Karst.

### 17.5.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)

The destruction or removal of indigenous vegetation that does not comply with the conditions in rule 17.5.5.1 is a discretionary activity.

**A resource consent is required** and may include conditions.

**17.5.5.3 Permitted Activities (Destruction or Removal of Indigenous Forest)** [17.4.10 Proposed]

**NOTE:** Rule 17.5.5.3 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous forest is a permitted activity, if it complies with the following conditions:

**Proposed as at 1 November 2008**

C3 12/03

(a) The site is outside the Coastal Environment Area.

[(aa)  
Proposed]

EITHER

(b) The area of indigenous forest to be destroyed or removed is less than 0.2 hectare (2000 square metres) per site over a three-year period.

OR

(c) The area is subject to a sustainable forest management plan, permit, or personal use approval under Part 3A of the Forests Act 1949, approved as at 31 March 2007.

OR

(d) The area is subject to a sustainable forest management plan, permit, or personal use approval either required or approved under Part 3A of the Forests Act 1949 after 31 March 2007 that is not:

(i) on a lowland alluvial site; or

(ii) on karst;

and a copy of the approved plan, permit, or personal use approval has been lodged with Council.

**17.5.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.5.5.3 is a controlled activity, if it complies with the following conditions:

(a) The area of indigenous forest destroyed or removed is greater than 0.2 hectare and less than 1 hectare per site over a three-year period.

(b) The forest is not on a lowland alluvial site.

(c) The site is outside the Coastal Environment Area.

(d) The activity is not subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949.

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

(1) Species to be removed and volume.

(2) Replanting.

(3) Extraction techniques.

(4) Mitigation of effects.

### **17.5.5.5 Restricted Discretionary Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.5.5.4 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949 and a copy of the approved plan or permit has been lodged with Council.

**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 significance of the indigenous forest affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological, scientific, recreational, tourist and landscape values, and natural features of the area.
- (2) The extent to which any retention of the forest is necessary to prevent instability, flooding, or erosion of land and to maintain water quality.
- (3) Effects on archaeological, cultural and historic sites within the application area.
- (4) The extent to which the proposal provides for regeneration or modification of indigenous forest or sustainable management of the indigenous forest resource.
- (5) The extent of the reduction of the indigenous forest associations in the District should the application proceed, and the impact on the sustainability of that indigenous forest association.
- (6) The extent to which the adverse effects of the activity can be mitigated (for example, revegetation, covenanting, fencing, pest and weed management).
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **17.5.20 Principal Reasons for Rules**

#### **Noise**

The rural environment is a working environment where noise is generated as part of many rural activities. Rules limit noise problems arising from continuous sources and from residential sources within the zone, but greater freedom is given to the types of noise that arise in normal day-to-day rural activities. For these types of noise, methods other than rules such as codes of practice or the best practicable option approach, will be applied as appropriate.

#### **Building Height**

The height of buildings in rural areas is regulated to preserve visual amenities and, coupled with setback requirements, to avoid shading across boundaries.

#### **Setback**

Setback from roads will promote road safety and help maintain rural open space. It will also separate dwellings from the adverse effects of road use, such as dust, noise and vibration. Separation between buildings on adjoining sites maintains open space and privacy and minimises shading of neighbouring properties.

The 30-metre setback requirement for habitable buildings has been imposed primarily to manage cross-boundary effects, limit impacts on the productive potential of adjoining sites, and minimise impacts on rural character and amenity.

C60 1/16  
Op 6/19

Tasman District has a legacy of small rural sites in the Rural 1 zone that may be constrained in meeting the 30-metre internal boundary setback standard for habitable building due to the shape of the site. In these cases, the mitigation of the effects identified in the preceding paragraph from a reduced internal boundary setback may be achievable through measures such as building location, orientation, design, fencing or screening, as well as clustering of residential activities.

Rules for setbacks to legacy sites below 2500 square metres recognised that the majority of these sites are already built on and used for residential activities; and there is very limited productive opportunity of these small sites. Risks of reverse sensitivity complaints or loss of rural amenity are less likely to arise on sites where residential activities are clustered with other residential activities.

The setbacks for dwellings from quarry activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (for example, where future residents may try to limit quarry activities) is addressed.

### **Building Setback from Rivers**

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips. Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

### **Setback of Buildings from Lake Margins and Other Zone Boundaries**

The setback of buildings from the margins of natural occurring lakes and large impounded lakes, and from the boundary with Open Space, Recreation and Conservation zones provides for open space to retain natural character and possible public access or recreational use through esplanade reserves or strips. The setbacks also help reduce possible conflict between lake use and adjacent residential or other uses of buildings.

### **Indicative Roads and Reserves**

C73  
Op 6/23

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.

### **Shading Caused by Buildings and Trees**

Shading caused by buildings is a problem over winter, with buildings casting long shadows to the southwest, south and southeast. The setback from southern boundaries, coupled with the height restrictions, is based on a sun path for June, and avoids shading of neighbouring dwellings between 10.00 am to 3.00 pm.

Trees, located alongside roads can cause shading of roads in winter with consequent problems with icing of the road surface and obvious traffic hazards and road maintenance effects. New shading problems can be avoided by ensuring that new plantings are not located in positions which would impede the access of sunlight to road surfaces in the middle of the day in winter.



Trees can also cause shading problems on neighbouring properties, particularly on dwellings and horticultural crops. Setback and height restrictions reflect the difference in intensity of adverse effects caused by different trees.

#### **Live Shelter and Horticultural Plantings**

These rules mitigate shading and crop competition effects and also provide access for tree maintenance, including both root and branch pruning, on the owner's property. The setbacks allow for pruning to be undertaken from the property and avoid traffic hazards.

#### **Fire Hazard**

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and plantation forests will help to contain a fire in proximity to an isolated rural building. A setback of 50 metres from Residential Zone boundaries is required because of the potentially greater risks in the higher density built-up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

#### **Building and Planting Near Viewpoints**

Some viewpoints in rural areas have been identified as amenities of value to the community. It is usually possible to resite buildings, structures and plantings so that views are not compromised.

#### **Pesticide Discharges**

The setback and spray belt requirements will avoid or mitigate adverse effects arising from the drift of pesticides across property boundaries.

#### **Land Fragmentation**

The construction of buildings, especially dwellings, has been recognised as a contributing factor to fragmentation of land which limits the productive values, including versatility of land. The rules relating to land use, including those for buildings and location are to control the adverse effects of land fragmentation on the productive values of the land, as well as on rural character and amenity values. The more highly-valued versatile land in the Rural 1 Zone is at greater risk of fragmentation and the rules seek to limit those adverse effects through more stringent controls than in Rural 2.

Small subsidiary units that are dependent on the main dwelling are permitted, whereas consent is required for additional dwellings because of their propensity to contribute to land fragmentation. Cooking facilities are not allowed in these subsidiary units as these can encourage separation and independence from the main dwelling.

#### **Destruction or Removal of Indigenous Forest and Vegetation**

Indigenous forest and other indigenous vegetation has intrinsic ecological and biodiversity value. It also adds to the visual character of the District. While much of the upland vegetation of the District is protected in the extensive conservation estate, the lowland forest remnants and coastal vegetation is less well protected and has been identified in Chapter 10 as a priority for protection. Specific locations where there are distinctive indigenous vegetation associations, with some threatened species, are protected. These include indigenous vegetation on largely rocky surfaces of karst formed on limestone, marble, dolomite or magnesite; and frost flat shrublands. Frost flat shrublands containing small-leaved species of *Coprosma* and *Olearia* is indigenous vegetation in locations along inland valley floors in the Buller or at higher altitudes elsewhere, where frequent heavy frosts limit larger woody species. Some frost flat species are nationally threatened. The Forests Act 1949 provides for the management and some protection of indigenous forest. The rules are interim and may be changed when further studies have been done to identify significant natural areas.

## Home Occupations

Rural areas are appropriate for small-scale industrial and commercial activities, which can provide employment opportunities for site occupants and a limited number of employees, with minimal adverse impact on the environment. The rules ensure that permitted activity home occupations can be managed in a way that limits potential adverse effects.

## Quarrying

The Rural 1 Zone is, in places, closely subdivided and closely settled, is often used for intensive productive rural activity, and the land resources have high actual and potential productive and versatile qualities for present and future generations. Quarry activities have a range of potential adverse effects. In the context of the zone, the effects of new quarries and quarry expansion activities need to be evaluated on a case-by-case basis as a discretionary activity.

## Papakainga Development

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self-management of communally-owned Maori land. The flexible style of development provided for is specifically targeted to meet the needs of land held in multiple ownership.

## Water Supply

C34 3/12  
Op 4/13

Where water reticulation is available, new dwellings will be expected to connect to the service. In Rural and Rural Residential zones, except in locations where a high pressure reticulation is present, new dwellings are required to have access to sufficient stored water for fire protection or install a home sprinkler system for the purpose of fire protection and to install water collection and storage systems to ensure that a minimum potable water supply is available. The potential for adverse landscape and amenity effects of water storage tanks, especially on small sections is acknowledged, however an efficient fire risk management solution can also be provided by home sprinkler systems. Water supplies may include ponds, lakes or rivers with sufficient storage or flow that are not on the same site as the dwelling but are within the required distances.

## Scheduled Site

C50 4/13  
Op 8/14

A Scheduled Site has been established on land characterised by established industries, including some that were previously part of the Network Tasman Line Depot. The site, with some substantial industrial buildings on it, is no longer required as a depot but has value as an industrial land resource. There are some dwellings adjoining and close to the site.

The purpose of the Schedule is to enable limited industrial use of the land, having regard to the physical resources it contains and some potential for additional development, whilst at the same time avoiding development with activities that might detract from the existing levels of amenity enjoyed by nearby residents.

In keeping with the surrounding land, the site retains its Rural 1 zoning.

Controlled activity status for a broad range of activities is closely linked to requirements that activities meet specified conditions. Applications that cannot demonstrate compliance will be discretionary activities.

Hours of operation for activities are subject to specified limits but may be extended at the discretion of Council, recognising that some activities, by their nature, may be able to operate with minimal discernible off-site effects on the amenity of nearby properties occupied by residential activities, particularly in the evening.

### **Industrial and Commercial Activities**

C60 1/16  
Op 6/19

The Rural 1 and Rural 2 Zones are generally not appropriate for accepting the potential cumulative effects of business activities, either outside zoned locations for them or where they are more appropriately located in industrial or mixed business zones. This is because the primary purpose of these zones is to support the use of productive land for plant and animal production. Business activity associated with plant and animal production and with efficient locations with capacity and for transport links may be appropriate.

### **Sleepouts**

The number of sleepouts on any given property is two sleepouts per principal dwelling and second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.



## SCHEDULES

### Schedule 17.5A: Activities on Network Tasman Ltd Site at Main Road, Hope

#### Controlled Activities

1. Any land use on Lot 1 DP 20183, Lots 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lots 2 & 3 DP 4875, Lot 1 DP 20392 and/or Lot 1 DP 19736 is a controlled activity, if it complies with the following conditions: C50 4/13  
Op 8/14  
C70 8/19  
Op 1/21
- (a) The activity is one of the following:
- (i) The storage of goods on Lot 1 DP 435942 C50 4/13 Op 8/14
  - (ii) Offices
  - (iii) Light manufacturing activities
  - (iv) Trade workshops
  - (v) The retail sale of goods which are either manufactured or serviced on the site, provided that the retail display area does not exceed 100 square metres.
  - (vi) Laboratories
  - (vii) Transport depots on Lot 1 DP 435942 C50 4/13 Op 8/14
- (b) The activity complies with the following applicable conditions:
- (i) **Noise**  
Condition (m) as set out in rule 17.4.2.1.
  - (ii) **Hours of Operation**  
Limited to 7:00 am to 7:00 pm, Monday to Saturday inclusive.
  - (iii) **Air Emissions – Dust and Odour**  
Conditions (e) and (f) as set out in rule 17.4.2.1.
  - (iv) **Glare**  
Conditions (g) and (h) as set out in rule 17.4.2.1.
  - (v) **Screening**  
Outdoor storage areas are screened from view from adjoining properties used for residential purposes by a solid wall or fence 1.8 metres high.
  - (vi) **Amenity Plantings**  
The boundary with any adjoining site used either for residential purposes, or the ex railway reserve or the State Highway is planted with a 2-metre deep planting strip of shrubs that have a mature height of not less than 2 metres and not more than 3 metres. The shrubs are evergreen varieties spaced to provide effective screening. Alternatively, a solid screen fence may be provided along the boundary with the agreement of adjoining property owners. C50 4/13  
Op 8/14
  - (vii) **Stormwater** C50 4/13 Op 8/14  
C70 8/19 Op 1/21
    - (a) Condition (p) as set out in rule 17.4.2.1.

- |     |   |                     |
|-----|---|---------------------|
| (b) | For new development within Lot 1 DP 20183, Lot 1 DP 20392 and Lot 1 DP 19736 (south-west of Reed Andrews Drain), the peak runoff rate during a 1-in-100 year storm event does not exceed the predevelopment peak runoff rate. | C50 4/13<br>Op 8/14 |
| (c) | The development provides for overland flood flow paths to cross the post development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.         | C70 8/19<br>Op 1/21 |
| (d) | The flood flow path surface is constructed or treated to prevent erosion of the surface.  |                     |
| (c) | The development provides for overland flood flow paths to cross the post development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site.         | C70 8/19<br>Op 1/21 |
| (d) | The flood flow path surface is constructed or treated to prevent erosion of the surface.  |                     |

**(viii) Vehicle Access**

With the exception of vehicles passing over the right of way adjoining CP68B on Lot 1 DP 20392 for the purpose of accessing Lot 1 DP343453 the following applies.

- (a) There is no vehicle access between Lot 1 DP 20392 and Lot 2 DP343453.
- (b) Vehicle access to any land parcel in Schedule 17.5A through Lot 1 DP19736 and Lot 1 DP 20392 is entrance only and is limited to 40 Equivalent Car Movements per day.
- (c) All vehicles entering through Lot 1 DP19736 and Lot DP20392 must exit onto State Highway 6 (SH6) at Crossing Places CP66 or CP57 on Lot 1 DP20183 and Lot 4 DP 435942.
- (d) An electronic entry control barrier, located at the entrance to the body of Lot 1 DP20392, must be used at all times to control access.

**(c) Buildings comply with the following conditions:****(i) Maximum Coverage**

65 per cent.

**(ii) Maximum Height**

10 metres.

**(iii) Location of Doors**

Goods service docks, open work bays, and openable work bays do not face any dwelling on an adjoining site unless there is an intervening building that effectively screens such openings from the dwelling.

**(iv) Building Envelope**

Any building erected on a site adjoining a site used for residential purposes complies with the building envelope required in rule 17.4.3.1(j).

**(v) Setbacks**

Buildings are no closer than 5 metres to any boundary with an adjoining site occupied by a dwelling, and no closer than 3 metres to any other site boundary.

- (vi) **Signs**
- A single free-standing sign meeting the specification in Figure 16.1C at the intersection of the site access with State Highway 6. Wording is restricted to the names of businesses operating in the scheduled area. Individual businesses within the site may display signs as specified in Figure 16.1B for industrial zones provided that these are not visible from sites used for residential purposes.
- (vii) **Finished Building Platform Level** C50 4/13  
Op 8/14
- Any new building platform level must be no less than 500 millimetres above the estimated 1-in-50-year flood level, as assessed by a Chartered Professional Engineer.
- (viii) **Wastewater Disposal** C70 8/19  
Op 1/21
- All buildings which generate wastewater are connected to a reticulated wastewater system where the service is available.
- OR
- The discharge complies with section 36.4 of this Plan.
- (ix) **Stormwater**
- (a) The development provides for overland flood flow paths to cross the post-development site, and retains the pre-development upstream entry and downstream exit points of the overland flood flow to and from the site; and
- (b) The flood flow path surface is constructed or treated to prevent erosion of the surface.
- (d) Sufficient information is provided to satisfy the Council that the requirements under (a) to (c) above will be complied with. Any application must be lodged with a site layout plan, landscape plan, building elevations, a description of the activity and the processes it involves and methods to be adopted to comply with conditions. C50 4/13  
Op 8/14
- A resource consent is required** and may include conditions. The Council's assessment is limited to, the following matters over which the Council has reserved control:
- (1) In respect of buildings within 10 metres of the State Highway 6 boundary and/or within 10 metres of the ex-railway reserve, the appearance of buildings. C50 4/13 Op 8/14  
C70 8/19 Op 1/21
- (2) How planting achieves an attractive State Highway 6 frontage using a mix of low plantings and specimen trees at 10-metre intervals whilst ensuring visibility to and from the State Highway. C50 4/13  
Op 8/14
- (3) Whether along the land fronting Norman Andrews Place landscaping proposed will ensure the maintenance of existing native planting (and replacement of any existing planting which may die or are diseased) and any additional planting will achieve a dense screen along Norman Andrews Place frontage.
- (4) Whether the planting proposed adjoining the Railway Reserve is such as will provide screening along that boundary within the 3-metre setback whilst also allowing intermittent views of the buildings on the site.
- (5) In respect of buildings within 10 metres of the south-western boundary with 82 Main Road, Hope (Pt Sec 114 Waimea East DIST) and/or the north-western or north-eastern boundary with 68 Main Road, Hope (Lot 1 DP 20392) (while this property is still in residential use) whether the design of the building and associated landscaping has addressed amenity values from this residential property including outlook, privacy and solar access. C50 4/13  
Op 8/14  
C70 8/19  
Op 1/21

- (6) The purpose and timing of any review conditions of consent (Section 128 of the Act) in relation to traffic effects. C70 8/19  
Op 1/21

**Restricted Discretionary Activities**C50 4/13  
Op 8/14

2. Any land use that complies with all the conditions of rule 1 of this Schedule except condition (b)(ii) (Hours of Operation) is a restricted discretionary activity, if it complies with the following condition:

(a) **Hours of Operation**

Limited to 7.00 am to 10.00 pm, Monday to Saturday inclusive.

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

- (1) The avoidance, remedying or mitigation of any adverse effect on amenity values of adjacent properties used for residential purposes.

3. Any land use that is a transport depot or storage of goods activity on scheduled land, other than on Lot 1 DP 435942, is a restricted discretionary activity, provided that it complies with all the conditions of (b), (c) and (d) of Rule 1. C50 4/13  
Op 8/14

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

- (1) The potential effects on the safe and efficient operation of State Highway 6 at CP57 and CP66, with the New Zealand Transport Agency (NZTA) being the only potentially affected party.

- 3A. Any land use that complies with all the conditions of rule 1 of this Schedule except condition (b)(viii) [Vehicle Access] is a restricted discretionary activity. C70 8/19  
Op 1/21

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

- (1) The potential effects from vehicle movements on the adjoining properties
- (2) The potential effects on the safe and efficient operation of State Highway 6 with New Zealand Transport Authority being the only potentially affected party.

**Discretionary Activities**

4. Any land use that is not identified as a controlled activity under rule 1 or a restricted discretionary activity under rule 2 or rule 3 of this Schedule is a discretionary activity.

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



**17.6 RURAL 2 ZONE RULES**

*Refer to Policy sets 5.1 - 5.3, 5.5, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1, 11.1, 11.2, 12.1, 13.1, 14.3, 14.4, 33.4, 34.1, 34.2, 36.2, 36.6.*  
*Refer to Rule sections 16.11.*

**17.6.1 Scope of Section**

This section deals with land uses in the Rural 2 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. NES-FW (ca)  
12/20

**17.6.2 Land Use****17.6.2.1 Permitted Activities (Land Use - General)**

C19 5/10  
Op 8/12

**NOTE:** Rule 17.6.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

**Activities**

- (a) The activity is not:
- (i) an industrial or rural industrial activity;
  - (ii) quarrying, where the volume of land disturbed is greater than 50 cubic metres in any 12-month period;
- Advice Note:** Clause (a)(ii) does not apply to forestry quarrying which is managed by NES-PF regulations 51- 59.
- (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
  - (iv) the sale of liquor;
  - (v) a rural selling place where:
    - the sale and display area is greater than 25 square metres; or
    - access is to an arterial route;
  - (vi) a commercial or community activity;
  - (vii) tourist accommodation;
  - (viii) cooperative living; C60 1/16  
Op 6/19
  - (ix) a papakainga development;
  - (x) a home occupation, except as allowed by rule 17.6.2.2. C19 5/10 Op 8/12

- (xi) the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. C60 1/16 &  
V2-C60 7/18  
Op 6/19

### Noise

- (c) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed: C10 10/07  
Op 3/14

	<b>Day</b>	<b>Night</b>	
Leq	55 dBA	40 dBA	C19 5/10 Op 8/12
L <sub>max</sub>		70 dBA	

Except as required by condition (e), this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: C14 5/09 Op 8/12  
C60 1/16 Op 6/19

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (c)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**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.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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*. C19 5/10  
Op 8/12

- (d) In the Richmond West Development Area Rural 2 Zone, noise generated by the activity when measured at or within the notional boundary of any dwelling in a Rural 2 Zone (other than any dwelling on the site from which the noise is being generated), Rural Industrial, Light Industrial, Mixed Business, Open Space or Recreation Zones, or at or within the boundary of any site within a Residential Zone, does not exceed: C10 10/07  
Op 3/14  
C14 5/09  
Op 8/12

	<b>Day</b>	<b>Night</b>	
Leq	55 dBA	40 dBA	
L <sub>max</sub>		70 dBA	

Except as required by condition (e), this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural or agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (d)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

- 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.

C10 10/07  
Op 3/14  
C14 5/09  
Op 8/12

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*.

### Frost Protection Devices

C14 5/09  
Op 8/12

- (e) Noise generated by any frost protection device, in combination with noise from any other authorised frost protection device, does not at any time exceed 55 dBA  $L_{eq}$  when measured:

- (a) at or within the notional boundary of any dwelling that existed before the frost protection device is installed (other than a dwelling on the site from which the noise is being generated) in the Rural 1, Rural 2, Rural 3 or Rural Residential Zone; and  
(b) at or within the boundary of the Residential, Papakainga, or Tourist Services Zone; and  
(c) in any other circumstances, at a distance of 300 metres from the frost protection device;

**provided that** evidence of the ability to meet this condition is certified by an appropriately competent person in acoustic engineering and a copy of that certification, including a plan showing the location of the frost protection device or devices to which the certification applies, is lodged with the Council prior to the installation of any frost protection device.

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*.

- (f) Any frost protection device is operated only when the air temperature at the lowest level of the frost-tender part of the crop has fallen to 2 degrees Celsius, and ceases operating when the air temperature at that height has risen to 3 degrees Celsius; except that the device may be operated for maintenance purposes between 8.00 am and 6.00 pm.
- (g) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in condition (e) of this rule, is located, oriented, and constructed to ensure that bedrooms and living rooms achieve an indoor design sound level of 30 dBA  $L_{eq}$  and 45 dBA  $L_{max}$  from any noise permitted in the zone beyond the notional boundary of the building or dwelling.
- (h) Outdoor fan-type frost protection devices are used only for frost protection, for crops that have a distinct period of bud-burst and a distinct end of harvest, and only in the period between bud-burst and end of harvest.

