



**tasman**  
district council

Te Kaunihera o

**te tai o Aorere**

# **TASMAN RESOURCE MANAGEMENT PLAN**

## **VOLUME 1 : TEXT**

**Operative in Part  
(Parts I and II)  
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**Resource Management Act 1991**

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# Tasman Resource Management Plan: Volume 1

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## RECORD OF AMENDMENTS

NOTE: This record is only of amendments that are not approved nor operative. They relate to proposed changes or variations of changes.

Amendment	Date Notified	Provisions Affected	
<b>Update 8 – 16 December 2000</b>			
<b>Variation 6</b> – SDWDA & Lot Size for Unserviced Residential Zones [Now <b>Change 2</b> ]	<b>23 December 2000</b>	Chapter 6	17.1
<b>Update 12 – 28 September 2002</b>			
<b>Variation 25</b> – Earthworks on Kina-Ruby Bay Cliffs [Now <b>Change 3</b> ]	<b>7 September 2002</b>	18.11.2	
<b>Update 15 – 20 December 2003</b>			
<b>Variation 33</b> – Land Disturbance in CEA [Now <b>Change 3</b> ]	<b>20 December 2003</b>	8.2.1, 8.2.3.4, 8.2.3.7, 8.2.20.1 9.1.3.7 17.5.5.1, 17.5.5.3, 17.6.5.1, 17.6.5.3	17.8.5.1, 17.8.5.3 18.5.2.1, 18.5.2.5, 18.5.3.1, 18.5.3.2, 18.5.3.3, 18.11, 18.12
<b>Update 70 – 19 September 2022</b>			
<b>Change 75</b> – Growth - Brightwater	<b>19 September 2022</b>	2.2, 5.3, 6.1.1, 6.2, 6.8, 6.16, 16.3,	17.1, Sch 17.1A, 19.2, Part II Appendix 2
<b>Change 76</b> – Growth - Wakefield		2.2, 5.3, 6.1.1, 6.2, 6.8, 6.17, 16.3,	17.1, Sch 17.1A, 19.2, Part II Appendix 2
<b>Change 77</b> – Growth - Murchison		6.18, 16.3, 17.1,	



## PARTS AND CHANGES NOW OPERATIVE

The following Parts of, or Changes to, the Tasman Resource Management Plan have been approved by resolution of the Tasman District Council and have become Operative.

The approval of the Parts or Changes are effected by the Common Seal of the Tasman District Council pursuant to clause 17 Schedule 1 of the Resource Management Act 1991 (or section 62 Schedule 1 of the Resource Management Amendment Act (No. 2) 2011 in relation to the Tasman Regional Coastal Plan).



### NOTE:

1. “(V##)” refers to the Variation number as previously known.
2. The approval and operative commencement of Parts of the Plan does not apply to provisions identified in the text and planning maps as “Proposed” by virtue of proposed Changes not completed and approved.

Council Resolution Date	Operative Date	Part No.	Operative Plan Change No.	Subject
18/9/08	1/11/08	I	-	Introductory
18/9/08	1/11/08	II	-	Land
25/2/10	27/2/10		15	Kaiteriteri Rezoning <i>[planning maps only]</i>
23/9/10	9/10/10		5 (V49&50)	Richmond South Development Area
23/9/10	9/10/10		6 (V55)	Coastal Tasman Area Design Guide
23/9/10	9/10/10		7 (V56)	Stormwater
23/9/10	9/10/10		8 (V57)	Takaka-Eastern Golden Bay Settlement Policies
23/9/10	9/10/10		9 (V59)	Rural Landscape
23/9/10	9/10/10		11 (V64)	Richmond South Development Area: Road Access
27/1/11	26/02/11	V	-	Water
27/1/11	26/02/11	VI	-	Discharges
21/4/11	1/5/11		30	Fairholme Creative Ltd, East Takaka <i>[Private Plan Change Request]</i>
2/6/11	16/7/11		1	Deletion of Cultural Heritage Area
1/10/11	1/10/11	III	-	Coastal Marine Area (including certain provisions of Parts I, V and VI)
28/6/12	18/8/12		14	Frost Protection Devices
28/6/12	18/8/12		16	Cultural Heritage Sites Management
28/6/12	18/8/12		18	Kina Rezoning <i>[planning maps only]</i>
28/6/12	18/8/12		19	Technical Amendments
28/6/12	18/8/12		32	Wall Offset – Residential Zone
28/6/12	18/8/12		33	Minor changes to Recreation, Open Space and Conservation Zones <i>[planning maps only]</i>
9/8/12	18/8/12		20	Richmond East Development Area
9/8/12	18/8/12		25	Management of Greywater Discharges to Land
-	18/8/12		29	Richmond East Development Area – Fire Ban Area <i>[planning maps only]</i>
11/4/13	27/4/13		17	Consequential amendments to Parts I & II arising from Part IV

