

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)
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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:

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

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- 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*.

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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:

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- (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).

Stormwater

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- (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.