### Quarrying

- (i) The setbacks in condition 17.6.3.1(j)(i) to (iv) are complied with.  
(j) Condition 18.5.3.3(d) is complied with.

### Planting Near Viewpoints

- (k) Vegetation planted on or near to a viewpoint shown on the planning maps does not grow to a height that will obscure the view from the viewpoint.

**Advice Note:** Where vegetation is plantation forestry as defined in the NES-PF, regulation 13 allows condition (k) to apply.

### Amenity Plantings

C10 10/07  
Op 3/14

- (l) In the Richmond West Development Area, all amenity plantings located within or 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
  - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

### Intensive Livestock Farming

C60 1/16 Op 6/19

- (m) Intensive livestock farming, which is intensive pig farming, including the keeping of pigs or the disposal of piggery effluent, must achieve the following setbacks:
- (i) Distance from a Residential Zone boundary existing at the date of the establishment of the pig farming activity – 2,000 metres.
  - (ii) Distance from a Rural Residential or Papakainga zone boundary, school, church, public hall, marae, recreation ground, or other area with frequent public use existing at the date of the establishment of the pig farming activity – 1,500 metres.
  - (iii) Distance from a dwelling on another site in a Rural 1, Rural 2 or Rural 3 zone existing at the date of the establishment of the pig farming activity or in relation to Rural 3 Zone, distance from any building location area as approved on a survey plan of subdivision – 500 metres.
- (n) Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming, is set back at least 170 metres from any boundary of the site.

C60 1/16 &  
V2-C60 7/18  
Op 6/19

### Temporary Activities

C60 1/16  
Op 6/19

- (o) An event that is advertised for public admission meets the following conditions:
- (i) for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm;
  - (ii) any temporary building or structure that is used is removed at the end of the event.
  - (iii) where the event is located in the High Fire-Risk Area as shown on the planning maps and occurs between 1 October to 30 April, a fire preparedness plan is provided to the Waimea Fire and Emergency New Zealand for management under the Fire and Emergency New Zealand Act 2017 and to adjacent landowners 14 days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required and includes:
    - (a) the location, time and duration of the event and the number of people expected to attend the event;
    - (b) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbeques); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;

- (c) fire readiness measures including water and equipment for firefighting; number of people on site trained in firefighting to New Zealand Qualifications Authority (NZQA) or Fire and Emergency New Zealand Training and Progressive System (TAPS) module standards; location of safe site areas; an evacuation plan with a stay/go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.

C60 1/16  
Op 6/19

**Note:** Other legislation or requirements relating to health, food safety, building and traffic management need to be complied with.

### 17.6.2.2 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:

- (a) A home occupation which is visitor accommodation:
- (i) accommodates no more than six visitors at any time;
  - (ii) occupies a building which is a dwelling which either existed on 25 May 1996, or is otherwise permitted by the Plan.
- (b) A home occupation which is other than visitor accommodation:
- (i) occupies no more than 75 square metres gross floor area;
  - (ii) employs or engages no more than two full-time equivalent persons who reside elsewhere than on the site.
  - (iii) takes place indoors if it is motor vehicle repairs or dismantling, motor body building, spray-painting, fibre-glassing, or sheet-metal working;
  - (iv) is not bottle or scrap storage, rubbish collection or the composting of animal body parts;
  - (v) is not the boarding of domestic animals.
- (c) The conditions for noise as set out in 17.6.2.1(c) or (d).
- (ca) Where a home occupation gains access from a local road, the home occupation does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic is generated by:
- (i) a home occupation that is visitor accommodation; or
  - (ii) vehicles that are being used for or in connection with plant and animal production activities.
- (d) Retailing is permitted in accordance with the rural selling place provisions in rule 17.6.2.1 and is in accordance with the definition of rural selling place.
- (e) The home occupation is not undertaken on a site which is located on a shared access or private way, except where:
- (i) the activity is carried out solely by a person or persons permanently resident on site;
  - (ii) there are no visitors, clients or deliveries to the site.

C60 1/16  
Op 6/19C60 1/16  
Op 6/19

**17.6.2.3 Controlled Activities (Land Use - Site Specific Activity: Ngarua Caves)**C19 5/10  
Op 8/12

Any land use that does not comply with the conditions of rule 17.6.2.1 is a controlled activity, if it complies with the following conditions:

**Site Specific Activity**

- (a) The land use occurs on the part of Pt Sec 1 Blk VII Kaiteriteri SD on Record of Title 16/5 annotated on the planning maps as “Subject to Schedule 17.6A” (Ngarua Caves, Takaka Hill, near State Highway 60) and is included in the list of activities in Schedule 17.6A; and
- (b) The land use complies with permitted conditions 17.6.2.1(b), (c) and (k).

**A resource consent is required** and may include conditions on the matters set out in Schedule 17.6A.

**17.6.2.4 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any land use that does not comply with condition (l) of rule 17.6.2.1 is a restricted discretionary activity.

C19 5/10  
Op 8/12

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

**Amenity Plantings**

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.6.2.5 Restricted Discretionary Activities (Land Use – Frost Protection Devices)**C14 5/09  
Op 8/12

Noise generated by any frost protection device that does not comply with conditions (e) and (f) of rule 17.6.2.1 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 Council has restricted its discretion:

- (1) Operational requirements of frost protection devices.
- (2) Noise mitigation measures.
- (3) Hours of operation (including maintenance).
- (4) Height of the device.

**17.6.2.6 Restricted Discretionary Activities (Home Occupations)**C19 5/10  
Op 8/12

A home occupation that does not comply with the conditions of rule 17.6.2.2 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:

### **Rural Character**

- (1) The extent to which the activity will result in the loss of rural character on the site and in the vicinity of the site.
- (2) Any adverse effect on the amenity values of the area.

### **General Adverse Effects**

- (3) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on site, and safety and efficiency of traffic on roads giving access to the site.
- (4) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (5) Any effects relating to natural or technological hazards.

### **Miscellaneous**

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

## **17.6.2.7 Restricted Discretionary Activities (Papakainga Development)**

C19 5/10  
Op 8/12

A papakainga development 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) Appropriate access from adjoining roads and within the site.
- (2) Methods of wastewater and stormwater disposal and provision of a reliable potable water supply.
- (3) Risk from natural hazards.
- (4) Means of avoiding conflicts within the development.
- (5) Landscaping of the site to control any adverse visual effects.
- (6) The objectives and policies of Chapter 7 of the Plan.

## **17.6.2.8 Restricted Discretionary Activities (Community Activities)**

C19 5/10  
Op 8/12

A community activity 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 rural 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.17.5.3.1
- (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.

### 17.6.2.8A Discretionary Activities (Cooperative Living)

C60 1/16  
Op 6/19

Cooperative living is a discretionary activity.

C60 1/16

Op 6/19

C73

Op 6/23

*Items (a & b) deleted as part of Plan Change 73*

A resource consent is required. Consent may be refused or conditions imposed. In considering the applications and determining conditions, Council will have regard to the following particular criteria and to other provisions of the Plan or Act:

- (1) The extent to which the proposal has retained or enhanced the potential of the land to support plant and animal production.
- (2) The extent to which the buildings and proposed land use are consistent with low impact design and low impact building design principles and methods.
- (3) Provision for the long term protection of the site from inappropriate subdivision contributing to land fragmentation of the site.
- (4) The extent to which the proposed legal arrangement establishes, in an enduring manner:
  - (a) the purpose or intent of the cooperative living activity;
  - (b) how it will be managed now and in the future; and
  - (c) how the individual members will be bound by this arrangement.
- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees, and cultural heritage sites.
- (6) The extent to which the development minimises the potential for adverse cross-boundary effects and reverse sensitivity.
- (7) Natural hazards within and beyond the site, including wildfire risk, slope instability and flood hazard effects.
- (8) Effects on the rural landscape and on amenity values and coastal natural character.
- (9) Effects on servicing, including road access, water supply, and wastewater and stormwater systems.
- (9A) Effects on the road network.
- (10) The extent to which buildings, structures and accessways minimise the physical fragmentation of a site.

C60 1/16  
Op 6/19C60 1/16  
Op 6/19  
C73  
Op 6/23C60 1/16  
Op 6/19



**17.6.2.8B Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)**C60 1/16 &  
V2-C60 7/18  
Op 6/19

Any poultry body part or poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.6.2.1 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 Council has restricted its discretion:

- (1) Effects on amenity, including:
- (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity.

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

Any land use that does not comply with the conditions of rules 17.6.2.1 to 17.6.2.3 is a discretionary activity, if it complies with the following conditions:

C60 1/16  
Op 6/19  
C73  
Op 6/23

- (a) Where relevant, the conditions in rule 18.6.4.1 affecting quarrying.

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

C60 1/16 Op 6/19  
C73  
Op 6/23

- (c) Where a commercial, industrial or rural industrial activity gains access from a collector road, sub-collector road, local road or residential lane, the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic generated is directly associated with plant and animal production.

C60 1/16  
Op 6/19  
C69 6/19  
Op 6/20

**A resource consent is required** and may include conditions.

**17.6.2.10 Non-Complying Activities (Land Use)**C60 1/16  
Op 6/19

Any activity in the Rural 2 Zone that does not comply with the conditions of rule 17.6.2.9 is a non-complying activity.

C60 1/16  
Op 6/19  
C73  
Op 6/23

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any provisions of the Plan or Act.

C60 1/16  
Op 6/19**17.6.3 Building Construction, Alteration, or Use**C60 1/16  
Op 6/19**17.6.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

<i>Item (a) deleted as part of Plan Change 73</i>	C10 10/07 Op 3/14 C73 12/20 Op 6/23
(b) The activity is not the construction or alteration of a building on the site annotated “Subject to Schedule 17.6A” on the planning maps (Ngarua Caves, Takaka Hill).	C19 5/10 Op 8/12
<b>Dwellings</b>	
(c) There is no more than one dwelling or building used for the purpose of a dwelling on a site. A dwelling contains no more than two self-contained housekeeping units, provided:	C60 1/16 & V2-C60 7/18 Op 6/19
(i) both are contained within the same building;	
(ii) one is clearly subsidiary;	
(iii) connecting rooms or passages have a continuous roof; and	
(iv) the walls are fully enclosed.	
<i>[Conditions (d) is merged with condition (c)]</i>	
<b>Workers’ Accommodation</b>	
(e) Any building that is constructed or used is not part of any workers’ accommodation.	C60 1/16 Op 6/19
<b>Sleepout</b>	
(ea) There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling.	C60 1/16 Op 6/19
(f) The area of each sleepout is no more than 36 square metres.	
(g) The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling.	
(ga) The sleepout is not part of a cooperative living activity.	
<b>Height</b>	
(h) The maximum height of a building is 7.5 metres, except that:	
(i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;	
(ii) for antenna attached to a building, condition 16.6.2.1(k) applies;	
(iii) outside the Airport Height Control Areas at Motueka and Takaka described in Schedules 16.11A and 16.11B, any chimney or other structure that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the definition of “height” in the Plan.	C42 12/12 Op 4/13
(i) Any building sited on a hill whose ridgeline is identified on the planning maps is no higher than the level of the ridgeline.	
<b>Setbacks</b>	
(j) The building is set back at least:	
(i) 10 metres from road boundaries and, except as provided for under condition (ma), condition (n) or condition (na), 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.6.4.1(b)), 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;	C60 1/16 & C68 7/18 Op 6/19
<i>(Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements)</i>	

- (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
- (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
- (v) 30 metres from a plantation forest.
- (vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:
- (a) 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; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
- (b) 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.
- (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.
- (k) In the Richmond West Development Area, notwithstanding the exemption in condition (j)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.
- (l) Any building forming part or all of a rural selling place is set back at least 30 metres from the road boundary.
- (m) Buildings are set back at least 100 metres of a viewpoint shown on the planning maps.
- (ma) A building, which is not a habitable building, may be set within 5 metres of an internal boundary, where the landowner of the property has provided written permission.
- (n) Any dwelling or habitable building is set back at least:
- (i) 30 metres from any internal boundary, except where:
- (a) the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced; or
- (b) the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres;
- (c) the internal boundary adjoins any site that was approved by subdivision consent on or before 30 January 2016 and is less than 2500 square metres, where the setback is 5 metres;
- (ii) 130 metres from any barn, shed or roofed enclosure that houses poultry that is on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.
- (na) Any barn, shed or roofed enclosure that houses poultry on an intensive livestock farm that is a poultry farm is set back at least 100 metres from any boundary of the site.

C73  
Op 6/23C10 10/07  
Op 3/14C60 1/16 &  
Op 6/19C60 1/16 &  
V2-C60 7/18  
Op 6/19V2-C60 7/18  
Op 6/19

- (o) Dwellings are set back at least 500 metres from any boundary of a quarry site, that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii). C60 1/16  
Op 6/19

### Building Coverage

- (p) The total area of all buildings, excluding artificial shelters and poultry sheds or enclosures, is: C60 1/16  
Op 6/19
- (i) not greater than 600 square metres for any site with a net area of 4,000 square metres or less; or
- (ii) either:
- (a) not greater than 600 square metres; or
- (b) 5 percent of the net site area (but not greater than 2,000 square metres) for any site with a net area greater than 4,000 square metres.

### Building Envelope

- (q) Any building on a site that adjoins a Residential Zone does not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

### Additional Conditions for Dwellings

- (r) Only in relation to the construction of a dwelling or the use of a building for the purpose of a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply: C19 5/10  
Op 8/12
- incorporating water mains fitted with fire hydrants; and
  - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is: C34 3/12  
Op 4/13
- EITHER
- (i) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply; C60 1/16 &  
V2-C60 7/18  
Op 6/19
- OR
- (ii) provided with a water supply that is:
- accessible to fire-fighting equipment; and
  - between 6 metres and 90 metres from the dwelling; and
  - on the same site as the dwelling (except where the specified volume or flow of water is in a pond, dam, or river that is within the required distances); and
- either
- stores at least 45,000 litres;
- or
- provides at least 25 litres per second for 30 minutes;
- AND C19 5/10  
Op 8/12
- (iii) connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from: C34 3/12  
Op 4/13
- a rainwater supply; or
  - a surface water source; or
  - a groundwater source
- that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.

**Note 1:** Further advice and information about managing fire risk and storage of water for fire-fighting, including information about appropriate fittings for connection with fire appliances, can be obtained from Fire and Emergency New Zealand and the Fire and Emergency New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

**Note 2:** Information about the design, installation and maintenance of the sprinkler system can be found in NZS 4517:2010 Fire Sprinkler Systems for Houses.

**Note 3:** Fire risk can be further reduced through appropriate management of flammable vegetation near structures and ensuring fire appliances can locate and reach the dwelling in the event of a fire. Further information about managing fire risks is available from Fire and Emergency New Zealand or the Waimea Fire and Emergency New Zealand's Principal Rural Fire Officer.

**Note 4:** The water supply provided for in this condition may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.

C60 1/16  
Op 6/19

- (s) There is adequate area on site for effluent disposal for the dwelling.
- (t) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan.

C7 7/07  
Op 10/10

### 17.6.3.2 Controlled Activities (Building Construction, Alteration, or Use)

C60 1/16  
Op 6/19

Construction, alteration, or use of any building that does not comply with the conditions of rule 17.6.3.1 is a controlled activity, if it complies with the following conditions:

- (a) The activity is not the construction or alteration of a building on the site annotated "Subject to Schedule 17.6A" on the planning maps (Ngarua Caves, Takaka Hill).

C19 5/10  
Op 8/12

#### Dwellings

C60 1/16  
Op 6/19

- (b) The building is a second dwelling that is a minor dwelling and the principal dwelling contains a single housekeeping unit only.
- (ba) The second dwelling that is a minor dwelling complies with the permitted conditions of rule 17.6.3.1(h) – (t).

C60 1/16  
Op 6/19

#### Workers' Accommodation

- (c) All buildings which are part of workers' accommodation are relocatable.
- (d) The site of the workers' accommodation has a minimum area of 50 hectares.
- (da) The site is not part of a cooperative living activity.

C60 1/16  
Op 6/19

#### Stormwater

- (e) Stormwater is managed and disposed of on site, and the stormwater discharge complies with Section 36.4 of this Plan.

C7 7/07  
Op 10/10

#### General

- (f) The building complies with conditions (i), (j), (l), (m), (n), (p) and (q) [Setbacks, Building Envelope and Building Coverage] in rule 17.6.3.1.

- (g) If the building is a dwelling, it complies with (h) [Height] in rule 17.6.3.1.
- (h) The maximum height of the building (except a dwelling) is 12.5 metres.
- (i) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
- (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.

C10 10/07  
Op 3/14  
C73  
Op 6/23

### Electricity Transmission Corridor

- (j) In the Richmond West Development Area, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

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

- (1) The location of the building on the site and the effects on the potential availability of productive land.
- (2) Location and effects of on-site servicing, including wastewater disposal, access, and traffic safety.
- (2A) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.
- (3) Effects on the amenities of the area and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (3A) Where a proposed building location cannot comply with the 30-metre setback rule due to the shape of the site, the potential to mitigate the effects from any reduced setbacks for habitable buildings through measures such as building location, orientation, design, fencing or screening, and clustering of residential activities.
- (4) Effects of any proposed outdoor storage of goods, machinery or produce.
- (5) For buildings that exceed the permitted activity height, in addition to the other matters listed, the appearance and visual impact (including colour, materials, surface treatment and fenestration), site landscaping and planting, shading effects across site boundaries, and effects on significant views, ridgelines and hill tops.
- (5A) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on plant and animal production.
- (5B) Low impact building design.

C51 1/15  
Op 9/16

C60 1/16  
Op 6/19

C60 1/16  
Op 6/19

C60 1/16  
Op 6/19

- (6) The on-site management of stormwater in accordance with Low Impact Design solutions. C7 7/07  
Op 10/10
- (6A) The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated. C60 1/16  
Op 6/19
- (7) Alternatives for fire risk management. C34 312 Op 4/13
- (8) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (9) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 17.6.3.3 Controlled Activities (Building Construction, Alteration, or Use – Site Specific Development: Ngarua Caves)

C19 5/10  
Op 8/12C60 1/16  
Op 6/19

Construction, alteration, or use of any building on the part of Pt Sec 1 Blk VII Kaiteriteri SD on Record of Title 16/5 annotated on the planning maps as “Subject to Schedule 17.6A” (Ngarua Caves, Takaka Hill, near State Highway 60) is a controlled activity, if it complies with the following conditions:

- (a) The land use occurs on the part of Pt Sec 1 Blk VII Kaiteriteri SD on Record of Title 16/5 annotated on the planning maps as “Subject to Schedule 17.6A” (Ngarua Caves, Takaka Hill, near State Highway 60) and is included in the list of activities in Schedule 17.6A; and
- (b) The development complies with conditions (c), (h), (l), (m), (o) and (p) of rule 17.6.3.1.

**A resource consent is required** and may include conditions on the matters set out in Schedule 17.6A.

### 17.6.3.4 Restricted Discretionary Activities (Building Construction, Alteration, or Use)

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rules 17.6.3.1 and 17.6.3.2 is a restricted discretionary activity, if it complies with the following conditions:

#### Dwellings

- (a) Except as provided for by condition 17.6.3.2(b), no more than two dwellings or buildings used for the purpose of dwellings are placed on a site. C60 1/16 &  
V2-C60 7/18  
Op 6/19
- (b) Except as provided for by condition 17.6.3.2(b), a site containing more than one dwelling or building used for the purpose of a dwelling has a minimum area of 50 hectares. V2-C60 7/18  
Op 6/19
- (c) The dwelling complies with condition (r) in rule 17.6.3.1.

#### General

- (d) If an adjoining property has horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least: C60 1/16  
Op 6/19

- (i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or
  - (ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds.
- (da) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).
- (e) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan.

C7 7/07  
Op 10/10

**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 control (1) – (9) in rule 17.6.3.2.
- (2) Effects of a building with reduced setbacks.
- (3) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.
- (4) In the Richmond West Development Area:
  - (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001).
  - (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

C60 1/16  
Op 6/19C10 10/07  
Op 3/14

#### 17.6.3.5 Discretionary Activities (Building Construction, Alteration or Use)

C60 1/16  
Op 6/19

Any construction, alteration, or use of a building that does not comply with the conditions of rule 17.6.3.4 is a discretionary activity.

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any other provisions of the Plan or Act.



## 17.6.4 Plantation Forests, Horticultural Plantings, and Spray and Shelter Belts

### 17.6.4.1 Permitted Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)

**NOTE:** Rule 17.6.4.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Planting of plantation forests, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

#### Plantation Forest Setbacks

- (a) Plantation forests are set back at least:
  - (i) 50 metres from a Residential Zone boundary;
  - (ii) 30 metres from a dwelling;
  - (iii) 10 metres from any boundary, except that:
    - (a) trees are not planted or allowed to grow in a position which could result in any dwelling on an adjoining property becoming shaded between 10.00 am and 2.00 pm on the shortest day; and
    - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council;
  - (iv) 10 metres from the intersection of any formed legal road;
  - (v) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
  - (vi) 10 metres from the bed of any lake;
  - (vii) 50 metres from the coastal marine area.

**Advice Note:** Clause (a)(vii) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).

#### Spray and Shelter Belt and Artificial Shelter Setbacks

- (b) Spray belts, shelter belts and artificial shelter are set back at least:
  - (i) 3 metres from property boundaries;
  - (ii) 10 metres from the intersection of any formed legal road.

#### Horticultural Planting Setbacks

- (c) Horticultural plantings are set back at least:
  - (i) 10 metres from the intersection of any formed legal road;
  - (ii) 3 metres from property boundaries.
- (d) Horticultural plantings where pesticides may be discharged to air are set back at least:
  - (i) 30 metres from any dwelling, any other building used for any residential activity, visitor accommodation or tourist accommodation, or any school or school grounds, or early childhood education facility or its grounds on an adjoining property; or

- (ii) 20 metres from any of the buildings or grounds specified in (i) above, where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.

#### Trees and Shelter near Roads

- (e) Trees are not planted or allowed to grow, and artificial shelter is not constructed, in a position which could result in any icing of roads being prolonged by shading of the road between 10.00 am and 2.00 pm on the shortest day.
- (f) Horticultural plantings, spray belts and shelter belts are planted in a position that is set back at least three metres from the position underneath the nearest power line running above or adjacent to any road.

#### Height

- (g) The maximum height of horticultural plantings, spray belts or shelter belts growing within 20 metres of a boundary is 6 metres.
- (h) The maximum height of artificial shelter is 6 metres.
- (i) The height of horticultural plantings, spray belts or shelter belts does not exceed the horizontal distance between the shelter or horticultural plantings and the nearest dwelling.

#### Maintenance of Horticultural Plantings

- (j) Spray belts or shelter belts and horticultural plantings are maintained by the owner so that no vegetation extends over property boundaries or roads or up into power lines.
- (k) Prunings are removed or otherwise disposed of by the tree owners when they fall on other properties, with the permission of the owners of the other properties.
- (l) Root pruning of horticultural plantings, shelter or spray belt trees along a property boundary is carried out by the owner of the trees at least once every five years, or at a lesser frequency agreed between adjoining landowners.