Council Resolution Date	Operative Date	Part No.	Operative Plan Change No.	Subject
11/4/13	27/4/13		27	Consequential amendments to Part VI arising from Part IV
11/4/13	27/4/13		34	Fire Risk Management for New Residential Dwellings
11/4/13	27/4/13		35	Part I Introductory: Water Metering
11/4/13	27/4/13		36	Part V Water: Water Metering
11/4/13	27/4/13		38	NES for Managing and Assessing Contaminants in Soil to Protect Human Health
11/4/13	27/4/13		42	Part II Technical Amendments – Chimney Stack Height
27/2/14	8/3/14		10 (V61-V63) (incl. V1 – V3)	Richmond West Development Area
27/2/14	8/3/14		26 (V69)	Part IV (Rivers and Lakes): Consequential Amendments to Part V
27/2/14	8/3/14		28 (V61-V63)	Richmond West Development Area (Deferred Fire Ban Area)
27/2/14	8/3/14	IV	39 (V68)	Inclusion of Part IV (Rivers and Lakes)
10/7/14	2/8/14		12 & 23 (V65)	Waiting Lists for Water Allocation, Site-to-Site Transfer of Water Permits, Moutere Water Management
10/7/14	2/8/14		13 & 24 (V66)	Water Allocation Review (Motueka Area)
22/5/14	2/8/14		49	Three Brothers Corner Commercial Zone, Richmond <i>[Private Plan Change Request from Foodstuffs]</i>
22/5/14	2/8/14		50	Extension to Industrial Schedule Area, Hope <i>[Private Plan Change Request from Network Tasman]</i>
13/11/14	31/1/15		21	Active Fault Rupture Risk Management
13/11/14	31/1/15		31	Review of Slope Instability Risk Area, Richmond
13/11/14	31/1/15		40	Earthquake Faultlines and Geotechnical Reports
13/11/14	31/1/15		41	Heritage Schedule Update
13/11/14	31/1/15		43	Motueka West Development
13/11/14	31/1/15		44	Motueka Central Development
29/1/15	31/1/15		22	Mapua and Ruby Bay Development
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4/6/15	28/11/15		53	Heritage and Protected Tree Schedule Update
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9/11/17	7/4/18		63	Waimea Water Transition Management
8/2/18	7/4/18		65	Wakefield Strategic Review – Stage 2
18/10/18	15/12/18		57	Brightwater Strategic Review

<b>Council Resolution Date</b>	<b>Operative Date</b>	<b>Part No.</b>	<b>Operative Plan Change No.</b>	<b>Subject</b>
18/10/18 MOC <sup>1</sup> 20/5/19	14/12/19		61	Wainui Bay Spat Catching [ <i>Private Plan Change Request from Wainui Bay Spat Catching Group</i> ]
18/10/18	15/12/18		66	Richmond Housing Choice
18/4/19	15/6/19		60	Rural Land Use and Subdivision Policy Review (including Variations 1 and 2)
18/4/19	15/6/19		67	Waimea Water Management Technical Amendments
18/4/19	15/6/19		68	Omnibus Amendments
28/11/19	20/6/20		69	Nelson Tasman Land Development Manual
17/12/20	26/12/20		70	Network Tasman Site Expansion
30/09/21	22/7/22		71	Coastal Occupational Charged ( <i>Approved by the Minister of Conservation on 2/5/22</i> )
30/09/21	22/7/22		72	Moorings and Coastal Structures ( <i>Approved by the Minister of Conservation on 2/5/22</i> )
16/12/21	23/3/23		74	Special Housing Areas
16/02/23	23/3/23		78	Growth, St Arnaud
3/3/22	2/6/23		73	Omnibus 2 Amendments

<sup>1</sup> The Minister of Conservation approved the Proposed Regional Coastal Plan Change by signing it in accordance with clause 19 of the First Schedule to the Resource Management Act 1991.



# **PART I:                   INTRODUCTORY**

## **INTRODUCTION**

Part I introduces the Tasman Resource Management Plan.

Chapter 1 explains the purpose, scope, structure and effect of the Plan, and describes resource management methods used in the Plan, restrictions on resource use, types of resource consent, the application and arrangement of rules in the Plan, and how to use the Plan.

Chapter 2 defines the meaning of various words or expressions used in the Plan.

Chapter 3 describes resource management issues that cross the District boundary and in which other local authorities have interests.

Chapter 4 describes the Plan monitoring and review procedures to be applied.



# CHAPTER 1: INTRODUCTION

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## 1.1 PURPOSE OF THE PLAN

The Tasman Resource Management Plan (the Plan) has been prepared by the Tasman District Council (the Council) under the Resource Management Act 1991 (the Act). The purpose of the Plan is to assist the Council to carry out its functions in order to achieve the purpose of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

The Council has the functions of both a regional council and a territorial authority. In summary its main functions are:

As a regional council (Section 30 of the Act):

- (a) control of land use in regard to soil conservation, water quantity and quality, natural hazards and hazardous substances;
- (b) control of activities (except fishing) in the coastal marine area;
- (c) control of taking, using, damming and diversion of water;
- (d) control of discharge of contaminants.

As a district council (Section 31 of the Act):

- (a) control of effects of land use, development and protection, including natural hazards and hazardous substances;
- (b) control of land subdivision;
- (c) control of noise emissions;
- (d) control of effects of activities on the surface of lakes and rivers.

The Plan is a combined district and regional plan because it relates to both sets of functions. The Plan states objectives, policies and methods to achieve integrated management of various natural and physical resources in Tasman District.