#### 17.6.4.2 Restricted Discretionary Activities (Plantation Forests, Horticultural Plantings, and Spray and Shelter Belts)

Planting of plantation forests, trees, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter that does not comply with the conditions of rule 17.6.4.1 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 adverse effects of shading on adjoining properties.
- (2) The actual or potential fire risk.
- (3) The actual or potential adverse effects on the open space or amenity values of the area.
- (4) The actual or potential adverse effects of pesticide drift across property boundaries.
- (5) The adverse effects of tree planting or construction of artificial shelter on visibility at road intersections and property accesses or icing on roads.

- (6) The influence of topography on shading.
- (7) The nature of adjoining uses and adverse effects of higher trees or shelter.
- (8) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (9) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

## 17.6.5 Destruction or Removal of Indigenous Vegetation and Forest

### 17.6.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation)

[17.5.9A Proposed]

**NOTE:** Rule 17.6.5.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous vegetation (excluding indigenous forest) is a permitted activity, if it complies with the following conditions:

- (a) The site is not a naturally occurring wetland.
- (b) The site does not include any of the following:
  - (i) indigenous dune vegetation;
  - (ii) salt herb fields;

**Proposed as at 1 November 2008**

- (b) (iii) woody indigenous vegetation in the Coastal Environment Area;  
[(c) Proposed]

C3 12/03

- (iv) indigenous vegetation on any area of karst that contains an area of fissured or fluted rock outcrops, a cliff face or any talus slope;
- (v) indigenous vegetation containing small-leaved coprosma shrubs (*Coprosma propinqua* or *Coprosma rigida*) or small-leaved shrub daisy (*Olearia virgata*) on any lowland alluvial site (up to 600 metres above sea level) in the Buller catchment; between 600 and 1200 metres above sea level in the Takaka catchment (including the Cobb); and up to 950 metres in the Canaan Downs/Pikikirunga area.

**Advice Note:** Clauses (b) (i), (ii), (iii), (iv) and (v) prevail over NES-PF regulation 93 because they are more stringent under regulations 6(1)(b) NZCPS and 6(3)(b) Karst.

### 17.6.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)

The destruction or removal of indigenous vegetation that does not comply with the conditions of rule 17.6.5.1 is a discretionary activity.

**A resource consent is required** and may include conditions.

**17.6.5.3 Permitted Activities (Destruction or Removal of Indigenous Forest)** [17.5.10 Proposed]

**NOTE:** Rule 17.6.5.3 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous forest is a permitted activity, if it complies with the following conditions:

**Proposed as at 1 November 2008**

- (a) The site is outside the Coastal Environment Area.  
[(aa)  
Proposed]

C3 12/03

EITHER

- (b) The area of indigenous forest to be destroyed or removed is less than 0.2 hectare (2000 square metres) per site over a three-year period.

OR

- (c) The area is subject to a sustainable forest management plan, permit, or personal use approval under Part 3A of the Forests Act 1949, approved as at 31 March 2007.

OR

- (d) The area is subject to a sustainable forest management plan, permit, or personal use approval either required or approved under Part 3A of the Forests Act 1949 after 31 March 2007 that is not:

- (i) on a lowland alluvial site; or  
(ii) on karst;

and a copy of the approved plan, permit, or personal use approval has been lodged with Council.

**17.6.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.6.5.3 is a controlled activity, if it complies with the following conditions:

- (a) The area of indigenous forest destroyed or removed is greater than 0.2 hectare and less than 1 hectare per site over a three-year period.
- (b) The forest is not on a lowland alluvial site.
- (c) The site is outside the Coastal Environment Area.
- (d) The activity is not subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949.

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

- (1) Species to be removed and volume.
- (2) Replanting.
- (3) Extraction techniques.
- (4) Mitigation of effects.

### 17.6.5.5 Restricted Discretionary Activities (Destruction or Removal of Indigenous Forest)

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.6.5.4 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949 and a copy of the approved plan or permit has been lodged with Council.

**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 significance of the indigenous forest affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological, scientific, recreational, tourist and landscape values, and natural features of the area.
- (2) The extent to which any retention of the forest is necessary to prevent instability, flooding or erosion of land, and to maintain water quality.
- (3) Effects on archaeological, cultural and historic sites within the application area.
- (4) The extent to which the proposal provides for regeneration or modification of indigenous forest or sustainable management of the indigenous forest resource.
- (5) The extent of the reduction of the indigenous forest associations in the District should the application proceed, and the impact on the sustainability of that indigenous forest association.
- (6) The extent to which the adverse effects of the activity can be mitigated (for example, revegetation, covenanting, fencing, pest and weed management).
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

## 17.6.20 Principal Reasons for Rules

### Noise

The rural environment is a working environment where noise is generated as part of many rural activities. Rules limit noise problems arising from continuous sources and from residential sources within the zone, but greater freedom is given to the types of noise that arise in normal day-to-day rural activities. For these types of noise, methods other than rules such as codes of practice or the best practicable option approach, will be applied as appropriate.

### Building Height

The height of buildings in rural areas is regulated to preserve visual amenities and, coupled with setback requirements, to avoid shading across boundaries.

## Setback

Setback from roads will promote road safety and help maintain rural open space. It will also separate dwellings from the adverse effects of road use, such as dust, noise and vibration. Separation between buildings on adjoining sites maintains open space and privacy and minimises shading of neighbouring properties.

The 30-metre setback requirement for habitable buildings has been imposed primarily to manage cross-boundary effects, limit impacts on the productive potential of adjoining sites, and minimise impacts on rural character and amenity.

C60 1/16  
Op 6/19

Tasman District has a legacy of small rural sites in the Rural 1 zone that may be constrained in meeting the 30-metre internal boundary setback standard for habitable building due to the shape of the site. In these cases, the mitigation of the effects identified in the preceding paragraph from a reduced internal boundary setback may be achievable through measures such as building location, orientation, design, fencing or screening, as well as clustering of residential activities.

Rules for setbacks to legacy sites below 2500 square metres recognised that the majority of these sites are already built on and used for residential activities; and there is very limited productive opportunity of these small sites. Risks of reverse sensitivity complaints or loss of rural amenity are less likely to arise on sites where residential activities are clustered with other residential activities.

The setbacks for dwellings from quarry activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (for example, where future residents may try to limit quarry activities) is addressed.

## Building Setback from Rivers

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character and possible public access or recreational use through esplanade reserves or strips.

Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

## Setback of Buildings from Lake Margins and Other Zone Boundaries

The setback of buildings from the margins of natural occurring lakes and large impounded lakes, and from the boundary with Open Space, Recreation and Conservation zones provides for open space to retain natural character and possible public access or recreational use through esplanade reserves or strips. The setbacks also help reduce possible conflict between lake use and adjacent residential or other uses of buildings.

## Indicative Roads and Reserves

C73 12/20  
Op 6/23

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.

### **Shading Caused by Buildings and Trees**

Shading, caused by buildings or trees, is a problem over winter, with buildings or trees casting long shadows to the southwest, south and southeast. The setback from southern boundaries, coupled with the height restrictions, is based on a sun path for June, and avoids shading of neighbouring dwellings between 10.00 am to 3 00 pm.

Trees, located alongside roads can cause shading of roads in winter with consequent problems with icing of the road surface and obvious traffic hazards and road maintenance effects. New shading problems can be avoided by ensuring that new plantings are not located in positions that would impede the access of sunlight to road surfaces in the middle of the day in winter.

### **Live Shelter and Horticultural Plantings**

These rules mitigate shading and crop competition effects and also provide access for tree maintenance, including both root and branch pruning on the owner's property. The setbacks allow for pruning to be undertaken from the property and avoid traffic hazards.

### **Fire Hazard**

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and plantation forests will help to contain a fire in proximity to an isolated rural building. A setback of 50 metres from Residential Zone boundaries is required because of the potentially greater risks in the higher density built-up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

### **Building and Planting Near Viewpoints**

Some viewpoints in rural areas have been identified as amenities of value to the community. It is usually possible to re-site buildings, structures and plantings so that views are not compromised.

### **Pesticide Discharges**

The setback and spray belt requirements will avoid or mitigate adverse effects arising from the drift of pesticides across property boundaries.

### **Land Fragmentation**

The construction of buildings, especially dwellings has been recognised as a contributing factor to fragmentation of land which limits the productive values, including versatility of land. Other activities, such as industry, also have an actual or potential adverse effect on the productive values of the land. Rules are included to mitigate the adverse effects of land fragmentation on the productive values of the land. Rural 2 land, while not being as highly valued or suited to the range of uses as Rural 1 land, still has productive values which the Council wishes to protect. The risks to this land are not as great as to Rural 1 land and the rules reflect this difference.

Small subsidiary units that are dependent on the main dwelling are permitted, whereas consent is required for additional dwellings because of their propensity to contribute to land fragmentation. Cooking facilities are not allowed in these subsidiary units as they can encourage separation and independence from the main dwelling.

### **Destruction or Removal of Indigenous Forest and Vegetation**

Indigenous forest and other indigenous vegetation has intrinsic ecological and biodiversity value. It also adds to the visual character of the District. While much of the upland vegetation of the District is protected in the extensive conservation estate, the lowland forest remnants and coastal vegetation is less well protected and has been identified in Chapter 10 as a priority for protection. Specific locations where there are distinctive indigenous vegetation associations, with some threatened species, are protected. These include indigenous vegetation on largely rocky surfaces of karst formed on limestone, marble, dolomite or magnesite, and frost flat shrublands. Frost flat shrublands containing small-leaved species of Coprosma and Olearia is indigenous vegetation in locations along inland valley floors in the Buller or at higher

altitudes elsewhere, where frequent heavy frosts limit larger woody species. Some frost flat species are nationally threatened. The Forests Amendment Act Part 3A provides for the management and some protection of indigenous forest. The rules are interim and may be changed when further studies have been done to identify significant natural areas.

### Home Occupations

Rural areas are appropriate for small-scale industrial and commercial activities, which can provide employment opportunities for site occupants and a limited number of employees, with minimal adverse impact on the environment. The rules ensure that permitted activity home occupations can be managed in a way that limits potential adverse effects.

### Quarrying

Quarry activities have a range of associated potential adverse effects so the effects of quarries of any size throughout the zone need to be evaluated on a case-by-case basis. However, smaller quarries, provided there are adequate setbacks and management, are permitted.

### Papakainga Development

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self-management of communally-owned Maori land. The flexible style of development provided for is specifically targeted to meet the needs of land held in multiple ownership.

### Water Supply

C34 3/12  
Op 4/13

Where water reticulation is available, new dwellings will be expected to connect to the service. In Rural and Rural Residential zones, except in locations where a high pressure reticulation is present, new dwellings are required to have access to sufficient stored water for fire protection or install a home sprinkler system for the purpose of fire protection and to install water collection and storage systems to ensure that a minimum potable water supply is available. The potential for adverse landscape and amenity effects of water storage tanks, especially on small sections is acknowledged, however an efficient fire risk management solution can also be provided by home sprinkler systems. Water supplies may include ponds, lakes or rivers with sufficient storage or flow that are not on the same site as the dwelling but are within the required distances.

### Industrial and Commercial Activities

The Rural 1 and Rural 2 Zones are generally not appropriate for accepting the potential cumulative effects of business activities, either outside zoned locations for them or where they are more appropriately located in industrial or mixed business zones. This is because the primary purpose of these zones is to support the use of productive land for plant and animal production. Business activity associated with plant and animal production and with efficient locations with capacity and for transport links may be appropriate.

### Sleepouts

C60 1/16  
Op 6/19

The number of sleepouts on any given property is two sleepouts per principal dwelling and second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.



**SCHEDULES****Schedule 17.6A: Controlled Activities – Ngarua Cave Site**

*Refer to rules 17.6.2.2 and 17.6.2.3.*

1. Subject to rule 17.6.2.2, the following activities are controlled activities on the Ngarua Cave site:
  - (i) tourist accommodation, including those licensed to sell liquor, and associated office, service, tourist and recreation promotion and sales activities;
  - (ii) hire and servicing of sport and recreational equipment;
  - (iii) tutoring and training in outdoor recreational pursuits and life skills;
  - (iv) sale of souvenirs, and arts and crafts;
  - (v) recreational activities and recreational tour bases;
  - (vi) open space areas, walkways and children's play areas;
  - (vii) visitor car and bus parking areas;
  - (viii) restaurants, including those licensed to sell liquor;
  - (ix) one caretaker's or manager's dwelling per site.
2. Subject to rule 17.6.3.3, building construction and alteration is a controlled activity on the Ngarua Cave site.

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

- (1) Site layout.
- (2) Location of the activity or building on the site.
- (3) Location and size of parking areas on the site, access and circulation.
- (4) Design, appearance, screening and other methods of managing visual effects.
- (5) Provision of services, including water supply, stormwater and management of liquid and solid waste.
- (6) Signage.
- (7) Effects on the amenities of the site and area.
- (8) Timing and duration of any special activity or event.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).



**The next page starts on 17/161**



**17.7 RURAL 3 ZONE RULES**

*Refer to Policy sets 5.1 - 5.3, 5.5, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1, 11.1, 11.2, 12.1, 13.1, 14.3, 14.4, 33.4, 34.1, 34.2, 36.2, 36.6.*

**17.7.1 Scope of Section**

This section deals with land uses in the Rural 3 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. NES-FW (ca)  
12/20

**17.7.2 Land Use****17.7.2.1 Permitted Activities (Land Use - General)**

C19 5/10  
Op 8/12

**NOTE:** Rule 17.7.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

*[Condition (a) is deleted]*

C19 5/10 Op 8/12

**Activities**

- (b) The activity is not:
- (i) an industrial or rural industrial activity;
  - (ii) quarrying, where the volume of land disturbed is greater than 50 cubic metres in any 12-month period;
 

**Advice Note:** Clause (b)(ii) does not apply to forestry quarrying which is managed by NES-PF regulations 51- 59.
  - (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
  - (iv) the sale of liquor;
  - (v) a rural selling place where:
    - the sale and display area is greater than 25 square metres; or
    - access is to an arterial route;
  - (vi) a commercial or community activity;
  - (vii) tourist accommodation;
  - (viii) conversion and use of an existing building to a dwelling where the building does not comply with the setback conditions for dwellings in rules 17.7.3.1(f) and 17.7.3.2;
  - (ix) a papakainga development;
  - (x) a home occupation, except as allowed by rule 17.7.2.2. C19 5/10 Op 8/12
  - (xi) the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those C60 1/16 &  
V2-C60 7/18

heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. Op 6/19

[Condition (c) is deleted] C60 1/16 Op 6/19

## Noise C60 1/16 Op 6/19

(d) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

	Day	Night	
$L_{eq}$	55 dBA	40 dBA	C19 5/10 Op 8/12
$L_{max}$		70 dBA	

Except as required by condition (da), this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: C14 5/09 Op 8/12  
C60 1/16 Op 6/19

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (d)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**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.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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*. C19 5/10  
Op 8/12

## Frost Protection Devices C14 5/09 Op 8/12

(da) Noise generated by any frost protection device, in combination with noise from any other authorised frost protection device, does not at any time exceed 55 dBA  $L_{eq}$  when measured:

- (a) at or within the notional boundary of any dwelling that existed before the frost protection device is installed (other than a dwelling on the site from which the noise is being generated) in the Rural 1, Rural 2, Rural 3 or Rural Residential Zone; and
- (b) at or within the boundary of the Residential, Papakainga, or Tourist Services Zone; and
- (c) in any other circumstances, at a distance of 300 metres from the frost protection device;

**provided that** evidence of the ability to meet this condition is certified by an appropriately competent person in acoustic engineering and a copy of that certification, including a plan showing the location of the frost protection device or devices to which the certification applies, is lodged with the Council prior to the installation of any frost protection device.

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*.

- |      |   |                     |
|------|---|---------------------|
| (db) | Any frost protection device is operated only when the air temperature at the lowest level of the frost-tender part of the crop has fallen to 2 degrees Celsius, and ceases operating when the air temperature at that height has risen to 3 degrees Celsius; except that the device may be operated for maintenance purposes between 8.00 am and 6.00 pm.   | C14 5/09<br>Op 8/12 |
| (dc) | Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in (da) of this rule, is located, oriented, and constructed to ensure that bedrooms and living rooms achieve an indoor design sound level of 30 dBA $L_{eq}$ and 45 dBA $L_{max}$ from any noise permitted in the zone beyond the notional boundary of the building or dwelling. | C14 5/09<br>Op 8/12 |
| (dd) | Outdoor fan-type frost protection devices are used only for frost protection, for crops that have a distinct period of bud-burst and a distinct end of harvest, and only in the period between bud-burst and end of harvest.  |                     |

### Quarrying

- (e) The setbacks in condition 17.7.3.1(f)(i) to (v) are complied with.
- (f) Condition 18.5.3.3(d) is complied with.

### Planting Near Viewpoints

- (g) Vegetation planted on or near to a viewpoint shown on the planning maps does not grow to a height that will obscure the view from the viewpoint.

**Advice Note:** Where vegetation is plantation forestry as defined in the NES-PF, regulation 13 allows condition (g) to apply.

### Intensive Livestock Farming

C60 1/16 Op 6/19

- (h) Intensive livestock farming which is intensive pig farming, including the keeping of pigs or the disposal of piggery effluent, must achieve the following setbacks:
- (i) Distance from a Residential Zone boundary existing at the date of the establishment of the pig farming activity – 2,000 metres.
  - (ii) Distance from a Rural Residential or Papakainga zone boundary, school, church, public hall, marae, recreation ground, or other area with frequent public use existing at the date of the establishment of the pig farming activity – 1,500 metres.
  - (iii) Distance from a dwelling on another site in a Rural 1, Rural 2 or Rural 3 zone existing at the date of the establishment of the pig farming activity, or in relation to Rural 3 Zone, distance from any building location area as approved on a survey plan of subdivision – 500 metres.
- (i) Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming, is set back at least 170 metres from any boundary of the site.

C60 1/16 &  
V2-C60 7/18  
Op 6/19

**Stormwater**

- (m) (i) EITHER C7 7/07  
Op 10/10
- 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.

**17.7.2.2 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:

- (a) On lots smaller than 4 hectares in area, the provisions of conditions 17.8.2.2(a) to (k) apply.
- (b) A home occupation which is visitor accommodation:
- (i) accommodates no more than six visitors at any time;
- (ii) occupies a building which is a dwelling which either existed on 25 May 1996, or is otherwise permitted by the Plan.
- (c) A home occupation which is other than visitor accommodation:
- (i) occupies no more than 75 square metres gross floor area;
- (ii) employs or engages no more than two full-time equivalent persons who reside elsewhere than on the site.
- (iii) takes place indoors if it is motor vehicle repairs or dismantling, motor body building, spray-painting, fibre-glassing, or sheet-metal working; C60 1/16  
Op 6/19
- (iv) is not bottle or scrap storage, rubbish collection or the composting of animal body parts;
- (v) is not the boarding of domestic animals.
- (d) The conditions for noise set out in 17.7.2.1(d). C60 1/16  
Op 6/19
- (da) Where a home occupation gains access from a local road, the home occupation does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic is generated by:
- (i) a home occupation that is visitor accommodation; or
- (ii) vehicles that are being used for or in connection with plant and animal production activities.
- (e) Retailing is permitted in accordance with the rural selling place provisions in rule 17.7.2.1 and is in accordance with the definition of rural selling place.
- (f) The home occupation is not undertaken on a site which is located on a shared access or private way, except where:
- (i) the activity is carried out solely by a person or persons permanently resident on site;
- (ii) there are no visitors, clients or deliveries to the site.



**17.7.2.3 Restricted Discretionary Activities (Home Occupations)**C19 5/10  
Op 8/12

A home occupation that does not comply with the conditions of rule 17.7.2.2 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:

**Rural Character**

- (1) The extent to which the activity will result in the loss of rural character on the site and in the vicinity of the site.
- (2) Any adverse effect on the amenity values of the area.

**General Adverse Effects**

- (3) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on site, and safety and efficiency of traffic on roads giving access to the site.
- (4) Exposure of the building to road traffic noise, including from State Highway 60 and the designated Ruby Bay Bypass, and measures to mitigate such exposure.
- (5) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (6) Any effects relating to natural or technological hazards.

**Miscellaneous**

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

**17.7.2.4 Restricted Discretionary Activities (Papakainga Development)**C19 5/10  
Op 8/12

A papakainga development 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) Consistency with the Design Guide for the Zone.
- (2) Infrastructure connection to the Council's reticulated services, road access, and roading within the site.
- (3) Risk from natural hazards.
- (4) Means of avoiding conflicts within the development.

- (5) Landscaping of the site to control any adverse visual effects.
- (6) The objectives and policies of Chapter 7 of the Plan.
- (7) Financial contributions, bonds and covenants.

**17.7.2.5 Restricted Discretionary Activities (Community Activities)**C19 5/10  
Op 8/12

A community activity 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) Consistency with the Design Guide for the area.
- (2) Adequacy and appropriateness of servicing.
- (3) The extent to which the activity will result in loss of rural character and effects on productive and coastal character.
- (4) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (5) The scale of any building, structures and car parking compared to existing permitted development.
- (6) 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.
- (7) The duration of the consent and the timing of reviews of conditions.
- (8) Financial contributions, bonds and covenants.

**17.7.2.5A Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)**C60 1/16 &  
V2-C60 7/18  
Op 6/19

Any poultry body part or poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.7.2.1 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 Council has restricted its discretion:

- (1) Effects on amenity, including:
  - (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity.

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

Any land use that does not comply with the conditions of rules 17.7.2.1 to 17.7.2.5 is a discretionary activity, if it complies with the following conditions:

- (a) Where relevant, the conditions in rule 18.6.4.1 affecting quarrying.
- (b) Where relevant, the conditions in rule 17.7.5.3 affecting the destruction or removal of indigenous forest.
- (c) Where a commercial, industrial or rural industrial activity gains access from a collector road, sub-collector road, local road or residential lane, the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic generated is directly associated with plant and animal production.

C60 1/16  
Op 6/19  
C69 6/19  
Op 6/20

A resource consent is required and may include conditions.

**17.7.2.7 Non-Complying Activities (Land Use)**C60 1/16  
Op 6/19

Any activity in the Rural 3 Zone that does not comply with the conditions of rule 17.7.2.6 is a non-complying activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any provisions of the Plan or Act.

**17.7.3 Building Construction, Alteration, or Use**C60 1/16  
Op 6/19**17.7.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

*[Condition (a) deleted]*

C19 5/10 Op 8/12

**Dwellings (including Sleepouts) and Workers' Accommodation**

- (b) Any building that is constructed is not:
  - (i) a dwelling or sleepout; or
  - (ii) part of any workers' accommodation; or
  - (iii) altered to become a dwelling or sleepout; or
  - (iv) used for the purpose of a dwelling or sleepout.
- (c) Any alteration of a dwelling complies with conditions (d) to (l) [building height, setbacks, location area, coverage and envelope].

C60 1/16 &  
V2-C60 7/18  
Op 6/19  
C73  
Op 6/23**Height**

- (d) The maximum height of the building is 7.5 metres, subject to condition 16.6.2.1(k).
- (e) Any building sited on a hill whose ridgeline is identified on the planning maps is no higher than the level of the ridgeline.

**Setbacks**

- (f) The building is set back at least:

- (i) 10 metres from road boundaries and 5 metres from internal boundaries except: C60 1/16  
Op 6/19
- (a) where conditions (ga) and (gaa) apply and subject, in the case of artificial shelter, to condition 17.7.4.1(b); and
- (b) 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;
- (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
- (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
- (v) 30 metres from a plantation forest.
- (vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following: C73  
Op 6/23  
)
- (a) 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; except that if the certificate pursuant to section 224 of the Resource Management Act lapses, then this rule shall apply.
- (b) 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.
- (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.
- (g) Any building forming part or all of a rural selling place is set back at least 30 metres from the road boundary.
- (ga) Any habitable building is set back at least: C60 1/16  
Op 6/19
- (i) 30 metres from any internal boundary where that boundary is to the Rural 1 or Rural 2 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced; or
- (b) the site of the building was approved by subdivision consented on or before 30 January 2016, where the setback is 5 metres;
- (ii) 130 metres from any barn, shed or roofed enclosure that houses poultry on an existing lawfully-established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully-established intensive livestock farm which is a poultry farm. C60 1/16 &  
V2-C60 7/18  
Op 6/19
- (gaa) Any barn, shed, or roofed enclosure which houses poultry on an intensive livestock farm that is a poultry farm is setback at least 100 metres from any boundary of the site. V2-C60 7/18  
Op 6/19
- (gb) Dwellings are set back at least 500 metres from any boundary of a quarry site, that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii). C60 1/16  
Op 6/19
- (h) Buildings are set back at least 100 metres of a viewpoint shown on the planning maps.

- (i) On the parts of Records of Title 8B/1025 and 8B/1026, shown as areas “A” and “B” in the annotated area on the planning maps at Ruby Bay, buildings are set back at least 25 metres from the edge of the Ruby Bay Cliff, except that this rule does not apply where the building is a dwelling that complies with rule 17.5A.5, or where a reduction to no less than 15 metres is certified by an appropriately qualified and experienced engineering geologist or geotechnical engineer as not resulting in the building being subject to damage from any slope failure within its useful life.

#### **Building Location Area**

- (j) Where the site was created by a subdivision approved after 20 December 2003, all buildings are located within a building location area approved as part of a subdivision in terms of rule 16.3.7.3.

#### **Building Coverage**

- (k) The total area of all buildings on any site, excluding, artificial shelters and poultry sheds or enclosures, is: C60 1/16  
Op 6/19
- (i) not greater than 600 square metres for any site with a net area of 4,000 square metres or less; or
- (ii) either:
- (a) not greater than 600 square metres; or
- (b) 5 percent of the net site area (but not greater than 2,000 square metres)
- for any site with a net area greater than 4,000 square metres.

#### **Building Envelope**

- (l) Buildings do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries. The angle is calculated according to the elevation calculator in Schedule 17.1A.

### **17.7.3.2 Controlled Activities (Building Construction, Alteration, or Use)**

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.7.3.1 is a controlled activity, if it complies with the following conditions:

#### **Dwellings**

- (a) There is no more than one dwelling or building used for the purpose of a dwelling on a site, except as provided in condition (b), and except that on the parts of Records of Title 8B/1025, 8B/1026 and 11A/465 shown as areas “A”, “B” and “C” in the annotated area on the planning maps at Ruby Bay, there can be the following number of dwellings on separate sites, each of which is no less than 2500 square metres in area C60 1/16 &  
V2-C60 7/18  
Op 6/19

Area “A”: 3  
Area “B”: 6  
Area “C”: 2

and where the dwelling is to be located within an area approved as a building platform for a dwelling as part of the subdivision consent.

- (b) The dwelling contains no more than two self-contained housekeeping units, provided: C60 1/16  
Op 6/19
- (i) both are contained within the same building;
- (ii) one is clearly subsidiary;
- (iii) connecting rooms or passages have a continuous roof; and
- (iv) the walls are fully enclosed.

- (c) Only in relation to the construction of a dwelling or the use of a building for the purpose of a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply:
- incorporating water mains fitted with fire hydrants; and
  - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:
- EITHER
- (i) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply;
- OR
- (ii) provided with a water supply that is:
- accessible to fire-fighting equipment; and
  - between 6 metres and 90 metres from the dwelling; and
  - on the same site as the dwelling (except where the specified volume or flow of water is in a pond, dam, or river that is within the required distances); and
- either
- stores at least 45,000 litres;
- or
- provides at least 25 litres per second for 30 minutes;
- AND
- (iii) connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from:
- a rainwater supply; or
  - a surface water source; or
  - a groundwater source
- that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.
- Note 1:** Further advice and information about managing fire risk and storage of water for fire-fighting, including information about appropriate fittings for connection with fire appliances, can be obtained from Fire and Emergency New Zealand and the Fire and Emergency New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).
- Note 2:** Information about the design, installation and maintenance of the sprinkler system can be found in NZS 4517:2010 Fire Sprinkler Systems for Houses.
- Note 3:** Fire risk can be further reduced through appropriate management of flammable vegetation near structures and ensuring fire appliances can locate and reach the dwelling in the event of a fire. Further information about managing fire risks is available from Fire and Emergency New Zealand or the Waimea Fire and Emergency New Zealand's Principal Rural Fire Officer.
- Note 4:** The water supply provided for in this condition may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.
- (d) The dwelling has a rainwater collection system for any domestic use.
- (e) Any wastewater discharge complies with the permitted activity rules in chapter 36.1.
- (f) Any dwelling or habitable building is set back at least:
- (i) 30 metres from any internal boundary where that boundary is to a Rural 1 or Rural 2 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced; or
- (b) the site of the building was approved by subdivision consented on or before 30 January 2016, where the setback is 5 metres;

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Op 8/12  
C34 3/12  
Op 4/13  
C60 1/16 &  
V2-C60 7/18  
Op 6/19

C19 5/10  
Op 8/12  
C34 3/12  
Op 4/13

C60 1/16 &  
Op 6/19

C60 1/16 &  
V2-C60 7/18  
Op 6/19

- |      |   |                                      |
|------|---|--------------------------------------|
| (ii) | 130 metres from any barn, shed or roofed enclosure that houses poultry on an existing, lawfully-established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm. | C60 1/16 &<br>V2-C60 7/18<br>Op 6/19 |
| (fa) | Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).  | C60 1/16<br>Op 6/19                  |
| (g)  | The dwelling complies with condition (d) [Height] in rule 17.7.3.1.   |                                      |

**Workers' Accommodation**

- |     |   |  |
|-----|---|--|
| (h) | All buildings which are part of workers' accommodation are relocatable.                       |  |
| (i) | The site of the workers' accommodation has a minimum area of 50 hectares in the Rural 3 Zone. |  |

**Sleepout**

- |      |  |                     |
|------|--|---------------------|
| (ia) | There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling. | C60 1/16<br>Op 6/19 |
| (j)  | The area of each sleepout is no more than 36 square metres.  |                     |
| (k)  | The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling.                             |                     |

**General**

- |     |   |  |
|-----|---|--|
| (l) | The building complies with conditions (e) to (l) [Height in relation to ridgelines, building setbacks, building location area, building envelope and building coverage] in rule 17.7.3.1. |  |
| (m) | The maximum height of the building is 12.5 metres.  |  |

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

- |      |   |                     |
|------|---|---------------------|
| (1)  | The location of the building on the site and the effects on the opportunity to utilise land with productive value.  |                     |
| (2)  | Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' (Part II, Appendix 3).  | C6 7/07<br>Op 10/10 |
| (3)  | Effects of access and traffic safety.   |                     |
| (4)  | For workers' accommodation, effects relating to any on-site servicing.  |                     |
| (5)  | Effects on the amenity values of the area, including landscaping and the colour, materials and surface treatment of buildings and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects. |                     |
| (5A) | The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated.  | C60 1/16<br>Op 6/19 |

- (5B) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on and plant and animal production. C60 1/16  
Op 6/19
- (6) Exposure of the building to road traffic noise, including from State Highway 60, and measures to mitigate such exposure.
- (7) Effects of any proposed outdoor storage of goods, machinery or produce.
- (8) For buildings that exceed the permitted activity height, in addition to the other matters listed, the appearance and visual impact (including colour, materials, surface treatment and fenestration), site landscaping and planting, shading effects across site boundaries and effects on significant views.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Bonds, covenants and financial contributions in addition to those specified in standards.

### 17.7.3.3 Restricted Discretionary Activities (Building Construction, Alteration, or Use)

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.7.3.2 is a restricted discretionary activity, if it complies with the following conditions:

#### Dwellings

- (a) No more than two dwellings or buildings used for the purpose of dwellings are placed on a site, except that no more than one dwelling or building used for the purpose of a dwelling is placed on Record of Title 8B/1025 within Area “D” of the Ruby Bay planning map. C60 1/16 &  
V2-C60 7/18  
Op 6/19

#### Services

- (b) The dwelling complies with conditions 17.7.3.2(c), (d) and (e) (servicing).

#### All Buildings

- (c) The building complies with rule 17.7.3.1(j).

#### General

- (d) If an adjoining property has horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least: C60 1/16  
Op 6/19
- (i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or
- (ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds.
- (e) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).



**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 location of the building on the site and the effects on the opportunity to utilise land with productive value.
- (2) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' (Part II, Appendix 3). C7 7/07  
Op 10/10
- (3) Location and effects of on-site servicing, including wastewater services, access and traffic safety.
- (4) For workers' accommodation, effects relating to any on-site servicing.
- (5) Effects on the amenity values and the coastal and rural character of the area and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (6) Exposure of the building to road traffic noise, including from State Highway 60, and measures to mitigate such exposure.
- (7) Effects of any proposed outdoor storage of goods, machinery or produce.
- (8) The adverse environmental effects of a higher building, including visibility on a ridgeline.
- (9) The circumstances leading to, or need for, an increase in height.
- (10) The potential for shading across property boundaries, including onto roads, from the building or any associated planting or screening structure.
- (11) The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
- (12) The adverse environmental effects of a building with reduced setbacks.
- (13) The influence of topography on shading.
- (14) The effects of natural hazards and site contamination.
- (15) The nature of adjoining uses, buildings and structures, and all adverse effects of closer development on these.
- (16) The potential for cross-boundary conflicts arising from drift of pesticides across the boundary.
- (17) The extent to which the proposed building would detract from the openness and rural character of the locality.
- (18) The extent to which the building would be compatible with existing development in the vicinity.
- (19) The potential for landscaping to maintain privacy for neighbours.
- (20) The visual impact and appropriateness of colour and materials for buildings and structures.
- (21) The degree to which views are obscured.

- (22) Any effects on natural character of water bodies and the coast.
- (23) Any effects on indigenous vegetation and habitats of indigenous fauna.
- (24) Any effects on areas of predominantly natural, coastal and rural landscape.
- (25) Any effects on ridgelines and hilltops.
- (26) For buildings and structures in or near rivers, lakes and wetlands, effects on the natural functioning of the water body, including habitat values and natural hazards.
- (27) Any contribution of more than one dwelling on a site to cumulative adverse effects.
- (27A) Alternatives for fire risk management. C34 3/12 Op 4/13 |
- (28) Bonds, covenants and financial contributions in addition to those specified in standards.

## **17.7.4 Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts**

### **17.7.4.1 Permitted Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)**

**NOTE:** Rule 17.7.4.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Planting of plantation forests, horticultural plantings, spray belts and shelter belts, and the construction of artificial shelter is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

#### **Plantation Forest Setbacks**

- (a) Plantation forests are set back at least:
  - (i) 50 metres from a Residential Zone boundary;
  - (ii) 30 metres from a dwelling;
  - (iii) 10 metres from any boundary, except that:
    - (a) trees are not planted or allowed to grow in a position which could result in any dwelling on an adjoining property becoming shaded between 10.00 am and 2.00 pm on the shortest day; and
    - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council.
  - (iv) 10 metres from the intersection of any formed legal road;
  - (v) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
  - (vi) 10 metres from the bed of any lake;
  - (vii) 50 metres from the coastal marine area.

**Advice Note:** Clause (a)(vii) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).

### **Spray and Shelter Belt and Artificial Shelter Setbacks**

- (b) Spray belts, shelter belts and artificial shelter are set back at least:
  - (i) 3 metres from property boundaries;
  - (ii) 10 metres from the intersection of any formed legal road.

### **Horticultural Planting Setbacks**

- (c) Horticultural plantings are set back at least:
  - (i) 10 metres from the intersection of any formed legal road;
  - (ii) 3 metres from property boundaries.
- (d) Horticultural plantings where pesticides may be discharged to air are set back at least:
  - (i) 30 metres from any dwelling, any other building used for any residential activity, visitor accommodation or tourist accommodation, or any school or school grounds, or early childhood education facility or its grounds on an adjoining property; or
  - (ii) 20 metres from any of the buildings or grounds specified in (i) above, where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.

### **Trees and Shelter near Roads**

- (e) Trees are not planted or allowed to grow, and artificial shelter is not constructed, in a position which could result in any icing of roads being prolonged by shading of the road between 10.00 am and 2.00 pm on the shortest day.

### **Height**

- (f) The maximum height of horticultural plantings, spray belts or shelter belts growing within 20 metres of a boundary is 6 metres.
- (g) The maximum height of artificial shelter is 6 metres.
- (h) The height of horticultural plantings, spray belts or shelter belts does not exceed the horizontal distance between the shelter or horticultural plantings and the nearest dwelling.

### **Maintenance of Horticultural Plantings and Shelter Belts**

- (i) Spray belts or shelter belts and horticultural plantings are maintained by the owner so that no vegetation extends over property boundaries or roads.
- (j) Prunings are removed or otherwise disposed of by the tree owners when they fall on other properties, with the permission of the owners of the other properties.
- (k) Root pruning of horticultural plantings, shelter or spray belt trees along a property boundary is carried out by the owner of trees at least once every five years, or at a lesser frequency agreed between adjoining landowners.

<b>17.7.4.2 Restricted Discretionary Activities (Plantation Forests, Horticultural Plantings, and Spray and Shelter Belts)</b>
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Planting of plantation forests, trees, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter that does not comply with the conditions of rule 17.7.4.1 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 adverse effects of shading on adjoining properties.
- (2) The actual or potential fire risk.
- (3) The actual or potential adverse effects on the open space or amenity values of the area.
- (4) The actual or potential adverse effects of pesticide drift across property boundaries.
- (5) The potential for exotic wildling spread to significant indigenous vegetation or habitat.
- (6) The adverse effects of tree planting or construction of artificial shelter on visibility at road intersections and property accesses or icing on roads.
- (7) The influence of topography on shading.
- (8) The nature of adjoining uses and adverse effects of higher trees or shelter.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Bonds, covenants and financial contributions in addition to those specified in the standards.

## 17.7.5 Destruction or Removal of Indigenous Vegetation and Forest

### 17.7.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation)

**NOTE:** Rule 17.7.5.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous vegetation (excluding indigenous forest) is a permitted activity, if it complies with the following conditions:

- (a) The site is not a naturally occurring wetland.
- (b) The site does not include any of the following:
  - (i) indigenous dune vegetation;
  - (ii) salt herb fields;
  - (iii) woody indigenous vegetation in the Coastal Environment Area.
  - (iv) indigenous vegetation on any area of karst that contains an area of fissured or fluted rock outcrops, a cliff face or any talus slope;
  - (v) indigenous vegetation containing small-leaved coprosma shrubs (*Coprosma propinqua* or *Coprosma rigida*) or small-leaved shrub daisy (*Olearia virgata*) on any lowland alluvial site (up to 600 metres above sea level) in the Buller catchment; between 600 and 1200 metres above sea level in the Takaka catchment (including the Cobb); and up to 950 metres in the Canaan Downs/Pikikirunga area.

**Advice Note:** Clauses (b) (i), (ii), (iii), (iv), (v) prevail over NES-PF regulation 93 because they are more stringent under regulations 6(1)(b) NZCPS and 6(3)(b) Karst.

### **17.7.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)**

The destruction or removal of indigenous vegetation that does not comply with the conditions of rule 17.7.5.1 is a discretionary activity:

**A resource consent is required** and may include conditions.

### **17.7.5.3 Permitted Activities (Destruction or Removal of Indigenous Forest)**

**NOTE:** Rule 17.7.5.3 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous forest is a permitted activity if it complies with the following conditions:

(a) The site is outside the Coastal Environment Area.

EITHER

(b) The area of indigenous forest to be destroyed or removed is less than 0.2 hectare (2000 square metres) per site over a three-year period.

OR

(c) The area is subject to a sustainable forest management plan, permit, or personal use approval under Part 3A of the Forests Act 1949, approved as at 31 March 2007.

OR

(d) The area is subject to a sustainable forest management plan, permit or personal use approval either required or approved under Part 3A of the Forests Act 1949 after 31 March 2007 that is not:

(i) on a lowland alluvial site; or

(ii) on karst;

and a copy of the approved plan, permit, or personal use approval has been lodged with Council.

### **17.7.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions for a permitted activity is a controlled activity, if it complies with the following conditions:

(a) The area of indigenous forest destroyed or removed is greater than 0.2 hectare and less than 1 hectare per site over a three-year period.

(b) The forest is not on a lowland alluvial site.

(c) The site is outside the Coastal Environment Area.

(d) The activity is not subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949.

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

(1) Species to be removed and volume.

- (2) Replanting.
- (3) Extraction techniques.
- (4) Mitigation of effects.

#### **17.7.5.5 Restricted Discretionary Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.7.5.4 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949 and a copy of the approved plan or permit has been lodged with Council.

**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 significance of the indigenous forest affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological, scientific, recreational, tourist and landscape values, and natural features of the area.
- (2) The extent to which any retention of the forest is necessary to prevent instability, flooding, or erosion of land and to maintain water quality.
- (3) Effects on archaeological, cultural and historic sites within the application area.
- (4) The extent to which the proposal provides for regeneration or modification of indigenous forest or sustainable management of the indigenous forest resource.
- (5) The extent of the reduction of the indigenous forest associations in the District should the application proceed, and the impact on the sustainability of that indigenous forest association.
- (6) The extent to which the adverse effects of the activity can be mitigated (for example, revegetation, covenanting, fencing, pest and weed management).
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### **17.7.20 Principal Reasons for Rules**

##### **Noise**

The rural environment is a working environment where noise is generated as part of many rural activities. Rules limit noise problems arising from continuous sources and from residential sources within the zone, but greater freedom is given to the types of noise that arise in normal day-to-day rural activities. For these types of noise, methods other than rules such as codes of practice and the best practicable option approach, will be applied as appropriate.

##### **Building Height**

The height of buildings in rural areas is regulated to preserve visual amenities and, coupled with setback and building envelope requirements, to avoid shading across boundaries.

##### **Setbacks**

Setbacks from roads promote road safety and help maintain rural open space. They also separate dwellings from the adverse effects of road use, such as dust, noise and vibration. Separation between buildings on

adjoining sites maintains open space and privacy and minimises shading of neighbouring properties. Separation between dwellings and existing horticultural plantings helps to reduce reverse sensitivity from cross-boundary effects.

The setbacks for dwellings for quarry areas and activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (for example, where future residents may try to limit quarry activities) is addressed.

### **Building Setback from Rivers**

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips. Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

### **Setback of Buildings from Lake Margins and Other Zone Boundaries**

The setback of buildings from the margins of natural occurring lakes and large impounded lakes, and from the boundary with Open Space, Recreation and Conservation zones provides for open space to retain natural character and possible public access or recreational use through esplanade reserves or strips. The setbacks also help reduce possible conflict between lake use and adjacent residential or other uses of buildings.

### **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

### **Shading Caused by Buildings and Trees**

Shading caused by buildings is a problem over winter, with buildings casting long shadows to the southwest, south and southeast. The setback from southern boundaries, coupled with the height restrictions, is based on a sun path for June, and avoids shading of neighbouring dwellings between 10.00 am to 3.00 pm.

Trees, located alongside roads can cause shading of roads in winter with consequent problems with icing of the road surface and obvious traffic hazards and road maintenance effects. New shading problems can be avoided by ensuring that new plantings are not located in positions which would impede the access of sunlight to road surfaces in the middle of the day in winter.

Trees can also cause shading problems on neighbouring properties, particularly on dwellings and horticultural crops. Setback and height restrictions reflect the difference in intensity of adverse effects caused by different trees.

### **Live Shelter and Horticultural Plantings**

These rules mitigate shading and crop competition effects and also provide access for tree maintenance, including both root and branch pruning, on the owner's property. The setbacks allow for pruning to be undertaken from the property and avoid traffic hazards.

## Fire Hazard

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and plantation forests help to contain a fire in proximity to an isolated rural building. A setback of 50 metres from Residential Zone boundaries is required because of the potentially greater risks in the higher density built-up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

## Building and Planting Near Viewpoints

Some viewpoints in rural areas have been identified as amenities of value to the community. It is usually possible to re-site buildings, structures and plantings so that views are not compromised.

## Pesticide Discharges

The setback and spray belt requirements will avoid or mitigate adverse effects arising from the drift of pesticides across property boundaries.

## Land Fragmentation

The construction of buildings, especially dwellings, has been recognised as a contributing factor to fragmentation of land which limits the productive values, including versatility of land. The rules relating to land use, including those for buildings and location, are to control the adverse effects of land fragmentation on the productive values of the land, as well as on coastal and rural character and amenity values.

In the Rural 3 Zone, the accommodation of additional residential development has been identified as desirable, provided that the productive values of the land are safeguarded; that the subdivision and subsequent development does not adversely affect the qualities and values of the coastal and rural landscape; that the development is adequately serviced; and that cumulative adverse effects are avoided or mitigated to appropriate levels. These aspects are primarily assessed through the subdivision process, but part of the assessment includes the effects of the developed sites. The rules provide for control over the location of buildings within a site at the time of subdivision consent, and an additional assessment of dwellings as controlled or discretionary activities. Consent applications for dwellings may be assessed and issued at the same time as for the subdivision. The 'Coastal Tasman Area Subdivision and Development Design Guide' will assist developers in identifying successful subdivision concepts and Council officers in determining appropriate conditions of consent. C6 7/07  
Op 10/10

Small subsidiary units that are dependent on the main dwelling are permitted, whereas consent is required for additional dwellings because of their propensity to contribute to land fragmentation. Cooking facilities are not allowed in these subsidiary units as they can encourage separation and independence from the main dwelling.

## Destruction or Removal of Indigenous Forest and Vegetation

Indigenous forest and other indigenous vegetation has intrinsic ecological and biodiversity value. It also adds to the visual character of the District. While much of the upland vegetation of the District is protected in the extensive conservation estate, the lowland forest remnants and coastal vegetation is less well protected and has been identified in Chapter 10 as a priority for protection. Specific locations where there are distinctive indigenous vegetation associations, with some threatened species, are protected. These include indigenous vegetation on largely rocky surfaces of karst formed on limestone, marble, dolomite or magnesite, and frost flat shrublands. Frost flat shrublands containing small-leaved species of *Coprosma* and *Olearia* is indigenous vegetation in locations along inland valley floors in the Buller or at higher altitudes elsewhere where frequent heavy frosts limit larger woody species. Some frost flat species are nationally threatened. The Forests Act 1949 provides for the management and some protection of indigenous forest. The rules are interim and may be changed when further studies have been done to identify significant natural areas.