## **1.2 SCOPE OF THE PLAN**

### **1.2.1 Area Covered by the Plan**

The Plan applies to the whole of Tasman District, including the area of sea within the territorial limits, twelve nautical miles off the coast (see Figure 1.2A). The Plan affects the use of resources in particular zones, areas and sites within the District. These zones, areas and sites are defined by rules in Volume 1 and in the planning maps contained in Volume 2 of this Plan. An explanation of the use of zones and areas is provided in Section 1.6 of this chapter.

### **1.2.2 Resources Dealt With in the Plan**

The resources dealt with in this Plan are land, the coastal marine area, rivers and lakes, wetlands, water (taking, using, damming or diverting), and discharges of water or contaminants to water, air and land.

Some resources are not dealt with in the Plan as they are outside the scope of the Act. For example, Crown-owned minerals and fisheries are excluded. The environmental effects of mineral extraction or processing can be covered by the Plan. It can address effects of other activities on fisheries, but it cannot directly address environmental effects of fishing activities.

### **1.2.3 Relationship with Other Plans and Policy Documents**

In the preparation of the Plan the Council is required to consider a range of other plans and policy documents of relevance to the District. The Plan must give effect to:

- (a) any national policy statement (including the New Zealand Coastal Policy Statement);
- (b) the Tasman Regional Policy Statement covering the District.

The Plan must not contain any provision that either duplicates or is in conflict with any provision of a national environmental standard. It also must not be inconsistent with any water conservation order (water conservation orders affect the Buller and Motueka Rivers).

A list of national policy statements, national environmental standards and section 360 regulations in force under the Act is in Schedule 1.1 at the end of Chapter 1.

The District Plan part of the Plan must give effect to any parts that constitute the Regional Coastal Plan and must not be inconsistent with any parts that constitute any Regional Plan. It must have regard to any proposed plans and district plans of adjacent local authorities. It must also take into account relevant planning documents recognised by an iwi authority and lodged with Council. These documents are listed in Schedule 1.2 at the end of this chapter.

This Plan is the principal means of implementing the Tasman Regional Policy Statement, and achieving integrated and sustainable resource management. The Regional Policy Statement generally describes Council's resource management responsibilities, the nature of sustainable management, and the meaning of key planning concepts such as issues, objectives, policies, methods and rules. Section 1 of the Tasman Regional Policy Statement explains these matters.

The Council's State of the Environment Monitoring and Reporting Strategy 2006 outlines how the Council will undertake and report on its monitoring responsibilities.

### **1.2.4 Relationship with Bylaws**

Council bylaws will continue to regulate human activities that do not generate significant environmental effects, such as navigation safety of boats under the Navigation Safety Bylaw 2006. Where there is any conflict with Council bylaws, this Plan prevails.

## 1.2.5 Relationship with Tangata Whenua Interests

The Council has a number of responsibilities and obligations towards Māori, particularly the tangata whenua, under the Act, to be carried out through this Plan. These responsibilities are:

- (a) to recognise and provide for traditional Māori interests in their ancestral lands, water, wāhi tapu and other taonga;
- (b) to take into account the principles of the Treaty of Waitangi;
- (c) to have particular regard to the concept of kaitiakitanga;
- (d) to consult with the tangata whenua of the District in the preparation of resource management plans;
- (e) to take into account any relevant planning document recognised by an iwi authority and lodged with Council.

The Tasman Regional Policy Statement contains an explanation of general issues concerning the interests of the tangata whenua in relation to resource management, and of Council's general approach to these issues and interests. This Policy Statement contains specific statements of issues, objectives, policies, methods and rules that address tangata whenua interests in relation to the use of land, coastal marine, water, river and lake, and associated resources, in Parts II to VI of the Plan.