## Home Occupations

Rural areas are appropriate for small-scale industrial and commercial activities, which can provide employment opportunities for site occupants and a limited number of employees, with minimal adverse impact on the environment. The rules ensure that permitted activity home occupations can be managed in a way that limits potential adverse effects. As the Rural 3 Zone has a range of lots sizes, different controls are applied to smaller lots to safeguard amenity.

## Quarrying

The Rural 3 Zone is, in places, closely subdivided and closely settled, are often used for intensive productive rural activity, and much of the land resource has high actual and potential productive and versatile qualities for present and future generations. Quarry activities have a range of potential adverse effects. In the context of the zones, the effects of new quarries and quarry expansion activities need to be evaluated on a case-by-case basis as a discretionary activity.

## Papakainga Development

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self-management of communally-owned Maori land. The flexible style of development provided for is specifically targeted to meet the needs of land held in multiple ownership.

## Community Activities

These activities can have significant adverse effects in a rural environment because of scale and intensity of use. Their discretionary status provides for evaluation of effects on a case-by-case basis.

## Reticulated Services

The Rural 3 Zone is intended to be fully serviced with Council-provided infrastructure on a staged programmed basis to avoid, mitigate and, in some circumstances, remedy adverse effects. In the period that reticulated services provided by Council are not available, the rules require that buildings are serviced adequately.

## Wastewater Management

The requirements of the wastewater discharge rules will be considered as part of the land use activity to enable a consistent and integrated approach to management of land use effects as well as management of effects of discharges.

The Council will require attention to be paid to site constraints for on-site treatment at the time applications for building consents are received and will consider requirements for discharge permits to be sought at the same time as building consents to ensure house design, location and wastewater provision will be integrated.

## Water Supply

Where water reticulation is available, new dwellings will be expected to connect to the service. In Rural and Rural Residential zones, except in locations where a high pressure reticulation is present, new dwellings are required to have access to sufficient stored water for fire protection or install a home sprinkler system for the purpose of fire protection and to install water collection and storage systems to ensure that a minimum potable water supply is available. The potential for adverse landscape and amenity effects of water storage tanks, especially on small sections is acknowledged, however an efficient fire risk management solution can also be provided by home sprinkler systems. Water supplies may include ponds, lakes or rivers with sufficient storage or flow that are not on the same site as the dwelling but are within the required distances.

C34 3/12  
Op 4/13

## Sleepouts

The number of sleepouts able to be constructed as a controlled activity on any given property is two sleepouts per principal dwelling or second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.

C60 1/16  
Op 6/19  
C73  
Op 6/23

**The next page starts on 17/185**



**17.8 RURAL RESIDENTIAL ZONE RULES**

*Refer to Policy sets 5.1 - 5.3, 5.5, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1, 11.1, 11.2, 12.1, 13.1, 14.3, 14.4, 33.4, 34.1, 34.2, 36.2, 36.6.*

*Refer to Rule sections 16.11*

**17.8.1 Scope of Section**

This section deals with land uses in the Rural 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. NES-FW (ca)  
12/20

**17.8.2 Land Use****17.8.2.1 Permitted Activities (Land Use - General)**

C19 5/10  
Op 8/12

**NOTE:** Rule 17.8.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

- (a) The activity is not one of the following:
- (i) intensive livestock farming;
  - (ii) an industrial, rural industrial, community or commercial activity, except as a home occupation allowed by rule 17.8.2.2; C19 5/10  
Op 8/12
  - (iii) a rural selling place where:
    - the sale and display area is greater than 25 square metres; or
    - access is to an arterial route;
  - (iv) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
  - (v) papakainga development;
  - (vi) the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with temporary construction, maintenance or demolition work) that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. C60 1/16 &  
V2-C60 7/18  
Op 6/19
  - (vii) cooperative living. C73  
Op 6/23

**Air Emissions – Dust and Odour**

- (b) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect within any site in the Residential Zone. C68 7/18  
Op 6/19

**Tree Setbacks and Height**

- (c) Trees, including spray belts and shelter belts, are set back at least 10 metres from the intersection of any formed legal road.
- (d) Horticultural plantings, shelter belts and spray belts are set back at least 3 metres from property boundaries.
- (e) Horticultural plantings where pesticides may be discharged to air are set back at least:
- (i) 30 metres from any dwelling, any other building used for any residential activity, visitor accommodation or tourist accommodation, or any school or school grounds, or early childhood education facility or its grounds on an adjoining property; or
  - (ii) 20 metres from any of the buildings or grounds specified in condition (e)(i), where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.
- (f) Artificial shelter belts are set back at least 3 metres from property boundaries and do not exceed 6 metres in height.
- (g) Plantation forest is set back at least:
- (i) 10 metres from any boundary except that:
    - (a) trees are not planted or allowed to grow in a position which could result in any dwelling on an adjoining property becoming shaded between 10.00 am and 2.00 pm on the shortest day; or
    - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council;
  - (ii) 30 metres from a dwelling;
  - (iii) 50 metres from a Residential Zone boundary;
  - (iv) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
  - (v) 10 metres from the bed of any lake;
  - (vi) 50 metres from the coastal marine area.
- Advice Note:** Clause (g)(vi) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).
- (h) Horticultural plantings, spray belts and shelter belts have a maximum height of 6 metres within 20 metres of all internal boundaries.
- (i) The planting complies with conditions (g) to (l) in rule 17.6.4.1.

**Quarry Setback**

- (j) A residential activity is set back at least 500 metres from any boundary of a quarry site; that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii). C60 1/16  
Op 6/19

**Noise**

- (k) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services Zone, or at or within any site within a Residential Zone, does not exceed:

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	55 dBA	40 dBA	C19 5/10 Op 8/12
$L_{max}$		70 dBA	

Except as required by condition (l) of this rule, this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: C14 5/09  
Op 8/12

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (k)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**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.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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*.

C19 5/10  
Op 8/12

### Frost Protection Devices

C14 5/09  
Op 8/12

- (l) Noise generated by any frost protection device, in combination with noise from any other authorised frost protection device, does not at any time exceed 55 dBA Leq when measured:

- (a) at or within the notional boundary of any dwelling that existed before the frost protection device is installed (other than a dwelling on the site from which the noise is being generated) in the Rural 1, Rural 2, Rural 3 or Rural Residential Zone; and
- (b) at or within the boundary of the Residential, Papakainga, or Tourist Services Zone; and
- (c) in any other circumstances, at a distance of 300 metres from the frost protection device;

**provided that** evidence of the ability to meet this condition is certified by an appropriately competent person in acoustic engineering and a copy of that certification, including a plan showing the location of the frost protection device or devices to which the certification applies, is lodged with the Council prior to the installation of any frost protection device.

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*.

- (m) Any frost protection device is operated only when the air temperature at the lowest level of the frost-tender part of the crop has fallen to 2 degrees Celsius, and ceases operating when the air temperature at that height has risen to 3 degrees Celsius; except that the device may be operated for maintenance purposes between 8.00 am and 6.00 pm.
- (n) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in condition (l) of this rule, is located, oriented, and constructed to ensure that bedrooms and living rooms achieve an indoor design sound level of 30 dBA  $L_{eq}$  and 45 dBA  $L_{max}$  from any noise permitted in the zone beyond the notional boundary of the building or dwelling.
- (o) Outdoor fan-type frost protection devices are used only for frost protection, for crops that have a distinct period of bud-burst and a distinct end of harvest, and only in the period between bud-burst and end of harvest.

**Stormwater**C7 7/07  
Op 10/10

- (p) 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.

C60 1/16  
Op 6/19

**Note:** Stormwater discharge provisions within Section 36.4 of the Plan will also apply.

**Note:** Vegetation to be planted within the electricity transmission corridor in the Richmond East Development Area should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting, near any electrical line especially works within the transmission corridor, developers are requested to contact the line operator.

C20 8/10  
Op 8/12**17.8.2.2 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:

**Activities**

- (a) The activity is not spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal working, bottle or scrap storage, rubbish collection, motor-body building, or fish or meat processing.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles is carried out within a building.
- (c) Any goods, materials or equipment stored outside a building are visually screened from public roads and adjacent sites.
- (d) Boarding of domestic animals is limited to not more than six cats or four dogs at any time.
- (e) Retailing is permitted in accordance with the rural selling place provisions in rule 17.8.2.1 and is in accordance with the definition of ‘rural selling place’.

**Hours**

- (f) Except for visitor accommodation, where such restrictions do not apply, the home occupation is conducted at any time provided that there are no visitors, clients or deliveries outside the hours of 8.00 am to 6.00 pm.

**Location**

- (g) The home occupation is not undertaken on a site which is located on a 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 and Area**C22 2/11  
Op 1/15

- (h) A home occupation which is other than visitor accommodation:
- (i) occupies no more than 75 square metres gross floor area;
  - (ii) employs or engages no more than two full-time equivalent persons who reside elsewhere than on the site.



### **Amenities**

- (i) The permitted activity conditions for dust, odour, and noise set out in 17.8.2.1(b) and (k).

### **Visitor Accommodation**

- (j) Any home occupation that is visitor accommodation takes place in a dwelling which either existed on 25 May 1996, or is otherwise permitted by the Plan or by a resource consent.
- (k) The maximum number of visitors accommodated per site at any time is four.

## **17.8.2.3 Restricted Discretionary Activities (Home Occupations)**

C19 5/10  
Op 8/12

A home occupation that does not comply with the conditions of rule 17.8.2.2 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:

### **Rural Residential Character**

- (1) The extent to which the activity will result in the loss of rural residential character on the site and in the vicinity of the site.
- (2) The extent to which the activities on the site remain predominantly residential and rural.
- (3) 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.
- (4) 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.
- (5) Adverse effects of the outdoor activity on the outlook of people on adjoining sites, including the loss of residential or rural character.
- (6) The extent to which the outdoor activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (7) 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.

### **General Adverse Effects**

- (8) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on site, and safety and efficiency of traffic on roads giving access to the site.
- (9) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (10) Any effects relating to natural or technological hazards.

### **Miscellaneous**

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

**17.8.2.4 Restricted Discretionary Activities (Papakainga Development)**C19 5/10  
Op 8/12

A papakainga development 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) Appropriate access from adjoining roads and within the site.
- (2) Methods of wastewater and stormwater disposal and provision of a reliable potable water supply.
- (3) Risk from natural hazards.
- (4) Means of avoiding conflicts within the development.
- (5) Landscaping of the site to control any adverse visual effects.
- (6) The objectives and policies of Chapter 7 of the Plan.

**17.8.2.5 Restricted Discretionary Activities (Community Activities)**C19 5/10  
Op 8/12

A community activity 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 rural 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 the performance of conditions.

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

Any land use that does not comply with the conditions of rules 17.8.2.1 to 17.8.2.5 is a discretionary activity, if it complies with the following conditions:

C60 1/16  
Op 6/19

- (a) The activity is not a commercial, industrial or rural industrial activity.

C60 1/16 Op 6/19

**A resource consent is required** and may include conditions.

**17.8.2.6A Discretionary Activities (Cooperative Living)**C60 1/16  
Op 6/19*Items (a & b) deleted as part of Plan Change 73*C60 1/16  
Op 6/19

Cooperative living is a discretionary activity

C73  
Op 6/23

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to the following particular criteria and to other provisions of the Plan or Act:

*Item (i) to be amended as follows*

- (1) The extent to which the proposed legal arrangement establishes, in an enduring manner:
  - (a) the purpose or intent of the cooperative living activity;
  - (b) how it will be managed now and in the future; and
  - (c) how the individual members will be bound by this arrangement.
- (2) The extent to which the buildings and proposed land use are consistent with low impact design principles and methods.
- (3) Matters (1) - (5) and (7) - (11) in rule 17.8.3.1A.

C60 1/16  
Op 6/19**17.8.2.7 Non-Complying Activities (Land Use)**V2-C60 7/18  
Op 6/19

Any activity in the Rural Residential Zone that does not comply with the conditions of rule 17.8.2.6 is a non-complying activity.

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to any provisions of the Plan or Act.

**17.8.3 Building Construction, Alteration, or Use**C60 1/16  
Op 6/19**17.8.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

**Dwellings**

- (a) There is no more than one dwelling or building used for the purpose of a dwelling on a site.
- (b) The dwelling contains no more than two self-contained housekeeping units, provided:
  - (i) both are contained within the same building;
  - (ii) one is clearly subsidiary;
  - (iii) connecting rooms or passages have a continuous roof; and
  - (iv) the walls are fully enclosed;
 except that this condition does not apply in the Milnthorpe Rural Residential Zone.

C60 1/16 &  
V2-C60 7/18  
Op 6/19C60 1/16  
Op 6/19

**Sleepouts**

- |      |  |                     |
|------|--|---------------------|
| (ba) | There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling. | C60 1/16<br>Op 6/19 |
| (c)  | The gross floor area of each sleepout is no more than 36 square metres.  | C60 1/16<br>Op 6/19 |
| (d)  | The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling on the site.                 | C73<br>Op 6/23      |
| (da) | The sleepout is not part of a cooperative living activity.   | C73<br>Op 6/23      |

**Height**

- (e) The maximum height of the building is 7.5 metres, subject to condition 16.6.2.1(k).
- (f) Any building sited on a hill whose ridgeline is identified on the planning maps is no higher than the level of the ridgeline.

**Setbacks**

- |        |   |   |
|--------|---|---|
| (g)    | The building is set back at least:  |   |
| (i)    | 10 metres from road boundaries and 5 metres from internal boundaries except:  | C60 1/16<br>Op 6/19                         |
| (a)    | where condition (h)(i) applies and subject, in the case of artificial shelter, to condition 17.8.2.1(f); and  |   |
| (b)    | 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;   |   |
| (ii)   | 20 metres from the margins of lakes and from the boundaries of Open Space, Recreation and Conservation zones;   |   |
| (iii)  | 8 metres from the top of the bank of any river with a bed less than 5 metres in width;  |   |
| (iv)   | 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;  |   |
| (v)    | 30 metres from a plantation forest;   |   |
| (vi)   | 10 metres from internal boundaries in the case of buildings housing livestock;  |   |
| (vii)  | 32 metres from the centreline of any electricity transmission line in Mangles Valley, Murchison, and in the Richmond East Development Area (notwithstanding condition (g)(i)) as shown on the planning maps).   | C20 8/10<br>Op 8/12<br>C77 9/22<br>Op 10/23 |
| (viii) | 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:   | C73<br>Op 6/23                              |
| (a)    | 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; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply. |   |
| (b)    | 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.   |   |
| (c)    | No building setback is required in the Pohara area between Richmond Road and Falconer Road.   |   |

- (h) Any dwellings or habitable building is set back at least: C60 1/16 &  
V2-C60 7/18  
Op 6/19
- (i) 30 metres from an internal boundary where that boundary is to the Rural 1, Rural 2 or Rural 3 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced;
- (b) the site of the building was approved by subdivision on or before 30 January 2016, where the setback is 5 metres;
- (ii) 130 metres from any barn, shed or roofed enclosure that houses poultry on an existing, lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.
- (i) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- (j) Buildings are set back from the top of the identified ridgeline at Ruby Bay behind a slope that is projected at an angle of 45 degrees from the toe of the ridge and set forward from the toe at least half the vertical height of the ridge. C22 2/11  
Op 1/15

### Building Coverage

- (k) The total area of all buildings on the site, excluding greenhouses, does not exceed 20 percent of the net site area or 600 square metres per site, whichever is the smaller. C60 1/16  
Op 6/19

### Building Envelope

- (l) Buildings on sites that adjoin a Residential Zone do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all boundaries adjoining the Residential Zone. The angle is calculated according to the elevation calculator in Schedule 17.1A.

### Additional Conditions for Dwellings

- (m) Only in relation to the construction of a dwelling or the use of a building for the purpose of a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply: C19 5/10  
Op 8/12  
C34 3/12  
Op 4/13  
C60 1/16 &  
V2-C60 7/18  
Op 6/19
- incorporating water mains fitted with fire hydrants; and
  - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:
- EITHER
- (i) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply;
- OR
- (ii) provided with a water supply that is:
- accessible to fire-fighting equipment; and
  - between 6 metres and 90 metres from the dwelling; and
  - on the same site as the dwelling (except where the specified volume or flow of water is in a pond, dam, or river that is within the required distances); and
- either
- stores at least 45,000 litres;
- or
- provides at least 25 litres per second for 30 minutes;

- AND C19 5/10  
Op 8/12
- (iii) connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from: C34 3/12  
Op 4/13
- a rainwater supply; or
  - a surface water source; or
  - a groundwater source
- that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.
- Note 1:** Further advice and information about managing fire risk and storage of water for fire-fighting, including information about appropriate fittings for connection with fire appliances, can be obtained from Fire and Emergency New Zealand and the Fire and Emergency New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).
- Note 2:** Information about the design, installation and maintenance of the sprinkler system can be found in NZS 4517:2010 Fire Sprinkler Systems for Houses.
- Note 3:** Fire risk can be further reduced through appropriate management of flammable vegetation near structures and ensuring fire appliances can locate and reach the dwelling in the event of a fire. Further information about managing fire risks is available from Fire and Emergency New Zealand or the Waimea Fire and Emergency New Zealand's Principal Rural Fire Officer.
- Note 4:** The water supply provided for in this condition may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings. C60 1/16  
Op 6/19

*Item (n) deleted as part of Plan Change 73*

C73  
Op 6/23

- (o) Dwellings are set back at least 500 metres from any boundary of an existing quarry site, that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).
- (p) Except in the Mapua and Waimea Rural Residential zones, there is adequate area on site for effluent disposal for each dwelling.

#### Stormwater

C7 7/07  
Op 10/10

- (q) 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. C60 1/16  
Op 6/19

**Note:** Stormwater discharge provisions within Section 36.4 of the Plan will also apply. C60 1/16  
Op 6/19

#### 17.8.3.1A Controlled Activities (Building Construction, Alteration, or Use)

C60 1/16  
Op 6/19

Construction, alteration, or use of a building is a controlled activity, if it complies with the following conditions:

- (a) The activity is a second dwelling that is a minor dwelling and is located on a site of at least two hectares
- (b) The minor dwelling complies with permitted conditions 17.8.3.1 (e) – (q) and the principal dwelling is a single housekeeping unit only.

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

- (1) Location and effects of on-site servicing, including wastewater disposal, access, and

traffic safety.

- (1A) Effects on the road network.
- (2) Effects on the amenities of the area and the potential impact for existing plant and animal production activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (3) Effects of any proposed outdoor storage of goods, machinery or produce.
- (4) For buildings that exceed the permitted activity height, in addition to the other matters listed, the appearance and visual impact (including colour, materials, surface treatment and fenestration), site landscaping and planting, shading effects across site boundaries, and effects on significant views, ridgelines and hill tops
- (5) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on plant and animal production.
- (6) Low impact building design.
- (7) The on-site management of stormwater in accordance with Low Impact Design solutions.
- (8) The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated.
- (9) Alternatives for fire risk management.
- (10) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **17.8.3.2 Restricted Discretionary Activities (Building Construction, Alteration, or Use)**

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.8.3.1 or rule 17.8.3.1A is a restricted discretionary activity, if it complies with the following conditions:

- (a) Except as provided for in condition (a) of rule 17.8.3.1A, there are no more than two dwellings or buildings used for the purpose of dwellings on a site.

C60 1/16 &  
V2-C60 7/18  
Op 6/19

#### **Setbacks**

C60 1/16 Op 6/19

- (b) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- (c) In the Richmond East Development Area, buildings are set back at least 12 metres from the centreline of any electricity transmission line, as shown on the planning maps.

C20 8/10  
Op 8/12

#### **Non-Notification**

In the Richmond East Development Area, applications for resource consent for an activity under this condition will be decided without public notification.

**Note:** In the Richmond East Development Area, the owner/operator of the transmission line is likely to be the only affected person to be determined in accordance with section 95B of the Resource Management Act.

- |     |   |                     |
|-----|---|---------------------|
| (d) | The building is within the Ruby Bay ridgeline setback but a favourable geotechnical report has been provided. | C22 2/11<br>Op 1/15 |
|-----|---|---------------------|

**General**

- |      |  |   |
|------|--|---|
| (e)  | If an adjoining property has horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least: | C60 1/16<br>Op 6/19   |
| (i)  | 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or  |   |
| (ii) | 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds.   | C60 1/16<br>Op 6/19   |
| (f)  | 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.  | C7 7/07<br>Op 10/10<br>C60 1/16<br>Op 6/19<br>C60 1/16<br>Op 6/19 |
|      | <b>Note:</b> Stormwater discharge provisions within Section 36.4 of the Plan will also apply.  |   |

**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 control (1) – (11) in rule 17.8.3.1A.  | C60 1/16<br>Op 6/19                         |
| (2) | Effects of a building with reduced setbacks.  |   |
| (3) | Additional matters for buildings at Alpine Meadows: building design, appearance, and site layout.   |   |
| (4) | Additional matters for second dwellings: whether the dwelling is proposed to be relocatable; whether the dwelling will be removed once its purpose ceases.  |   |
| (5) | In the Mangles Valley, Murchison and in Richmond East Development Area, for buildings located between 12 and 32 metres from the centreline of any electricity transmission lines as shown on the planning maps: | C20 8/10<br>Op 8/12<br>C77 9/22<br>Op 10/23 |
| (a) | the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);   |   |
| (b) | the extent to which buildings ensure adverse effects from or on the National Grid and on public safety are appropriately avoided, remedied or mitigated.  |   |
| (6) | Alternatives for fire risk management.  | C34 3/12 Op 4/13                            |

<b>17.8.3.3</b>	<b>Non-Complying Activities (Building Construction, Alteration, or Use)</b>	C20 8/10 Op 8/12
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Construction, alteration, or use of a building that does not comply with condition (c) of rule 17.8.3.2 is a non-complying activity.

C60 1/16  
Op 6/19



**17.8.5 Destruction or Removal of Indigenous Vegetation and Forest****17.8.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation)** [17.6.7A Proposed]

**NOTE:** Rule 17.8.5.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous vegetation (excluding indigenous forest) is a permitted activity, if it complies with the following conditions:

- (a) The site is not a naturally occurring wetland.
- (b) The site does not include any of the following:
  - (i) indigenous dune vegetation;
  - (ii) salt herb fields;

**Proposed as at 1 November 2008**

- (b) (iii) woody indigenous vegetation in the Coastal Environment Area;
- [(c) Proposed]

C3 12/03

- (iv) indigenous vegetation on any area of karst that contains an area of fissured or fluted rock outcrops, a cliff face or any talus slope;
- (v) indigenous vegetation containing small-leaved coprosma shrubs (*Coprosma propinqua* or *Coprosma rigida*) or small-leaved shrub daisy (*Olearia virgata*) on any lowland alluvial site (up to 600 metres above sea level) in the Buller catchment, between 600 and 1200 metres above sea level in the Takaka catchment (including the Cobb), and up to 950 metres in the Canaan Downs/Pikikirunga area.