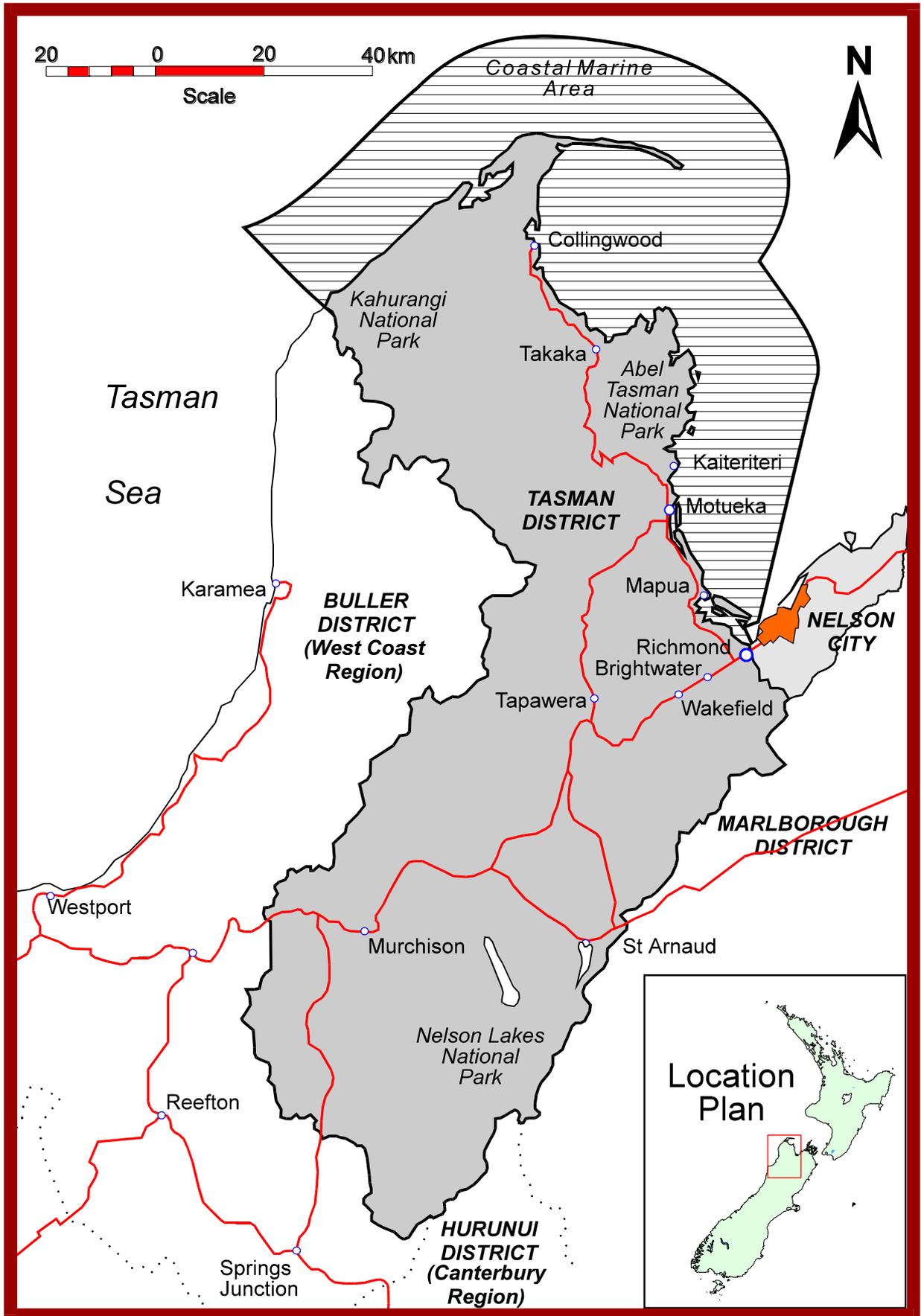
### Effect of Te Tau Ihu Claims Settlement Legislation

From 1 August 2014, the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 and the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 commenced. These acts require the Council to attach to its regional policy statements, regional plans and district plans, information recording statutory acknowledgements for statutory areas covered wholly or partly by each plan.

The information provided in relation to statutory areas and acknowledgements is for the purposes of public information only and does not form part of the plan and is not subject to the provisions of Schedule 1 of the Act.

This information is attached to the online version of these plans and can be accessed on the webpage of the Council's website showing the Tasman Resource Management Plan and Tasman Regional Policy Statement, at <http://www.tasman.govt.nz/policy/plans/statutory-acknowledgements/> . It is not attached to the print version of the Plan. For further information about statutory areas and acknowledgements and the duties of council as a consent authority, please see the online version of the Plan at the weblink above.

Figure 1.2A: Tasman District



## 1.3 STRUCTURE OF THE PLAN

This Plan consists of two volumes (see Figure 1.3A):

- (a) Volume 1 contains: Table of Contents; Chapters 1 to 37; Index.
- (b) Volume 2 contains: Planning maps.

The Table of Contents indicates chapter headings. More detailed tables of contents appear at the start of large policy chapters and chapters that contain rules.

The Tasman Resource Management Plan contains the District Plan, the Regional Coastal Plan, and other Regional Plan provisions.

The **District Plan** is required by the Act and comprises:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to dry land
  - Part II: Chapters 5 – 19, except 16.7 and 19.2.16
- In Volume 2:* Zone maps, Area maps and Special maps as the content applies to land use and subdivision.

The **Regional Coastal Plan** is required by the Act and comprises:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to the coastal marine area
  - Part III: Chapters 20 – 26, coastal marine area
  - Part V: Chapters 30 – 32, as applicable to the coastal marine area
  - Part VI: Chapters 33 – 37, as applicable to the coastal marine area
- In Volume 2:* Special maps, as the content applies to the coastal marine area

Other **Regional Plan** matters are enabled but not required by the Act. Regional matters in this Plan comprise:

- In Volume 1:*
  - Part I: Chapters 1 – 4, as applicable to regional issues
  - Part II: Chapter 16: section 16.7 only  
Chapter 19, as applicable to regional issues
  - Part IV: Chapters 27 - 29
  - Part V: Chapters 30 – 32
  - Part VI: Chapters 33 – 37
- In Volume 2:* Area maps and Special maps, as applicable to water resources and discharges.

## 1.4 OTHER RELATED DOCUMENTS

The following documents are not part of this Plan, but provide relevant background information to the Plan. These are available separately from the Council or the organisations named:

- (a) Reports of evaluations by the Council of the appropriateness of objectives, policies, rules and other methods of resource management, and consideration of alternatives and assessments of benefits and costs, as required by Section 32 of the Act. These include Council policy papers and investigation reports containing detailed analyses of the issues, objectives and policies developed during Plan preparation.
- (b) The New Zealand Heritage List for Tasman District prepared by Heritage New Zealand Pouhere Taonga.
- (c) The Council has had regard to the Department of Conservation's *Conservation Management Strategy for Nelson-Marlborough Conservancy* and other reports, including:
  - (i) Davidson, R J et al. *Internationally and Nationally Important Coastal Areas from Kahurangi Point to Waimea Inlet, Nelson, New Zealand: Recommendations for Protection*, Nelson-Marlborough Conservancy, Department of Conservation. Occasional Publication No. 14, 1993.