**Advice Note:** Clauses (b) (i), (ii), (iii), (iv), (v) prevail over NES-PF regulation 93 because they are more stringent under regulations 6(1)(b) NZCPS and 6(3)(b) Karst.

**17.8.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)**

The destruction or removal of indigenous vegetation that does not comply with the conditions of rule 17.8.5.1 is a discretionary activity.

**A resource consent is required** and may include conditions.

**17.8.5.3 Permitted Activities (Destruction or Removal of Indigenous Forest)** [17.6.8 Proposed]

The destruction or removal of indigenous forest is a permitted activity, if it complies with the following conditions:

**Proposed as at 1 November 2008**

- (a) The site is outside the Coastal Environment Area. [(aa) Proposed]

C3 12/03

EITHER

- (b) The area of indigenous forest to be destroyed or removed is less than 0.2 hectare (2000 square metres) per site over a three-year period.

OR

- (c) The area is subject to a sustainable forest management plan, permit, or personal use approval under Part 3A of the Forests Act 1949, approved as at 31 March 2007.

OR

- (d) The area is subject to a sustainable forest management plan, permit, or personal use approval either required or approved under Part 3A of the Forests Act 1949 after 31 March 2007 that is not:
  - (i) on a lowland alluvial site; or
  - (ii) on karst;

and a copy of the approved plan, permit, or personal use approval has been lodged with Council.

#### **17.8.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.8.5.3 is a controlled activity, if it complies with the following conditions:

- (a) The area of indigenous forest destroyed or removed is greater than 0.2 hectare and less than 1 hectare per site over a three-year period.
- (b) The forest is not on a lowland alluvial site.
- (c) The site is outside the Coastal Environment Area.
- (d) The activity is not subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949.

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

- (1) Species to be removed and volume.
- (2) Replanting.
- (3) Extraction techniques.
- (4) Mitigation of effects.

#### **17.8.5.5 Restricted Discretionary Activities (Destruction or Removal of Indigenous Forest)**

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.8.5.4 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949 and a copy of the approved plan or permit has been lodged with Council.

**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 significance of the indigenous forest affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological, scientific, recreational, tourist and landscape values, and natural features of the area.
- (2) The extent to which any retention of the forest is necessary to prevent instability, flooding, or erosion of land and to maintain water quality.
- (3) Effects on archaeological, cultural and historic sites within the application area.
- (4) The extent to which the proposal provides for regeneration or modification of indigenous forest or sustainable management of the indigenous forest resource.
- (5) The extent of the reduction of the indigenous forest associations in the District should the application proceed, and the impact on the sustainability of that indigenous forest association.
- (6) The extent to which the adverse effects of the activity can be mitigated (for example, revegetation, covenanting, fencing, pest and weed management.)
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**17.8.20 Principal Reasons for Rules****Noise**

These standards are designed to reflect the current noise climate in the District and community expectations. The noise standards stated are designed to achieve a moderate level of protection from noise, in the respective locations. This approach to sound level rules provides certainty for any activity either already established in a zone, or intending to establish. On the margins of any zone, the noise standards in any adjoining zone will need to be taken into account, in order to determine the likely noise level that could be generated in an adjoining zone.

**Dwelling Setbacks**

The setbacks for dwellings from quarry activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (for example, where future residents may try to limit quarry activities) is addressed.

**Building Setbacks from Boundaries, Roads, Lakes, Ridgelines, etc.**

Setbacks from roads enhance the visual difference between urban dwellings and rural residential dwellings, and helps to maintain rural character and reduce the adverse effects of roads, such as dust and noise. The setback from lakes and reserves is sought to maintain openness and unbuiltness and for domestic livestock buildings to minimise noise, smell and visual effects across boundaries.

Buildings are required to be set back from the top and bottom of the ridge at Ruby Bay to avoid falling debris and adverse visual effects. They are not necessarily prevented but should be justified both geotechnically and on visual amenity grounds.

C22 2/11  
Op 1/15**Building Setback from Rivers**

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips.

Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

The setbacks for dwellings for quarry areas and activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (where future residents may try to limit quarry activities), are addressed.

**Indicative Roads and Reserves**C73  
Op 6/23

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.

## **Height**

Buildings on significant ridgelines provide an inappropriate visual focus. However, there are many ridgelines in the District and only the most prominent are identified as requiring special controls.

## **Building Coverage**

The Rural Residential Zones are areas which are primarily intended for residential purposes but where site sizes are large enough to provide for a range of rural activities, and also to retain the rural character of the zone, with a significant part of each site being maintained as open space.

## **Pesticide Discharges**

The setback and spray belt requirements will avoid or mitigate adverse effects arising from the drift of pesticides across property boundaries.

## **Fire Hazard**

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and tree crops will help to contain a fire in proximity to an isolated rural building. A setback of 50 metres from Residential Zone boundaries is required because of the potentially greater risks in the higher density build up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

## **Destruction or Removal of Indigenous Forest and Vegetation**

Indigenous forest and other indigenous vegetation has intrinsic ecological and biodiversity value. It also adds to the visual character of the District. While much of the upland vegetation of the District is protected in the extensive conservation estate, the lowland forest remnants and coastal vegetation is less well protected and has been identified in Chapter 10 as a priority for protection. Specific locations are protected where distinctive indigenous vegetation associations, with some threatened species, are present. These include indigenous vegetation on largely rocky surfaces of karst formed on limestone, marble, dolomite or magnesite; and frost flat shrublands. Frost flat shrublands containing small-leaved species of *Coprosma* and *Olearia* is indigenous vegetation in locations along inland valley floors in the Buller or at higher altitudes elsewhere, where frequent heavy frosts limit larger woody species. Some frost flat species are nationally threatened. The Forests Amendment Act Part 3A provides for the management and some protection of indigenous forest. The rules are interim and may be changed when further studies have been done to identify significant natural areas.

## **Home Occupations**

Rural Residential areas are appropriate for small-scale industrial and commercial activities, which can provide employment opportunities for site occupants and a limited number of employees, with minimal adverse impact on the environment. The rules ensure that permitted activity home occupations can be managed in a way that limits potential adverse effects.

## **Papakainga Development**

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self-management of communally-owned Maori land. The flexible style of development provided for is specifically targeted to meet the needs of land held in multiple ownership.

## **Second Dwellings**

Second dwellings can alter the character of existing zones and reduce the amenity level. They can also result in pressure for subdivision, especially where the second dwelling is permanent.

## Water Supply

C34 3/12  
Op 4/13

Where water reticulation is available, new dwellings will be expected to connect to the service. In Rural and Rural Residential zones, except in locations where a high pressure reticulation is present, new dwellings are required to have access to sufficient stored water for fire protection or install a home sprinkler system for the purpose of fire protection and to install water collection and storage systems to ensure that a minimum potable water supply is available. The potential for adverse landscape and amenity effects of water storage tanks, especially on small sections is acknowledged, however an efficient fire risk management solution can also be provided by home sprinkler systems. Water supplies may include ponds, lakes or rivers with sufficient storage or flow that are not on the same site as the dwelling but are within the required distances.

## Electricity Transmission Corridor

C20 8/10  
Op 8/12

Two high voltage transmission lines owned by Transpower traverse the southern portion of the Richmond East Development Area. The lines cross land proposed to be rezoned from Rural 2 to Deferred Rural Residential Serviced (minimum lot size 2,000 square metres). The Kikiwa–Stoke Line A is a 220 kilovolt double circuit voltage line (six conductors) supported by towers. The Kikiwa–Stoke Line B is a 110 kilovolt single circuit voltage line (three conductors) supported by poles.

The Deferred Rural Residential Serviced Zone provides for a total buffer corridor of 32 metres either side of the transmission lines within which development is limited or subject to assessment, namely:

- (a) For buildings and earthwork activities, a ‘no-build’ corridor 12 metres either side of the transmission centrelines and an additional 20-metre corridor within which buildings are subject to Transpower assessment and approval.
- (b) For subdivision activities, a 32-metre corridor either side of the transmission centrelines within which subdivision is subject to Transpower assessment and approval.

Rural Residential zoned land in Mangles Valley, Murchison is also within close proximity of a high voltage transmission line owned by Transpower. In this location, the transmission line is located on the opposite side of Mangles Valley Road. Provisions are included to manage the effects of any building within 32 metres of the centreline of the transmission line.

C77 9/22  
Op 10/23

The purpose of the buffer corridor is to protect the National Grid and developments in close proximity from adverse effects “on” and “from” the National Grid. The extent of the buffer corridor is due to the long line spans between the support structures (more than 375 metres in the case of Richmond East), the fact that the lines are critical to the Nelson electricity supply and the 220 kilovolt voltage of Line A.

C77 9/22  
Op 10/23

## Sleepouts

C60 1/16  
Op 6/19

The number of sleepouts on any given property is two sleepouts per principal dwelling and second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.



**The next page starts on 17/205**





## 17.9 OPEN SPACE ZONE RULES

Refer to Policy sets 6.7, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2, 11.1, 11.2, 12.1, 14.1 - 14.4, .

### 17.9.1 Scope of Section

This section deals with land uses in the Open Space 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. NES-FW (ca) 12/20

### 17.9.2 Land Use

#### 17.9.2.1 Permitted Activities (Land Use)

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

#### Activities

- (a) The activity is one of the following:
- (i) a playground, picnic facility, public shelter or neighbourhood open space;
  - (ii) a public garden and accessory buildings;
  - (iii) a walkway or cycleway.
  - (iv) public toilets;
  - (v) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height;
  - (vi) an activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation.

C73  
Op 6/23

#### Noise

- (b) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in an Open Space Zone, a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential 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

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**N.B.** Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturdays (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

- (c) In the Richmond West Development Area, noise generated by the activity when measured at or within the notional boundary of any dwelling in an Open Space (other than any dwelling on the site from which the noise is being generated), Rural 2, Recreation, Tourist Services or Mixed Business zone, does not exceed:

	Day	Night
L <sub>eq</sub>	55 dBA	40 dBA
L <sub>max</sub>		70 dBA

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from mobile horticultural and agricultural equipment:

- 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*.

### Setback

- (d) Buildings are set back at least 3 metres from any boundary.
- (da) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
- (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.

C73  
Op 6/23

### Height

- (e) The maximum height of any building is 7.5 metres, subject to condition 16.6.2.1(k).

### Building Envelope

- (f) 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 is calculated according to the elevation calculator in Schedule 17.1A.

### Building Coverage

- (g) Maximum building coverage is 15 percent.

### Stormwater

- (h) (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.

C7 7/07  
Op 10/10

**Electricity Transmission Corridor**C10 10/07  
Op 3/14

- (i) In the Richmond West Development Area, the building is set back at least 20 metres from the centreline of the electricity transmission line as shown on the planning maps.

**Amenity Plantings**C10 10/07  
Op 3/14

- (j) All amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
  - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

**17.9.2.2 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any building that does not comply with condition (i) of rule 17.9.2.1 is a restricted discretionary activity.

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

**Electricity Transmission Corridor**

- (1) In the Richmond West Development Area:
- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.9.2.3 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any land use that does not comply with condition (j) of rule 17.9.2.1 is a restricted discretionary activity.

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

**Amenity Plantings**

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.9.2.4 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

The use of the land in Record of Title 56/140 (Pt Sec 215 Waimea East District; Lower Queen Street, Richmond; occupied by Grace Church) as an education facility is a restricted discretionary activity, if it complies with the following conditions:

- (a) For construction of or extension to any building, a report is prepared by an appropriately competent person in coastal and structural engineering, that states:
- (i) subject to measures specified in the report:

- (a) the building will not be likely to be subject to damage from erosion or inundation by the sea during the useful life of the building (of at least 50 years); and
  - (b) the use of the building as part of an educational facility will not be likely to be limited by erosion or inundation by the sea during the useful life of the building;
  - (c) the building will not be likely to result in or contribute to erosion, inundation or damage to any adjoining property during the useful life of the building;
- (ii) specific measures in relation to site preparation and building location, design and construction that will be adequate to prevent the risks identified above during the useful life of the building.
- (b) Buildings are confined to that part of the site that is landward of the Transpower Stoke – Upper Takaka B 50/66 kV transmission line crossing the site. (Or, if the transmission line is relocated, landward of a straight line between coordinates 2524953, 5986995 and 2525181, 5986889, being the points where the line currently crosses the site boundaries.)
- (c) Maximum building coverage is 65 percent in that part of the site described in (b).
- (d) Building height does not exceed 7.5 metres above the building platform, or 12.1 metres above mean sea level (datum reference: NVD55), whichever is the lesser.
- (e) Building colour complies with the conditions of resource consents RM040756 and RM040757.
- (f) Site landscaping complies with the conditions of resource consents RM040756 and RM040757.
- (g) Buildings are set back 10 metres from any road boundary and 5 metres from any other boundary in that part of the site described in condition (b) of this rule.

**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 effects of natural hazards on the use and development of the site.
- (2) The effectiveness of measures proposed to reduce risk from natural hazards.
- (3) The duration of the consent (Section 123 of the Act) and the timing and purpose of reviews of conditions (Section 128).
- (4) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 17.9.2.5 Discretionary Activities (Land Use)

Any land use that does not comply with the permitted conditions of rule 17.9.2.1, 17.9.2.2, 17.9.2.3 or 17.9.2.4 is a discretionary activity.

C10 10/07  
Op 3/14

**A resource consent is required** and may include conditions.

## 17.9.20 Principal Reasons for Rules

As the zone is primarily for low key informal recreation, with an emphasis on the maintenance of open space, only a limited number of activities are permitted and maximum building coverage is low. Any buildings erected should be of a scale that is compatible with residential buildings. No parking spaces are required as these areas are primarily neighbourhood reserves accessed by pedestrians.

### Richmond West Development Area – Open Space and Noise

C10 10/07  
Op 3/14

The Open Space Zone adjacent to the Waimea Inlet in the Richmond West Development Area provides not only a buffer between land-based activities and the significant natural values associated with the estuary, but also to the adverse effects of coastal inundation and sea level rise. The width of this zone generally corresponds to the 3-metre contour above mean sea level (datum reference: NVD55) which has been identified as a reasonable response to manage these future effects and as a consequence acts to limit the amount of development and investment in infrastructure that may be undertaken within this area. In addition, this area is recognised as having significant conservation, education, amenity and recreation values for the wider community that would benefit from some form of protection and enhancement. Proposals for the area include walkway/cycleway networks linking residential areas with the coast and the Borck Creek reserve, interpretation panels about the natural (fauna, flora and natural processes) and cultural history of the landscape, and re-vegetation works that reflect the Waimea Inlet Coastal Flats Indigenous Ecosystems.

The Waimea Inlet is also recognised as contributing to the landscape character of Richmond equally as much as the Richmond Hills. Making connections from the hills to the sea is an important consideration in future development of the area to enable the community to experience the coastal landscape and ecology. Presently access to the Waimea Inlet is restricted and the environment is not inviting. Recent developments at the end of Sandeman Road provide an insight to the access networks that can be provided.

The extent of the Open Space Zone and distance from some parts of Richmond may mean that road access and parking areas also need to be provided at strategic locations along the zone to enable the less mobile in the community to access and enjoy the coast. The proposal also identifies two non-vehicle access points. Existing vehicle access to the coast is from Sandeman Road and would also be provided from Beach Road in the future.

**17.10 RECREATION ZONE RULES***Refer to Policy sets 6.7, 7.1, 7.2, 7.3, 7.4, 9.1, 9.2, 9.3, 11.1, 11.2, 12.1, 14.1 - 14.4.***17.10.1 Scope of Section**

This section deals with land uses in the Recreation 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. NES-FW (ca)  
12/20

**17.10.2 Land Use****17.10.2.1 Permitted Activities (Land Use)**

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

**Activities**

- (a) The activity is one of the following:
- (i) indoor or outdoor sporting and recreation activity;
  - (ii) public gardens;
  - (iii) playground, picnic facility or public shelters;
  - (iv) public car park, walkway or cycleway;
  - (v) craft fair, gala or fête;
  - (va) public toilets; C73  
Op 6/23
  - (vb) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height
  - (vi) buildings for any of the above activities, or for purposes accessory to the above activities, and for the storage of equipment for reserve maintenance.
  - (vii) an activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation. C73  
Op 6/23

**Noise**

- (b) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Recreation Zone, Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed: C10 10/07  
Op 3/14  
C19 5/10  
Op 8/12

	Day	Night
Leq	55 dBA	40 dBA
Lmax	70 dBA	

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities; C10 10/07  
Op 3/14
- (iv) bird scarers and hail cannons. C19 5/10  
Op 8/12
- N.B.** Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturdays (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*.

- (c) In the Area Recreation Zone located in the Richmond West Development, noise generated by the activity when measured at or within the notional boundary of any dwelling in a Recreation Zone (other than any dwelling on the site from which the noise is being generated), Rural 2, Open Space or Mixed Business Zone, or at or within any site within a Residential Zone, does not exceed: C10 10/07  
Op 3/14

	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*.

### Amenity Plantings

- (d) Amenity plantings 1 metre wide are provided between parking areas and public roads. Plantings consist of species that, at maturity, will screen all buildings from the adjoining residential sites.
- (e) In the Richmond West Development Area, all amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure: C10 10/07  
Op 3/14
- (i) access to support structures is retained; and
- (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

### Light and Glare Overspill

- (f) Lighting erected on site is designed, installed and maintained so that light source is not visible from adjacent roads.

### Stormwater

- (g) (i) Either: C7 7/07  
Op 10/10
- 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.

**17.10.2.2 Restricted Discretionary Activities (Land Use)**C7 7/07  
Op 10/10

Any land use that does not comply with condition (e) of rule 17.10.2.1 is a restricted discretionary activity.

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

**Amenity Plantings**

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.10.2.2 Discretionary Activities (Land Use)**

Any land use that does not comply with the conditions of rules 17.10.2.1 and 17.10.2.2 is a discretionary activity.

**A resource consent is required** and may include conditions.

**17.10.3 Building Construction or Alteration****17.10.3.1 Permitted Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

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

- (a) The activity is not the construction or alteration of any building in, or 10 metres from:
- (i) the boundary of any indicative road or indicative reserve
  - (ii) any amenity planting setback in the Richmond West Development Area;
  - (iii) the 10-metre wide reserve through the Recreation Zone adjoining the Rural 2 and Open Space zones.

C10 10/07  
Op 3/14  
C73  
Op 6/23  
C10 10/07  
Op 3/14

Except in regard to item (i) above:

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- (1) 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; except that if the certificate pursuant to section 224 of the Resource Management Act lapses, then this rule shall apply.
- (2) 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.
- (3) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

**Setback**

- (b) Buildings are set back at least 3 metres from any boundary.

C10 10/07  
Op 3/14**Height**

- (c) The maximum height of any building is 10 metres, subject to condition 16.6.2.1(k).

**Building Envelope**

- (d) 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 is calculated according to the elevation calculator in Schedule 17.1A.



### **Building Coverage**

- (e) Maximum building coverage is 20 percent.

### **Electricity Transmission Corridor**

- (f) In the Richmond West Development Area, buildings are set back at least 20 metres from the centreline of the electricity transmission line as shown on the planning maps.

### **17.10.3.2 Restricted Discretionary Activities (Building Construction or Alteration)**

C10 10/07  
Op 3/14

Construction and alteration of a building that does not comply with condition (f) of rule 17.10.3.1 is a restricted discretionary activity.

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

- (1) In the Richmond West Development Area:
- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (b) the extent to which buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

### **17.10.20 Principal Reasons for Rules**

These rules provide for a wide range of recreational activities subject to performance standards to avoid adverse effects on neighbours.

There are limitations on the scale, coverage and nature of buildings. Landscaping, height, setback and building envelope rules are imposed to manage visual effects of parking areas and buildings.

Noise levels are the same as the Residential Zone at night but are slightly higher during the daytime because of the nature of the activities that take place in the zone.

**17.11 CONSERVATION ZONE RULES**

*Refer to Policy sets 7.1, 7.2, 7.3, 7.4, 9.1, 9.3, 11.1, 11.2, 12.1, 14.3, 14.4.*

**17.11.1 Scope of Section**

This section deals with land uses in the Conservation 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.

NES-FW (ca)  
12/20

**17.11.2 Land Use****17.11.2.1 Permitted Activities (Land Use)**

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

**Activities**

- (a) The activity is not:
- (i) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.

**Approval**

- (b) The activity is a land use activity:
- (i) carried out by the Crown in accordance with:
    - an approved conservation management strategy proposed for the area under the Conservation Act 1987, or
    - a management plan prepared under the Reserves Act 1977; or
  - (ii) authorised by the State Owned Enterprises (Cobb River Power Station Vesting Order No.1) Order 1999 (NZ Gazette p1829).

**Noise**

- (c) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Conservation Zone, Rural Zone (other than any other dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

	<b>Day</b>	<b>Night</b>
L <sub>eq</sub>	55 dBA	40 dBA
L <sub>max</sub>		70 dBA

C19 5/10 Op 8/12

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

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within the Tasman District or an adjacent district.

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*. C19 5/10  
Op 8/12

### Setback

- (d) The building is set back at least 10 metres from any boundary, except that telecommunication and radio-communication facilities which are less than 10 square metres in area and 3 metres in height; and masts and poles and their antennas and mounting structures less than 7 metres in height, must be set back a minimum of 10 metres from a zone boundary.
- (da) The building is not located within, or within 10m 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.

### Height

- (e) The height of buildings does not exceed 7.5 metres, subject to condition 16.6.2.1(k). C7 7/07  
Op 10/10
- Stormwater**
- (f) (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.

### 17.11.2.2 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions of rule 17.11.2.1 is a discretionary activity.

**A resource consent is required** and may include conditions.

### 17.11.20 Principal Reasons for Rules

The conservation estate administered by the Department of Conservation is a very large and important resource in the District. It includes the Kahurangi, Nelson Lakes and Abel Tasman national parks and numerous scenic reserves. These lands are managed under the Department of Conservation's Conservation Management Strategy for the conservancy and it is appropriate that this document provide the management framework.

Section 4 of the Resource Management Act 1991 provides exemptions for the Crown to administer its lands.

## 17.12 RURAL INDUSTRIAL ZONE RULES

*Refer to Policy sets 5.1, 5.5, 7.1, 7.2, 7.3, 7.4, 9.1, 9.2, 9.3, 11.1, 11.2, 12.1, 13.1.*

### 17.12.1 Scope of Section

This section deals with land uses in the Rural Industrial Zone including specified sites in this zone at Brightwater. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19. C57 11/15  
Op 12/18

**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. NES-FW (ca)  
12/20

### 17.12.2 Land Use

#### 17.12.2.1 Permitted Activities (Land Use)

Any land use is a permitted activity, except where specified in rule 17.12.2.3A, that may be undertaken without a resource consent, if it complies with the following conditions: C57 11/15  
Op 12/18

- (a) The activity is one of the following:
  - (i) A rural industry
  - (ii) A telecommunication or radio-communication facility.
- (b) The land use is any one or more of the following activities on the land shown on the planning maps as the Eves Valley Road Rural Industrial Zone or the Golden Edge Rural Industrial Zone:
  - (i) Wood pulp production.
  - (ii) Reconstituted wood panel production, including MDF (medium density fibreboard), particleboard, plywood, OSB (orientated strand board), and LVL (laminated veneer lumber) and ancillary activities such as the manufacture of resins for such production.
  - (iii) Added value processing of MDF, OSB, LVL, particleboard and plywood, including joinery and furniture products.
  - (iv) Telecommunication and radio-communication facilities.
- (c) The land use is any one or more of the following activities on the land shown on the planning maps as the Bell Island Rural Industrial Zone:
  - (i) Sewage treatment plants, oxidation ponds, settlement ponds.
  - (ii) Land disposal of liquid and solid waste originating from the permitted activities stated in item (i) of this condition. (Subject to other statutory rights and applications.)
  - (iii) One single unit dwelling for a plant operator's residence.
  - (iv) Buildings (excluding dwellings other than specified in item (iii) of this condition) and structures ancillary to any permitted activity.
  - (v) Farming, provided that the efficient and effective operation of the oxidation ponds is not threatened.
  - (vi) Telecommunication and radio-communication facilities.

- (d) The land use is any one or more of the following activities on the land shown on the planning maps as Port Motueka Rural Industrial Zone:
- (i) Sale of products landed, produced or processed on the site.
  - (ii) Pleasure boat sales, and ship chandlers' shops.
  - (iii) Marine engineering and general engineering workshops, and other industrial activities associated with ship and boat building and maintenance, but excluding any activity involving sandblasting.
  - (iv) Boat launching, storage, parking and fuelling facilities.

### Parking and Loading Areas

- (e) Parking, access, loading, manoeuvring and storage areas are formed and sealed or metalled with 20 millimetre washed Grade 3 or 4 chip surface.

### Stockpiles, Lighting, Cladding

- (f) The best practicable option must be applied at all times to manage open areas of land and stockpiles in a way that avoids or minimises the creation of dust or other airborne contaminants and that does not increase flood hazard risks. C57 11/15  
Op 12/18

[Condition (g) is deleted]

C68 7/18  
Op 6/19

- (h) Exterior lighting is directed away from adjacent residences and public places.
- (i) All metal cladding, roofing and fences are painted or otherwise coated with a non-reflective finish.

### Noise

- (j) In the Rural Industrial Zone, except in the Richmond West Development Area, noise generated by the activity, measured at or within the boundary of any site within the Central Business, Commercial or Light Industrial zone, does not exceed: C10 10/07  
Op 3/14

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	65 dBA	55 dBA	C10 10/07 Op 3/14
$L_{max}$		85 dBA	C19 5/10 Op 8/12
<b>N.B.</b>	Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturdays (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*.

- (k) In the Rural Industrial Zone, except in the Richmond West Development Area, noise generated by the activity, measured at or within the notional boundary of any dwelling in the Rural, Rural Residential or Tourist Services zone, does not exceed:

	<b>Day</b>	<b>Night</b>	
$L_{eq}$	55 dBA	40 dBA	
$L_{max}$		70 dBA	

Except that in the Rural Industrial Zone located:

- (i) between Lansdowne Road and Lower Queen Street northwest of Richmond (Gibbons Holdings site); and
- (ii) on Lot 2 DP 13023 in Ranzau Road, Hope (NRM Ltd site); and
- (iii) at Eves Valley (Carter Holt Harvey site);

noise as measured for night does not exceed 45 dBA  $L_{eq}$ .

C19 5/10 Op 8/12

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturdays (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*.

C19 5/10  
Op 8/12

- (l) In the Richmond West Development Area, noise generated by any activity measured at or within the boundary of any site within the Light Industrial Zone, except on areas of land located at Lower Queen Street described as Lots 1 and 2 DP 18918, Lot 1 DP 17704 and Lot 7 DP 20017 while they remain in the ownership of Nelson Pine Industries Limited, does not exceed:

C10 10/07  
Op 3/14

	Day	Night
$L_{eq}$	60 dBA	50 dBA
$L_{max}$		80 dBA

[Item (ii) deleted]

N.B. Day = 7.00 am to 9.00 pm Monday to Sunday inclusive (including public holidays)  
Night = All other times.

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*.

- (m) In the Eves Valley Rural Industrial Zone, there must be at all times a current Noise Management Plan for each site or for groups of sites which are operated as a single unit. Each Noise Management Plan specifies the following:

- (i) Aims and approach.
- (ii) The noise rules in this Plan which apply to the site.
- (iii) The approach to compliance monitoring.
- (iv) A complaints procedure.
- (v) The best practicable option methods for noise mitigation for site areas, activities, and/or processes.
- (vi) Equipment maintenance requirements.
- (vii) Any site layout provisions relating to noise mitigation.
- (viii) New plant/equipment policy.
- (ix) Staff training.
- (x) Means of communication with local residents and the wider community.
- (xi) Methods of review.

The current Noise Management Plan must be certified by the relevant Site Manager and must be available at the Tasman District Council offices for inspection by the public at any time.

## Buildings

- (n) The maximum building coverage is 75 percent.

- (na) The building to be constructed or altered does not create a new building or extend the footprint of an existing building on Specified Sites in Brightwater (as shown on the planning maps).

C57 11/15  
Op 12/18

- (o) The maximum height of a building is 15 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
  - (ii) for antenna attached to a building, condition 16.6.2.1(k) applies;
  - (iii) any chimney or other equipment that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the meaning of "height" in the Plan.

- (p) The building is set back at least 10 metres from:
- (i) all site boundaries, including existing and proposed legal road frontages; 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;
  - (ii) the boundary, and not within the boundary, of any indicative road or indicative reserve, except that:
    - (a) this rule 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; except that if the certificate pursuant to section 224 of the Resource Management Act 1991 lapses, then this rule shall apply;
    - (b) no building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
    - (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

C73  
Op 6/23

*(Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements)*

C68 7/18  
Op 6/19

except also that in the following locations, the stated setbacks apply:

- (iii) Not less than 100 metres from Waimea West Road (for the Eves Valley Rural Industrial Zone).
- (iv) Not less than 3 metres from the north-eastern toe of the bund mound erected parallel to Lower Queen Street, or at least 5 metres from Queen Street, whichever is the greater distance, within the Golden Edge Rural Industrial Zone.
- (v) Not less than 3 metres from the boundary of any new legal road within the Golden Edge Rural Industrial Zone.
- (vi) Not less than 15 metres from mean high water springs on Record of Title 7254638 in the Golden Edge Rural Industrial Zone (520 Lower Queen Street).
- (vii) Elsewhere in the Zone, not less than 30 metres from the Coastal Marine Area boundary, except that this rule only applies to buildings constructed after 25 May 1996.

C73  
Op 6/23

### Electricity Transmission Corridor

C10 10/07  
Op 3/14  
C73  
Op 6/23

- (q) In the Richmond West Development Area, notwithstanding the exemption in condition (p)-(iii) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of the electricity transmission line as shown on the planning maps.

**Landscaping and Amenity Planting**

- (r) In respect of the Golden Edge Rural Industrial Zone location at Lower Queen Street, referred to in condition (b), the following applies:
- (i) A landscape bund mound not less than 3 metres high is provided at the time of subdivision or sooner, within the zone parallel with the Lower Queen Street frontage; and
  - (ii) Suitable trees are planted along the Lower Queen Street frontage of Lot 1 DP 18146 and Lot 4 DP 18918 which will continue the “avenue” effect of existing trees (particularly oak) in the vicinity of the McShane Road/Lower Queen Street intersection. **C10 10/07  
Op 3/14**
- (s) In respect of amenity planting and landscaping generally, the following applies:
- (i) An amenity planting area at least 3 metres wide is provided along all site boundaries that abut an existing or proposed road or a site in another zone, except for the following where there is no requirement for an amenity planting strip:
    - (a) for telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height, and masts and poles and their antennas and mounting structures less than 10 metres in height.

As far as reasonably practicable, the planting must be designed to screen open operating and storage areas and buildings on maturity. For any rural industrial site in the Coastal Environment Area, the width of the amenity planting area is to be at least 20 metres and the planting is to primarily comprise indigenous coastal species from within the ecological region, except in the Port Motueka and Golden Edge Rural Industrial Zones where the 3-metre requirement applies; and
  - (ii) For zones located between Lower Queen Street and the Waimea Estuary, and Eves Valley and Waimea West Road, a landscape development plan prepared by a member of the New Zealand Institute of Landscape Architects must be submitted to the Environment and Planning Manager for approval prior to any building commencing. As far as is reasonably practicable, all planting must be completed within the first planting season following issue of the building consent and thereafter maintained in a tidy, healthy state.
- (t) In the Richmond West Development Area, all amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure: **C10 10/07  
Op 3/14**
- (i) access to support structures is retained; and
  - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

**Stormwater**

- (u) (i) EITHER **C7 7/07  
Op 10/10**
- 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.



**17.12.2.2 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any rural industry that does not comply with condition (q) of rule 17.12.2.1 is a restricted discretionary activity.

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

**Electricity Transmission Corridor**

- (a) In the Richmond West Development Area:
- (i) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (ii) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.12.2.3 Restricted Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any land use that does not comply with condition (t) of rule 17.12.2.1 is a restricted discretionary activity.

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

**Amenity Plantings**

- (1) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**17.12.2.3A Restricted Discretionary Activity (Building Construction or Alteration – Specified Sites at Brightwater)**C57 11/15  
Op 12/18

Construction or alteration of a building that does not comply with permitted activity condition 17.12.2.1(na) is a restricted discretionary activity where the building construction or alteration complies with 17.12.2.1(e) to (i), (n), (o), (p) and (u).

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

- (1)
- (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event flood event;
  - (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so the building is not subject to inundation; and
  - (c) the effects any proposed development has on the flood hazard within the site and beyond the site boundaries.

**17.12.2.4 Discretionary Activities (Land Use)**C10 10/07  
Op 3/14

Any land use that does not comply with the conditions of rule 17.12.2.1, 17.12.2.2, 17.12.2.3, 17.12.2.3A is a discretionary activity.

C57 11/15  
Op 12/18

**A resource consent is required** and may include conditions.

## 17.12.3 Dwelling for On-Site Caretaker

### 17.12.3.1 Discretionary Activities (Dwelling for On-site Caretaker)

Any dwelling for an on-site caretaker is a discretionary activity.

A resource consent is required and may include conditions.

## 17.12.20 Principal Reasons for Rules

Some industries that process rural resources are best located in a rural area. This may be because of the effects of the industry on the urban environment, because of efficiency with respect to the location of raw resources and markets, or because of the incompatibility of the industry with some other types of industry.

A minimum level of visual amenity, safety and health is expected to be maintained by the rules to protect the amenities of nearby residents and other natural and physical resources.

Some sites which contain large existing industries close to the Waimea Estuary have a special buffer requirement. There are also requirements to plant compatible trees along the Lower Queen Street frontage.

There is a large setback from Waimea West Road to maintain open space and heritage values in that locality.

Stockpiles of loose material and extensive building construction have the potential to exacerbate the impacts of flooding, such as in parts of Brightwater.

C57 11/15  
Op 12/18



**17.13 PAKAINGA ZONE RULES**

*Refer to Policy sets 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 7.4, 9.1, 9.2, 9.3, 11.1, 11.2, 13.1.*

**17.13.1 Scope of Section**

This section deals with land uses in the Papakainga 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.

NES-FW (ca)  
12/20

**17.13.2 Land Use****17.13.2.1 Permitted Activities (Land Use)**

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

- (a) The activity is one of the following:
- (i) community activity;
  - (ii) elderly persons' housing (kaumatua flats);
  - (iii) telecommunication and radio communication facilities;
  - (iv) dwelling for a caretaker;
  - (v) the use of any building or land for short-term accommodation in connection with cultural events or courses run on the marae or for support housing;
  - (vi) market gardening or grazing of animals.

**Noise**

- (b) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Papakainga Zone, Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

C19 5/10 Op 8/12

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**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.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

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*.

C19 5/10  
Op 8/12

### Setbacks

- (c) Buildings are set back at least 10 metres from any road boundary, 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.
- (d) Residential and educational buildings are set back at least 10 metres from sites in adjoining rural zones.
- (e) Buildings other than in (d) are set back at least 5 metres from any boundary other than a road boundary, 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.
- (ea) The building is not located within, or within 10m of, any indicative road or indicative reserve, except for the following:
  - (i) This rule 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 rule 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

C73  
Op 6/23

### Height

- (f) The maximum height of any building is 7.5 metres, subject to condition 16.6.2.1(k).

### Building Coverage

- (g) Maximum building coverage is 33 percent.

C59 11/15  
Op 3/16

### Outdoor Living Space

- (h) Each dwelling has an area of outdoor living space which:
  - (i) has a minimum area of 60 square metres and can contain a circle with a minimum diameter of six metres;
  - (ii) is on the north or north-western side of the dwelling;
  - (iii) is readily accessible from a living area of the dwelling.

### Site Development Plan

- (i) An overall site development plan is prepared and submitted to the Council showing the proposed layout of buildings and servicing of the site.

### Stormwater

- (j) (i) EITHER  
All stormwater from buildings and impervious surfaces is discharged to a

C7 7/07  
Op 10/10

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.

#### 17.13.2.2 Discretionary Activities (Land Use)

The following activities are discretionary activities:

- (a) trades training facilities for apprenticeships or work experience;
- (b) sale of goods produced on site;
- (c) any activity that does not comply with permitted conditions 17.13.2.1 (c) to (j).

C43 4/13  
Op 1/15

**A resource consent is required** and may include conditions.

#### 17.13.20 Principal Reasons for Rules

The Papakainga Zone is special in that a diverse range of traditional, spiritual and cultural activities occur within close proximity to one another. The majority of activities are permitted, subject to conditions, designed to ensure that adverse cross-boundary effects do not occur.

Rules also reflect the need to protect residential amenities for those who live on the site.

Discretionary activities are restricted to small-scale business activities that can operate on the site in an unobtrusive manner and within the capacity of the level of services available on site.

**17.14 DEFERRED ZONE RULES***Refer to Policy sets 5.1, 6.1, 6.3.***17.14.1 Scope of Section**

~~This section deals with the procedure for removal of deferrals of future urban or rural residential zones on rural, residential or rural residential zoned land in the Deferred Residential, Deferred Mixed Business, Deferred Light Industrial, Deferred Rural Residential, Deferred Tourist Services, Deferred Heavy Industrial and Deferred Papakainga zones.~~

~~C10-10/07  
Op-3/14  
C51-1/15  
Op-9/16~~

~~This section also provides the ability to remove the indicative road, reserve or walkway symbology from the planning maps once land for the purpose of those items has been vested in Council, or the land has been otherwise acquired by Council for these purposes.~~

~~C73  
Op-6/23~~

~~In conjunction with the removal of a zone's deferral, this section enables the removal of the associated deferral of the Fire Ban or Fire Sensitive Area status that may apply to some location.~~  
This section outlines the planning provisions that apply to areas mapped as deferred zones, and which are subject to the Deferred Zone Framework.

~~C79 11/24~~

Deferred zones are identified in the planning maps and feature the word “deferred” in the title. For example, “Rural 1 deferred Light Industrial Zone”. Deferred zones are used to enable the efficient and streamlined transition of undeveloped land with insufficient servicing to developable land. Deferred zones are used when the infrastructure requirements are able to be clearly defined and planned to be delivered within 10 years.

For the purposes of this section the “original zone” is the zone that applied to the land before the land was rezoned to a deferred zone. The “end use” is the provision framework that applies to the anticipated future use of the land, once a specific requirement is satisfied. In the above example, the original zone is Rural 1 and the end use zone is Light Industrial.

**17.14.2 Procedure for Removal of Deferral All Deferred Zones**

~~(a) — Any area of land listed in Schedule 17.14A and shown on the planning maps that is zoned Rural 1, Rural 2, Rural Residential, or Residential and with a notation of Deferred Residential, Deferred Mixed Business, Deferred Light Industrial, Deferred Rural Residential, Deferred Tourist Services, Deferred Heavy Industrial, or Deferred Papakainga zone, becomes effective as the zone that is deferred, from the date that Council resolves that:~~

~~C51-1/15  
Op-9/16  
C79 11/24~~

~~(i) — the relevant service being a reticulated water supply, wastewater, stormwater, or transportation service, as applicable, has been provided, or can be provided to the satisfaction of the Council, either for the whole or for any part of each area of land, including any part that is sought to be developed, to service the land; or~~

~~(ii) — where applicable, the date until which the area remains deferred is now due.~~

~~(b) — Where the relevant service is to be provided by any person other than the Council, concept engineering plans for the service must be approved by the Council before the Council resolves that the deferral for the relevant zone may be removed so that the zone that was deferred becomes effective over that land that is the subject of the service provision.~~

~~(c) — The removal of the deferred status and the commencement of the new effective zone as listed in Schedule 17.14A is effected by a resolution of Council when the required services have been provided, or can be provided, to the satisfaction of the Council and the Plan is amended without further formality from that date of resolution, to show the new effective zone. Council will advise landowners when it has made a resolution.~~

~~C22-2/11 Op-1/15  
C10-10/07 Op-3/14  
C51-1/15 Op-9/16~~

~~(d) When a resolution of Council is made for the removal of the deferred status of an area's zoning, this will also apply to the removal of the deferred status of the applicable Fire Ban of Fire Sensitive Area where either exist.~~ C73  
Op 6/23

~~(e) Indicative road, reserve or walkway symbology shall be removed once land has been vested with Council for the purpose of the intended road, reserve, or walkway, or the land has been otherwise acquired by Council for these purposes.~~ C73  
Op 6/23

*Note deleted as part of Plan Change 73.*

C10 10/07 Op 3/14  
C51 1/15 Op 9/16  
C73  
Op 6/23

### **17.14.2.1 Deferred land not listed in Schedule 17.14A**

C79 11/24

For any site that is not listed in Schedule 17.14A, the plan provisions that applied to the original zone continue to apply regardless of provision 17.14.2.2.

### **17.14.2.2 Deferred land listed in Schedule 17.14A**

- (a) Any activity, including subdivision, land use, structure or building, that is occurring or is proposed to occur on land that is subject to a deferred zone listed in Schedule 17.14A is subject to the provisions specified in the relevant row of Column C of Schedule 17.14A.
- (b) If the infrastructure required (as stated in Schedule 17.14A, Column D) is delivered then the provisions specified in the relevant row of Column G of Schedule 17.14A apply. For the purpose of this rule, 'delivered' means: infrastructure is either physically constructed, or is planned and funded to be constructed within the next three years, to the satisfaction of the Council's Group Manager – Community Infrastructure and confirmation that the infrastructure has been delivered must also be posted on the Council's website.
- (c) In the event that 10 years elapses from the operative date of the plan change that originally established the deferred zone to the delivery of the necessary infrastructure, then provision 17.14.2.2.(b) must not be applied and the provisions in Column C of Schedule 17.14A will continue to apply thereafter.

## **17.14.20 Principal Reasons for Rules**

~~These zones are temporary, transitional zones on land which the Council wishes to retain for future urban, more intensive activities, either when more appropriate levels of servicing are available or after a time period to maintain a coherent urban form.~~ C22 2/11 Op 1/15  
C51 1/15 Op 9/16  
C79 11/24

~~The rules enable either the Council or any person to provide the required services and any person may propose to service any part or all of any deferred zone area. In either case, the Council has to approve the servicing proposal, before the deferred status over the relevant part of the future zone can be removed by a resolution of Council. Services may be provided either before or after removal of any deferral.~~ C51 1/15  
Op 9/16  
C79 11/24

Deferred zones rely on a framework that engages planning provisions in multiple chapters in the Plan, but operate so that certain of those provisions are only triggered after a specific activity has been delivered. Each deferred zone is a separate zone which, through the mechanism set out in this Section 17.14, incorporates the planning provisions of two other zones (the original zone and the end use zone). The application of the provisions changes from the former to the latter depending on a trigger: the delivery of the necessary infrastructure that is specified in Schedule 17.14A. Confirmation of the activation of that trigger for any given parcel of land is provided on the Council's website. C79 11/24



Comprehensive planning, including a full Schedule 1 (RMA) assessment and plan change process is undertaken, including an assessment of the necessary infrastructure, to rezone undeveloped land to a deferred zone. Once the land has been confirmed as a deferred zone, work can begin either by the Council or any other person on delivering the infrastructure to enable development to commence. Once infrastructure has been delivered (meaning it is either physically constructed or planned and funded within the first three years of the Council’s Long Term Plan) then a mechanism is provided in Section 17.14.2 whereby the land can be developed in accordance with the provisions that apply to the anticipated end use. For the avoidance of doubt, at this time the zone will not change but a different set of planning provisions (urban or rural residential provisions) will apply.

A 10-year expiry period applies to deferred zone locations (provision 17.14.2.2(c)). If servicing is not delivered within 10 years, then the trigger becomes unavailable and the original zone provisions will continue to apply thereafter. This ‘sunset clause’ approach is needed in order to require a further assessment of the appropriateness of the end use of the land as circumstances may have changed (for example, sea level rise).

Some deferred zone locations shown on the planning maps (located in Motueka and Māpua) are not included in Schedule 17.14A because they require further assessment for zoning and servicing. No trigger provision is available for these sites as a further plan change will be necessary prior to servicing or development.

In the Richmond West Development Area, integrated servicing and economic or business development efficiencies are intended to be achieved through the method of zone deferrals deferred zone method for specific servicing and, for some land, until serviced land with the same zoning, in a defined area shown on the planning maps and identified in the rules, is substantially taken up. This will result in a sequence of supply of serviced land in the Richmond West Development Area over the long term.

C10 10/07  
Op 3/14  
C51 1/15  
Op 9/16  
C79 11/24

**Note:** The areas notated on the planning maps are deferred for servicing and, for some land, substantial take-up, as shown in the table below.

A, C & F	<ul style="list-style-type: none"> <li>Upgrade the stormwater network.</li> </ul>
G	<ul style="list-style-type: none"> <li>Construction of the Lower Queen Street water treatment plant.</li> <li>Upgrade of the stormwater network.</li> <li>Extension of and connection to Council’s bulk waste and water supply networks.</li> </ul>
B & D	<ul style="list-style-type: none"> <li>Construction of the Lower Queen Street water treatment plant.</li> <li>Construction of the Borek Creek and Poutama Drain bulk stormwater network.</li> <li>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</li> </ul>
H	<ul style="list-style-type: none"> <li>Construction of the Lower Queen Street water treatment plant.</li> <li>Construction of the Borek Creek bulk stormwater network.</li> <li>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</li> </ul>
E	<ul style="list-style-type: none"> <li>Construction of the Borek Creek bulk stormwater network.</li> <li>Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.</li> <li>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</li> <li>Substantial take-up of serviced land in the Richmond West Development Area with the same zoning.</li> </ul>
I	<ul style="list-style-type: none"> <li>Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.</li> <li>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</li> <li>Substantial take-up of serviced land in Area H.</li> </ul>

<u>B</u>	<p><u>Construction of the Borck Creek and Poutama Drain bulk stormwater network.</u>  <u>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</u></p>
<u>E</u>	<p><u>Construction of the Borck Creek bulk stormwater network.</u>  <u>Construction of the bulk water supply network from the Richmond South High Level Reservoir to the Richmond West Development Area.</u>  <u>Extension of and connection to Council’s bulk waste, water supply and stormwater networks.</u></p> <p><u>Transportation: Provision for a single mid-block intersection with SH60 to be approved by NZTA.as part of the central access roadway through mixed business area as per indicative road layout on planning map.</u></p>

Borck Creek construction will progress from the intersection of Lower Queen Street and McShane Road toward State Highway 60, Poutama Drain construction will progress from Borck Creek toward State Highway 6.