Figure 1.3A: Plan Structure

		Part 1 Introductory	Part 2 Land	Part 3 Coastal Marine Area	Part 4 Rivers and Lakes	Part 5 Water	Part 6 Discharges
<b>Tasman Resource Management Plan</b>  <b>Volume 1 - Text</b>	<b>Contextual Chapters</b>	Chapter 1 - Introduction	n/a	n/a	n/a	n/a	n/a
		Chapter 2 - Meanings of Words					
		Chapter 3 - Local Authority Cross-Boundary Issues					
		Chapter 4 - Monitoring and Review Procedures					
	<b>Objectives &amp; Policies Chapters</b>	n/a	Chapter 5 - Site Amenity Effects	Chapter 20 - Effects of Craft Using the Surface of Coastal Waters	Chapter 27 - Activities in the Beds and on the Surface of Rivers and Lakes	Chapter 30 - Taking, Using, Damming and Diverting Water	Chapter 33 - Discharges to Land and Fresh Water
			Chapter 6 - Urban Environment Effects				
			Chapter 7 - Rural Environment Effects	Chapter 21 - Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values			Chapter 34 - Discharges to Air
			Chapter 8 - Margins of Rivers, Lakes, Wetlands and the Coast				
			Chapter 9 - Landscape	Chapter 22 - Aquaculture			Chapter 35 - Discharges to the Coastal Marine Area
			Chapter 10 - Significant Natural Values and Historic Heritage				
Chapter 11 - Land Transport Effects			Chapter 23 - Natural Hazards and Hazardous Substances				
Chapter 12 - Land Disturbance Effects							
Chapter 13 - Natural Hazards							
Chapter 14 - Reserves and Open Space							
Chapter 15 - Strategic Infrastructure and Network Utilities	Chapter 24 - Noise Emissions						
<b>Rules Chapters</b>	n/a	Chapter 16 - General Rules	Chapter 25 - Coastal Marine Area Rules	Chapter 28 - Rules for Activities in the Beds and on the Surface of Rivers and Lakes	Chapter 31 - Rules for Water Take, Diversion, Use, or Damming	Chapter 36 - Rules for Contaminant Discharges	
		Chapter 17 - Zone Rules					
		Chapter 18 - Special Area Rules					
<b>Information Requirements Chapters</b>	n/a	Chapter 19 - Information Required with Land Use Consent or Subdivision Consent Applications	Chapter 26 - Information Required with Coastal Permit Applications	Chapter 29 - Information Required with Land Use Consent Applications	Chapter 32 - Information Required with Permit Applications for Taking, Using, Damming or Diverting Water	Chapter 37 - Information Requirements with Discharge Permit Applications	
<b>Appendices/</b>	none	Designations, Design Guides	none	none	Water Conservation	Marine Pollution	

	<b>Annexes</b>					Orders	NES Air Pollutants
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				Part 2 Land Maps	Part 3 Coastal Marine Area Maps	Part 4 Rivers & Lakes	Part 5 Water Maps	Part 6 Discharges Maps
		<b>Tasman Resource Management Plan</b>  <b>Volume 2 - Planning Maps</b>	<b>Maps</b>	<b>Introductory pages:</b> Contents User Guide Record of Amendments	Cultural Heritage Sites Cross Reference  <b>Area and Zone Maps</b> (including some designation enlargements)	<b>Area Maps:</b> Mooring Areas	[no maps]	<b>Special maps:</b> Water Management Locations Waimea Water Management Zones Waimea Deep Moutere Aquifer Waimea Water Management Zones – Dam scenarios Moutere Groundwater Zones Moutere Surface Water Zone Motueka/Riwaka Plains Water Management Zones Abel Tasman Water Management Zone Soil Series (re irrigation) Surface Water Protection Area Wai-iti Dam Service Zone Upper Motueka Water Management Sub-Zones
<b>Special Maps:</b> Road Hierarchy Landscape Units, Coastal Tasman Area Design Guide High Fire Risk Specified Stormwater Flood Flowpaths Cultural Heritage Sites	<b>Special Maps:</b> Spat catching and marine farming - Golden Bay/Mohua Spat catching and marine farming - Tasman Bay/Te Tai-o-Aorere Natural ecosystem values River mouth and coastal marine area boundary enlargements				<b>Special maps:</b> Coastal Water Classification – Kahurangi & West Coast Coastal Water Classification – Golden Bay/Mohua Coastal Water Classification – Abel Tasman/Te Tai-o-Aorere & Waimea Obstacle Limitation Surface – Nelson Airport Motueka/Riwaka Plains Water Management Area Waimea Water Management Area Fire Ban Areas and Fire Sensitive Areas			
<b>Annex Maps</b>	n/a		n/a	n/a	n/a	Water Conservation Order: Buller River  Water Conservation Order: Motueka River	Richmond Airshed	



## 1.5 EFFECT OF THE PLAN

### 1.5.1 Introduction

This Plan contains proposed and operative provisions. Any person wishing to carry out any activity regulated by either proposed or operative provisions, including any requirement to obtain a resource consent, must comply with these provisions, unless the activity is existing and is protected under Section 10 or section 20A of the Act. Section 1.8 further explains this protection.