~~Development proposals will be considered by the Council before deferrals are removed, if services compatible with the Council’s long term servicing needs as set out in the Council’s Long Term Plan are provided by Council or to the satisfaction of Council.~~

~~C51-1/15  
Op 9/16  
C79 11/24~~

~~Indicative roads, reserves and walkways are able to be removed from the planning maps once the land for these purposes is vested with Council as part of the subdivision and development process, or the land has been otherwise acquired by Council for these purposes. This ensures redundant items on the planning maps can be simply removed.~~

~~C73  
Op 6/23  
C79 11/24~~

**SCHEDULES**

**Schedule 17.14A: Deferred Zone Locations**

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral
<b>Richmond South Development Area</b> (planning maps 23, 57, 127–129, 133)						
South of Hart and Bateup Roads ~ 7 & 20 Paton Road	Rural-1	Reticulated water supply service required	27/8/15	Lot 1 DP 18100 Pt Lot 1 DP 17738	6915, 6915/1 and Schedule C	Residential (serviced)
South of Hart and Bateup Roads ~ 36 & 40 Hart Road	Rural-1	Reticulated water supply service required	3/5/18	NE part of Lot 2 DP 20243 Pt Sec Waimea East DIST	5915/7	Residential (serviced)
South of Hart and Bateup Roads: ~ 50 Hart Road ~ 72 Hart Road ~ 472 Hill St	Rural-1	Reticulated water supply service required	5/11/20	~ Lot 1 DP 450177 ~ Lot 1 DP 545967 ~ Part of Pt Sec 34 Waimea East DIST, Lot 1 DP 431455 & Lot 1 DP 8205		Residential (serviced)
South of Hart and Bateup Roads: ~ Bateup Road (Reserve) ~ 92, 92A & 92B Bateup Road ~ 28, 29A, 29B & 29C Collins Road ~ 3, 26 & 52 Paton Road ~ 45 Main Road	Rural-1	Reticulated water supply service required	4/3/21	~ Lot 5 DP 446793 ~ Lots 1, 2 & 3 DP 446793 ~ Lots 1, 2, 3 & 4 DP 361254 ~ Pt Lot 1 DP 17290 ~ Lot 1 DP 4858 ~ Lot 2 DP 17738 ~ Lot 1 DP 6754		Residential (serviced)
South of Hart and Bateup Roads: ~ Lot 2 DP 450177 ~ 66 Hart Road ~ Lots 4 & 5 DP 431455 ~ Hart Road ~ Lot 3 DP 411584 ~ Hart Road ~ Lot 2 DP 20243 ~ SW part of 36 Hart Road ~ Lot 2 DP 411584 ~ 68 Hart Road ~ Pt Sec 35 Waimea East DIST ~ 520 Hill St South ~ Lot 1 DP 8205 & Pt Sec 34 Waimea East DIST ~ 472 Hill St	Rural-1	Reticulated water supply service required				Residential (serviced)

CS1 1/15  
Op 9/16

12/20

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Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performances and Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral
<b>Richmond West Development Area</b> (planning maps 23, 57, 121 – 125, 127, 128, 130)						
Areas notated A and B (375 and 387 Lower Queen St) on the planning maps	Rural 1 and Recreation	Area A: Stormwater Area B: Reticulated water supply, wastewater and stormwater services (Borck Creek and Poutama Drain construction) required	25/9/15	<b>Area A:</b> Lot 1 DP 13664 Lot 6 DP 6697 Lot 3 DP 465626 Pt Sec 100 Waimea East District (two areas) Part Lot 1 DP 470387 Lot 2 DP 13664 Pt Lot 1 DP 20409	6906 S1–S7	Residential (serviced)
			9/6/16	<b>Part Area B:</b> Pt Lot 2 DP 470387 Pt Lot 2 DP 446230 Pt Lot 1 DP 446230	6906/1	Residential (serviced)
			5/11/20	<b>Part Area B:</b> Lot 205 DP 537200 Lot 302 DP 542339 Lot 3 DP 470387 Pt Lot 3 DP 15764 Lot 303 DP 542339 Lot 304 DP 542339 Sec 6 SO 455144		Residential (serviced)
Areas notated B (395 Lower Queen Street) on the planning maps	Rural 1	Area B: Reticulated water supply, wastewater and stormwater services (Borck Creek and Poutama Drain construction) required	26/7/18	<b>Part Area B:</b> Sections 3–5 SO 506258 Section 1 SO 490525 and sections 1 & 2 SO 506258	RM1600673	Residential (serviced)
Area notated B (Borck Creek) on the planning maps			16/12/21	<b>Part Area B:</b> Part Lot 6 DP 520567		Open Space
Areas notated C on the planning maps	Rural 1	Area C: Stormwater service required.				Mixed Business
Areas notated D on the planning maps	Rural 1	Area D: Reticulated water, wastewater and stormwater (Borck Creek and Poutama Drain construction) services required.	5/9/19	Lot 1 DP 511566		Mixed Business
			16/12/21	<b>Part Area D:</b> All of D except: Lot 1 DP 20409 Sec 2 SO 450816 Sec 1 SO 512154 Sec 28 SO 455144 Sec 2 SO 512154 Lot 1 DP 511566		Residential
			16/12/21	<b>Part Area D:</b> Part Lot 6 DP 520567		Open Space
Areas notated E on the planning maps	Rural 1	Area E: Reticulated water from Richmond South High-Level Reservoir, wastewater, stormwater (Borck Creek construction) services required and in respect of Area E, there is substantial take-up of serviced land in the Richmond West Development Area with the same zoning.	16/12/21	<b>Part Area E:</b> Part Sec 16 SO 455144 Part Lot 2 DP 467493		Mixed Business Residential
			16/12/21	<b>Part Area E:</b> Part Sec 16 SO 455144 Part Lot 2 DP 467493 Part Sec 13 SO 455144		Commercial

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C74-12/20  
Op-3/23

C74-12/20  
Op-3/23

C74-12/20  
Op-3/23

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral
Area notated F (part) at 28 Appleby Highway, Pt Section 108 Waimea East District	Rural 1	Area F: Stormwater service required	14/12/17	Pt Section 108 Waimea East District (part of title only)	6906/1, 2 sheets	Light Industrial
Areas notated F (part), G, H and I on the planning maps	Rural 1	Area F: Stormwater service required Area G: Reticulated water, wastewater and stormwater services required	31/8/17		6960	Light Industrial
		Area H: Reticulated water, wastewater and stormwater (Borek Creek construction) services required Area I: Reticulated water, wastewater and stormwater services required and in respect of Area I, there is substantial take-up of Area H	16/12/21	<b>Area H:</b> All of H except Lot 5 DP20409 and Lot 6 470387 and Lot 1000 DP 556528		Residential
<b>Richmond East Development Area</b> (planning maps 23, 57, 130, 135)						
Parts of the Area at 118, 126 Champion Road (Pt Lot 2 DP 3780; Lot 1 DP 5661)	Rural Residential (serviced)	Reticulated wastewater service required	16/3/17			Residential (serviced)
Parts of the Area at 134 Champion Road (Pt Sec 93 Waimea East District)	Rural 2	Reticulated wastewater service required	16/3/17			Residential (serviced)
Part of Area at 134 Champion Road	Rural 2	Reticulated wastewater required	16/3/17			Rural Residential (serviced)
Parts of the Area at 138 and 140 Champion Road	Rural 2	Reticulated wastewater service required	27/8/15	Lot 1 and 2 DP 387909	6835/1	Residential (serviced)
Parts of the Area at 144 Champion Road, below the 62.5m contour	Rural 2	Reticulated water supply service required	16/3/17			Rural Residential (serviced)
Parts of the Area at 144, 206, 208 and 210 Champion Road (Pt Sec 93 Waimea East District; Lot 4 DP 2035; Lot 1 DP 19116; Pt Lot 3 DP 6202; Lot 1 DP 19012 and Sec 4 SO452872); and at Secs 1, 3 and 7 SO452872)	Rural 2	At Champion Road, reticulated wastewater service required; above the 62.5 metre contour (Secs 1, 3 and 7 SO452872) reticulated water supply service required				Rural Residential (serviced)
<b>Mapua Development Area</b> (planning maps 19, 54, 87)						
125 Mapua Drive	Rural 1	Reticulated water supply, wastewater and stormwater services required	22/5/14	Lot 2 DP 17670		Residential (serviced)
87—93 Mapua Drive	Rural Residential		22/5/14 27/8/15	Lots 8—11 DP 480837 —(Part of Lot 4 DP 469498) Lots 2 and 3 DP 480837	6848/3	Residential (serviced)
69—93 Mapua Drive	Rural Residential (in-part)		5/11/20	Lot 1 DP 17670 Lot 2 DP 469498 Lot 3 DP 469498 Lot 3 DP 494693 Lot 1 DP 19875		Residential
Stage 2	Rural 1	Reticulated water supply, wastewater and stormwater services required and deferred until 2031				Residential (serviced)

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Op 9/16

11/21

C74-12/20  
Op 3/23

1 November 2024

## Schedule 17.14A: Deferred Zone Locations

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	CS1-1/15 Op-9/16
Mapua Drive South	Rural 1 (in part)					Residential	12/20
166 Mapua Drive	Rural 1 (in part)	Reticulated water supply	30/9/21	Lot 2 DP 479544		Residential	11/21
Higgs Road South	Rural 1					Residential	
Southern extension of the Korepo Road Rural Residential Zone	Rural 1	Reticulated water, wastewater and stormwater services required				Rural Residential (serviced)	
29 Aranui Road (Lot 59, DP 17242), Mapua Special Development Area	Residential	Reticulated water supply, wastewater and stormwater services required				Residential (serviced) (rules for Mapua Special Development Area)	
Between Iwa Street and Aranui Road (Lot 1 DP 17890; Lot 1 307114; and Lots 1, 77-91, 101 & 102 DP 504876)	Rural 1	Stormwater	28/9/17		Plan 6937/5	Residential	
North of Warren Place, Mapua	Rural 1	Reticulated water, wastewater and stormwater services required				Light Industrial	
<b>Motueka West Development Area</b> (planning maps 10, 52, 116, 118, 119)							
North and east of the northern and eastern greenways and south of the southern greenway	Rural 1	Reticulated water supply, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west and from south east to south west, along the two greenways, shown by directional arrows on the planning maps				Residential (serviced)	
South of the eastern greenway	Rural 1	Reticulated water, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west, and from south east to south west, along the two greenways, as shown by directional arrows on the planning maps				Mixed Business	
South of the western greenway/south of Green Lane	Rural 1	Reticulated water, wastewater and stormwater services required and in accordance with the development sequence starting from the south east to north west, and from south east to south west, along the two greenways, as shown by directional arrows on the planning maps				Light Industrial and Heavy Industrial	
Corner of Pah and Queen Victoria streets	Rural 1	Reticulated water supply, wastewater, stormwater services required				Papakainga	CS7-11/15 Op-12/18

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	
<b>Motueka (outside the Motueka West Development Area) (planning maps 19, 52, 119)</b>							
South of King Edward Street, Motueka	Rural 1	Reticulated water, wastewater and stormwater services required				Residential (serviced)	C51 1/15 Op 9/16
<b>Brightwater (planning maps 22, 56, 90)</b>							
South east of Snowdens Bush	Rural 1	Reticulated water supply, wastewater and transport (Ellis St intersection)	15/4/21	Lot 1 DP 3638 Lot 4 DP 4841 Lot 2 DP 534911 (part) Lot 1 DP 304184 (part) Pt Sec 33 Waimea South Dist		Residential	C57 11/15 Op 12/18 9/21
<i>Reticulated water supply between Wanderers Ave &amp; Lord Rutherford Road. Removed as part of Plan Change 76</i>							C57 11/15 Op 12/18 C75 9/22 Op 10/23
Corner of Factory Road and River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 1 DP 456011 Lot 1 DP 395051		Light Industrial	12/20 C120A U69 7/22
East of River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 2 DP 456011		Light Industrial	C120A U69 7/22
East of River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 2 DP 3453		Light Industrial	C120A U69 7/22
104 Waimea West Road, Brightwater (Part of Pt Section 33 Waimea South District)	Rural 1	Reticulated water supply				Residential	C68 7/18 Op 6/19
<b>Brightwater Development Area (planning maps 22, 56, 90)</b>							
Between Lord Rutherford Road, Main Road Spring Grove (State Highway 6), and Pitfure Stream	Rural 1	Reticulated wastewater supply.  Stormwater and water supply required.				Residential	C75 9/22 Op 10/23 C120A 9/24
<b>Wakefield Development Area (planning maps 22, 58, 91)</b>							
<u>Between Pitfure Road, Edward Street, and Higgins Road</u>	Rural 2	<u>Reticulated wastewater, stormwater, and water supply required and transport upgrades as informed by an Integrated Transport Assessment.</u>				<u>Residential (serviced)</u>	C76 9/22 D9/24
<b>Wakefield (planning maps 22, 58, 91)</b>							
Bird Lane, Wakefield	Rural 1	Stormwater services; reticulated water supply upgrade; and roading improvements to Bird Lane and the intersection with SH6.				Residential	C65 10/17 Op 4/18
Higgins Road, Wakefield (Part Lot 1 DP 303114)	Rural 2	Higgins Road upgrade south of the Pitfure Bridge to ensure access in a Q100 event; and pedestrian/cycle link over the Pitfure Stream to Ryeland Avenue.				Rural Residential	C65 10/17 Op 4/18 C76 9/22 D9/24
<b>Other Settlements and Areas</b>							
Parts of Murchison	Rural 2	Stormwater service required				Residential (serviced)	

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**Schedule 17.14A: Deferred Zone Locations**

Location of Area	Effective Zone until Removal of Deferral	Reason for Deferral	Date of Resolution for Removal of Deferral	Where Services Proposed by Developer, Legal Description of any Part of Area where Deferral Removed	Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services Approved by Council	Effective Zone after Removal of Deferral	C51-1/15 Op-9/16
65 Hotham Street, Murchison	Rural 2	Reticulated water, wastewater and stormwater services required				Residential (serviced)	C77-9/22 Op-10/23
161 Fairfax Street	Rural 2	Reticulated water, wastewater and stormwater services required				Residential (serviced)	C77-9/22 Op-10/23
166, 170, 174, 176, 178 Fairfax Street	Rural 2	Reticulated water, wastewater and stormwater services required				Residential (serviced)	C77-9/22 Op-10/23
Riwaka-Kaiteriteri Road, Kaiteriteri	Rural 2	Upgrading required adjoining Riwaka-Kaiteriteri Road	11/12/14	N/A	N/A	Rural Residential	
Part of Patons Rock	Rural 1	Reticulated wastewater service required				Residential (serviced)	
Sandy Bay Road, Marahau	Rural 1	Reticulated wastewater and water supply services required				Tourist Services	
Marahau	Rural 1	Reticulated wastewater service required				Residential (Serviced)	
Old Coach Road, Mariri	Rural 2	Road upgrading required once the existing tree crop has matured and been harvested				Rural Residential	



A Site location	B Site location number	C Plan provisions that apply before services are provided	D Infrastructure or servicing that is required to be delivered	E Legal descriptions of land to which Column H planning provisions apply	F Where infrastructure or services proposed by developer, references to detailed performance requirements and engineering plans of services agreed with Council	G Plan provisions that apply after services are delivered	H Date when Column G provisions apply	I Number and Operative date of plan change rezoning land to end use zone	J Number and date of plan update	C79 11/24
<a href="#">McShane Road</a>	RW5	<a href="#">Chapters 7, 16.3.2.1-16.2.5, 16.3.5 and 17.5</a>	<p><b>Wastewater:</b> Provision for a new trunk pressure main along indicative road layout through development area; provision for new pressure trunk main connection to existing 525mm gravity main along decommissioned rail corridor to the south of RW5 (now NZTA and Great Taste Trail corridor). See AMP ID 96118 in LTP 2024.</p> <p><b>Water Supply:</b> Provision of a new trunk watermain through the mixed business area along the indicative road layout, including connection to existing 200mm watermain under Borck Creek at southern end of Summersfield Boulevard. See AMP ID 86204 in LTP 2024.</p> <p><b>Transportation:</b> Provision for a single mid-block intersection with SH60 to be approved by NZTA, as part of the central access roadway through mixed business area as per indicative road layout on planning maps. To be provided by developer, plus some Council funding available. See AMP ID 46094 in LTP 2024.</p>			<a href="#">Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.4 and 17.3</a>				C79 11/24

A Site location	B Site location number	C Plan provisions that apply before services are provided	D Reason for deferral	E Legal descriptions of land to which Column H planning provisions apply	F Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services agreed with Council	G Plan provisions that apply after services are provided	H Date when Column G provisions apply	I Number and Operative date of plan change rezoning land to end use zone	J Number and date of plan update	C79 11/24
<a href="#">South West Hart Road</a>	RS14	<a href="#">Chapters 7, 16.3.2.1-16.2.5, 16.3.5 and 17.5</a>	<b>Water Supply:</b> <a href="#">Provision of planned “Richmond High Level Reservoir” to service the Richmond South area, or equivalent measure proposed by Council or developers to provide adequate level of service for water supply. See AMP ID 86120 in LTP 2024.</a>			<a href="#">Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1</a>				C79 11/24
<a href="#">Between Lord Rutherford Road, Main Road Spring Grove (SH6) and Pitfure Stream</a>	BW17	<a href="#">Chapters 7, 16.3.2.1-16.2.5, 16.3.5 and 17.5</a>	<b>Wastewater:</b> <a href="#">Construction of the “Waimea Wastewater Strategy”, including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024.</a>  <b>Water Supply:</b>			<a href="#">Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1</a>				C79 11/24

A Site location	B Site location number	C Plan provisions that apply before services are provided	D Reason for deferral	E Legal descriptions of land to which Column H planning provisions apply	F Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services agreed with Council	G Plan provisions that apply after services are provided	H Date when Column G provisions apply	I Number and Operative date of plan change rezoning land to end use zone	J Number and date of plan update	C79 11/24
			Construction of the “Waimea Water Strategy”, including development of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024.							
<u>Bird Lane</u>	<u>WK20</u>	<u>Chapters 7, 16.3.2.1-16.2.5, 16.3.5 and 17.5</u>	<p><b>Wastewater:</b> Construction of the “Waimea Wastewater Strategy”, including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024.</p> <p><b>Water Supply:</b> Construction of the “Waimea Water Strategy”, including development of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024.</p>			<u>Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1</u>				C79 11/24

<u>A</u> Site location	<u>B</u> Site location number	<u>C</u> Plan provisions that apply before services are provided	<u>D</u> Reason for deferral	<u>E</u> Legal descriptions of land to which Column H planning provisions apply	<u>F</u> Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services agreed with Council	<u>G</u> Plan provisions that apply after services are provided	<u>H</u> Date when Column G provisions apply	<u>I</u> Number and Operative date of plan change rezoning land to end use zone	<u>J</u> Number and date of plan update	C79 11/24
			<p><b>Stormwater:</b> Identification and implementation of a stormwater discharge pathway to Pitfure Stream or the Wai-iti River, to be provided by the developer.</p> <p><b>Transportation:</b> Upgrade of the Bird Land intersection with State Highway 6; see AMP ID 46024 in LTP 2024. Access to WK20 will be from Bird Lane, no direct access onto State Highway 6 is available.</p>							
<p><u>Wakefield Development Area – between Pitfure Road, Edward Street and Higgins Road</u></p>	<p><u>WK21</u></p>	<p><u>Chapters 7, 16.3.2.1-16.2.5 16.3.6 and 17.6</u></p>	<p><b>Wastewater:</b> Construction of the “Waimea Wastewater Strategy”, including new Wakefield pump station and pressure main to Brightwater, bypass of wastewater flows from Wakefield around the Brightwater pump station, and construction of a new pressure main from Burkes Bank to Beach Road to carry the additional wastewater flows. See AMP IDs 96053, 96080, and 96081 in LTP 2024.</p> <p><b>Water Supply:</b> Construction of the “Waimea Water Strategy”, including development of a new bore field and water treatment plant at the proposed Clover Road site, and associated reticulation, reservoirs and pump stations to</p>			<p><u>Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1</u></p>				

A Site location	B Site location number	C Plan provisions that apply before services are provided	D Reason for deferral	E Legal descriptions of land to which Column H planning provisions apply	F Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services agreed with Council	G Plan provisions that apply after services are provided	H Date when Column G provisions apply	I Number and Operative date of plan change rezoning land to end use zone	J Number and date of plan update	C79 11/24
			<p>distribute the water to Wakefield and Brightwater. See AMP ID 86123 in LTP 2024.</p> <p><b>Transportation:</b> Formation of Higgins Road up to the site boundary, and upgrade of the Higgins Road crossing over Pitfure Stream to provide adequate flood conveyance level of service for the level of traffic that will be supported by the upgraded road. To be completed by the developer.</p>							
Grey Street	MR22	Chapters 7, 16.3.2.1-16.2.5, 16.3.6 and 17.6	<p><b>Wastewater:</b> Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024.</p> <p><b>Water Supply:</b> Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.</p>			Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1				C79 11/24
55 Hotham Street	MR24	Chapters 7, 16.3.2.1-16.2.5, 16.3.6 and 17.6	<p><b>Wastewater:</b> Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024.</p>			Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1				

A <u>Site location</u>	B <u>Site location number</u>	C <u>Plan provisions that apply before services are provided</u>	D <u>Reason for deferral</u>	E <u>Legal descriptions of land to which Column H planning provisions apply</u>	F <u>Where Services Proposed by Developer, References to Detailed Performance Requirements and Engineering Plans of Services agreed with Council</u>	G <u>Plan provisions that apply after services are provided</u>	H <u>Date when Column G provisions apply</u>	I <u>Number and Operative date of plan change rezoning land to end use zone</u>	J <u>Number and date of plan update</u>	C79 11/24
			<p><b>Water Supply:</b> Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.</p>							
65 Hotham Street	MR25	Chapters 7, 16.3.2.1-16.2.5, 16.3.6 and 17.6	<p><b>Wastewater:</b> Upgrade of the Hotham Street wastewater pump station and construction of a new rising main to the Murchison wastewater treatment plant. See AMP ID 96091 in LTP 2024.</p> <p><b>Water Supply:</b> Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.</p>			Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1				
Fairfax Street South	MR26	Chapters 7, 16.3.2.1-16.2.5, 16.3.6 and 17.6	<p><b>Wastewater:</b> Upgrade of the Hotham Street wastewater pump station and a new rising main to the Murchison wastewater treatment plant.</p> <p><b>Water Supply:</b> Upsizing of the Hotham Street watermain. See AMP ID 86175 in LTP 2024.</p>			Chapters 5, 6, 16.3.2.1-16.2.5, 16.3.3 and 17.1				