Proposed provisions are distinguished from operative provisions. Some proposed provisions do not have legal effect. The reasons for this, and how these provisions are identified, are described in 1.5.2.

### 1.5.2 Proposed Provisions and the Legal Effect of Proposed Rules

Proposed provisions in any part of the Plan are amendments that may be:

- (a) Changes – amendments to operative provisions
- (b) Variations – amendments to proposed provisions

#### 1.5.2.1 Proposed Rules with Legal Effect and Deferred Legal Effect

Within any proposed amendment, proposed rules **may** or **may not** have legal effect.

The Act requires the Plan to show all proposed rules that have **legal effect** from their date of notification as proposed rules. This is required until the rules may be approved to become operative under Schedule 1.

The Act also requires that certain types of proposed rules have **deferred legal effect** until a decision on the change or variation relating to the proposed rule is publicly notified. It is helpful for the Plan to identify all proposed rules with deferred legal effect, and how this is shown is explained below.

As well as these rules with deferred legal effect, the Act allows Council to specify that any proposed rule only has legal effect once the proposed change becomes operative under Schedule 1.

#### 1.5.2.2 Display Formatting of Proposed Provisions

The chapters in the Plan show **operative** provisions and **proposed** provisions that have legal effect. The display format of all **proposed** provisions introduced or amended, whether rules or other provisions, is boxed as follows.

**Proposed as at [the current date for this provision of the Plan]**  
[text showing the particular text that is the subject of the relevant change or variation].

- Where there is an alteration as an addition or deletion within a portion of operative text, the altered text or reference to any deletion is placed after the operative provision proposed to be amended and indicated, in blue type (grey in black and white versions), with underlining and strikeouts where the text is proposed to be amended. For example:

**Proposed as at 14 October 2017**

*[Policy 6.17.3.9 is amended as follows:]*

**6.17.3.9** To require larger residential lot sizes adjacent to the ~~south-west~~ boundary of the Light Industrial Zone on Bird Lane, and require a greater setback of dwellings from the Light Industrial Zone boundary.

C65 10/17

OR

**Proposed as at 14 October 2017**

*[Policy 6.17.3.10 is deleted]*

C65 10/17

If a particular provision is already proposed, the text of the provision is simply amended accordingly.

- Where a section of text is proposed to be added, the new text is simply inserted, without any underlining or strikeouts and is in black type. For example:

**Proposed as at 14 October 2017**

Tasman's Great Taste Cycle Trail arrives in Wakefield along Higgins Road. Some flood-free flat land to the west of Higgins Road is suitable for a range of rural residential options.

C65 10/17

For chapters in the Plan that contain rules, any proposed rules with deferred legal effect are not included in the chapter but are listed at the front of each affected chapter (on green paper in the print version), and there is a marginal notation (in white text on green/grey) in the place in the chapter where each such proposed rule may apply once it first has legal effect. Once these proposed rules gain legal effect, they will be inserted into the chapters.

### 1.5.2.3 Marginal Annotations

For all display formats of proposed provisions, marginal annotations show the references to the particular change or variation that has introduced the text, or amended it, at the key steps of Plan development. The annotations show the change or variation number together with the month and year of notification of the proposed Plan amendment (for example, C10 10/07 or V70 2/10); and at decisions notification of the proposed change or variation (for example, D 7/11).

Where Council decisions make amendments to proposed provisions, the text incorporates the specific amendments within the text. Where the decision annotation is accompanied by a bracketed reference to a change or variation (for example, (C16)), then this indicates that the provision has been first introduced by the Council decision under that change or variation. From 31 March 2012 (Update 43), a further annotation has been introduced and will progressively be included to also indicate in brackets where a decision has been made on a change or variation, but the provision the annotation relates to has not changed as a result of a decision as at the date shown (for example, (D 3/12)).

Where the Environment Court makes a decision on proposed provisions, annotations are similarly shown, with the full date of the decision (for example, ECD 11/09/09).

Where a particular National Policy Statement or National Environmental Standard requires amendments to be made to a Plan, annotations are also shown. For example:

- NPS-FW in respect of the National Policy Statement for Freshwater Management; or
- NES-FW in respect of the Resource Management (National Environmental Standards for Freshwater) Regulations.

These may also include "(ca)" to indicate a consequential amendment, where appropriate.

In Part II Appendix 1 (Designations), a designation

- decision is shown as DD; and
- alteration is shown as DAD;

with the month and year.

Finally, an annotation indicates when a provision as part of a change, has become operative (for example, Op 10/10).

## 1.5.3 Parts I and II (Introductory and Land)

From 1 November 2008, Parts I and II of the Plan are operative, including operative changes since that date, except for those provisions that are identified in the text within a bordered box as "Proposed", and that are the subject of proposed changes (commenced as 'variations' before 1 November 2008 or commenced as 'changes' after 1 November 2008) or 'variations to changes'. Table 1 shows all operative and proposed changes and proposed variations affecting Parts I and II.

<b>Table 1 PLAN CHANGES AND VARIATIONS IN PARTS I AND II</b>				
<b>Operative Plan Change No.</b>	<b>Proposed Variation No. to Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
1			1	Deletion of Cultural Heritage Area
		2	6	Lot Size and SDWDA for Unserviced Residential Zones
		3	25 & 33	Land Disturbance in Coastal Environment Area
		4	44	Transport Provisions
5			49 & 50	Richmond South Development Area
6			55	Coastal Tasman Area Design Guide
7		7	56	Stormwater
8		8	57	Takaka-Eastern Golden Bay Settlement Policies
9		9	59	Rural Landscape
10			61 – 63	Richmond West Development Area
11			64	Richmond South Development Area: Road Access
12				Waiting Lists for Water Allocation, Site-to-Site Transfer of Water Permits, Moutere Water Management
13				Water Allocation Review (Motueka Central Plains and Middle Motueka Zones, including Dove and Abel Tasman Zones and Community Water Supplies)
14				Frost Protection Devices
15				Kaiteriteri Rezoning [planning maps only]
16				Cultural Heritage Sites Management
17				Consequential amendments to Parts I and II arising from Part IV (Rivers and Lakes)
18				Kina Rezoning [planning maps only]
19				Technical Amendments
20				Richmond East Development Area
21				Active Fault Rupture Risk Management
22				Mapua and Ruby Bay Development
30				Private Plan Change Request: Fairholme Creative Ltd, East Takaka
31				Review of Slope Instability Risk Area, Richmond
32				Wall Offset – Residential Zone
33				Minor changes to Recreation, Open Space and Conservation Zones [planning maps only]
34				Fire Risk Management for New Residential Dwellings
35				Part I Introductory: Water Metering
		37		Richmond West and South Greenway
40				Earthquake Faultlines and Geotechnical Reports
41				Heritage Schedule Update
42				Part II Technical Amendments – Chimney Stack Height
43				Motueka West Development

Operative Plan Change No.	Proposed Variation No. to Plan Change No.	Proposed Plan Change No.	Former Plan Variation No.	Subject
44				Motueka Central Development
45				Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part I
46				Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part II
49				Private Plan Change Request: Foodstuffs Ltd – Three Brothers Corner Commercial Zone
50				Private Plan Change Request: Network Tasman Ltd, Hope
51				Review of planning framework for deferred urban development
53				Update of heritage and protected tree schedules
54				Waimea Water Management – Security of Supply Amendments to Part I
55				Waimea Water Management – Security of Supply Amendments to Part II
57				Brightwater Strategic Review
58				Wakefield Strategic Review
59				Residential Zone Coverage
60				Rural Land Use and Subdivision Policy Review
61				Private Plan Change Request: Wainui Bay Spat Catching
62				Private Plan Change Request: Progressive Enterprises Ltd – Richmond North Commercial Zone
64				Update of Protected Tree Schedule
65				Wakefield Strategic Review – Stage Two
66				Richmond Housing Choice
68				Omnibus Amendments
69				Nelson Tasman Land Development Manual
70				Network Tasman Site Expansion
		72		Moorings and Coastal Structures
		73		Omnibus 2 Amendments
		74		Rezoning of Special Housing Areas

From 1 November 2008, the following plans ceased to have effect in relation to Parts I and II:

- (a) Transitional District Plan (Golden Bay; Motueka and Environs; Richmond; Waimea sections and Plan Changes DP1 and DP2).
- (b) Regional Plan (Land).

#### **1.5.4 Part III (Coastal Marine Area)**

Part III forms most of the Regional Coastal Plan. The remainder consists of provisions relating to coastal water or the coastal marine area, in Parts I, V and VI.

The Regional Coastal Plan became operative on 1 October 2011 under the Resource Management Amendment Act (No. 2) 2011. From that date, the following plans ceased to have effect in relation to Parts III and V:

- (a) Transitional Regional Coastal Plan.
- (b) Nelson Bays Regional Planning Scheme — Section Two: Coastal and Marine Resources.

Table 2 lists all operative and proposed changes and variations affecting Part III.

<b>Table 2 PLAN CHANGES IN PART III</b>			
<b>Operative Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
61			Wainui Bay Spat Catching
	71		Coastal Occupation Charges
	72		Moorings and Coastal Structures

### 1.5.5 Part IV (Rivers and Lakes)

Part IV forms regional planning provisions dealing with activities in relation to the beds of rivers and lakes. Part IV became operative on 8 March 2014. From that date, the following plans ceased to have effect as applicable to river and lake beds:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)

### 1.5.6 Part V (Water)

From 26 February 2011, Part V (Water) is operative, except for those provisions that are identified in the text with boxes as “Proposed”, and that are the subject of proposed changes. Table 3 lists all operative and proposed changes and former proposed variations affecting Part V.

<b>Table 3 PLAN CHANGES IN PART V</b>			
<b>Operative Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
23		65	Waiting Lists for Water Allocation, Site-to-Site Transfer of Water Permits, Moutere Water Management
24		66	Water Allocation Review (Motueka Central Plains and Middle Motueka Zones, including Dove and Abel Tasman Zones and Community Water Supplies)
26		69	Consequential amendments to Part V
36			Part V Water: Water Metering
47			Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part V
52			Upper Motueka Water Allocation Review
56			Waimea Water Management – Security of Supply Amendments to Part V
63			Waimea Water Transition Management
67			Waimea Water Management Technical Amendments

From 26 February 2011, the following plans ceased to have effect as applicable to water taking, use, damming and diversion provisions:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)

- (c) Transitional Regional Coastal Plan
- (d) Moutere Water Management Plan
- (e) Motueka-Riwaka Plains Water Management Plan

### 1.5.7 Part VI (Discharges)

From 26 February 2011, Part VI (Discharges) is operative, including operative changes since that date, except for those provisions that are identified in the text as “Proposed”, and that are the subject of proposed changes. Table 4 lists all operative and proposed changes and former proposed variations affecting Part VI.

<b>Table 4 PLAN CHANGES IN PART VI</b>			
<b>Operative Plan Change No.</b>	<b>Proposed Plan Change No.</b>	<b>Former Plan Variation No.</b>	<b>Subject</b>
25		67	Management of Greywater Discharges to Land
27		70	Consequential amendments to Part VI
28		61 – 63	Richmond West Development Area (Deferred Fire Ban Area)
29			Richmond East Development Area (Deferred Fire Ban Area) [planning maps only]
38			National Environmental Standard for Managing and Assessing Contaminants in Soil to Protect Human Health
48			Waimea Water Management and Augmentation (Lee Dam) – Amendments to Part VI
60			Rural Land Use and Subdivision Policy Review
66			Richmond Housing Choice
	72		Moorings and Coastal Structures
	73		Omnibus 2 Amendments

From 26 February 2011, the following plans ceased to have effect as applicable to discharge provisions:

- (a) Transitional Regional Plan (ex Nelson-Marlborough)
- (b) Transitional Regional Plan (ex West Coast)
- (c) Moutere Water Management Plan
- (d) Motueka-Riwaka Plains Water Management Plan

## 1.6 RESOURCE MANAGEMENT METHODS USED IN THE PLAN

### 1.6.1 Introduction

The Tasman Resource Management Plan provides a range of methods to address resource management issues and to implement objectives and policies in the Plan. These methods are:

**(a) Investigations and Monitoring**

These methods generate information about resource uses and their environmental effects.

**(b) Advocacy and Education**

These methods involve provision of information and promotion of preferred practices for resource management.

**(c) Works and Services**

The provision or requirement for works and services can be used to enhance the development of communities or to avoid, remedy or mitigate adverse effects.

**(d) Financial Measures**

Financial measures or charges or other compensatory contributions are a method to encourage or discourage certain resource use practices.

**(e) Regulation**

Regulating resource use activities for their adverse effects through the use of rules, consents, enforcement action and self-regulatory actions by resource users themselves. Self-regulation through certified environmental management systems is being investigated by Council.

**(f) Taking No Action**

This method may be used where results may be achieved without Council intervention.

The Resource Management Act (Section 32) requires the consideration of methods or options for promoting sustainable management in the development of resource management plans. Any one or more of the above methods chosen to address a particular issue must be evaluated for its appropriateness, having regard to its effectiveness and efficiency, and accounting for its relative benefits, costs and risks.

### 1.6.2 Regulatory Methods

In regulating activities through the use of rules in the Plan, the Council must have regard to the actual or potential adverse effects on the environment of activities. In addition, the promotion of sustainable management includes the requirement to avoid, remedy, or mitigate the adverse effects of activities on the environment before resources may be used by people and communities to provide for their well-being, health and safety. While rules may focus on activities, the purpose for making rules is to avoid, remedy, or mitigate the adverse environmental effects of activities. In other words, all rules must be based on the management of adverse environmental effects, even though their focus may be on activities.

### 1.6.3 Zones and Areas

In addition to general rules applying throughout the District, this Plan uses the technique of zones and areas in conjunction with rules to manage adverse environmental effects of resource use activities in promoting sustainable management. Zones and areas are defined parts of the District in which particular sets of rules apply that relate to certain resource use activities and certain environmental effects. Zones and areas are used most extensively in Part II: Land, but are also used in Part III: Coastal Marine Area, and Part V: Water. The rules applying within any zone or area are described in this volume in the rules chapters and the zone or area is displayed on the planning maps in Volume 2 of the Plan.

Any zone or area has been defined for either or both of the following reasons:

- (a) To regulate or control certain effects of activities that might occur in a particular way in that zone or area.  
For example, restricting noisy, large or high traffic-generating buildings from an area intended to be available as living space (defined by a residential zone).
- (b) To protect resources, including resource values, from certain adverse effects of activities that might occur in a particular way in that zone or area.  
For example, maintaining significant conservation or historic heritage values of areas by restricting their destruction or modification, or the establishment of buildings or undertaking of earthworks in a defined special area.

A **zone** is any mapped part of the District in which there are common resources or resource values that may be adversely affected in certain ways by certain activities and where common restrictions on activities and effects are specified by rules. Zones always cover separate parts of the District and do not overlap in space.

An **area** is any mapped part of the District in which there are further specific resource values that may be adversely affected in certain ways by certain activities and where common restrictions on activities and effects apply in addition to zone rules. Areas may overlay zones and other areas, and may be regarded as layers of regulation in any part of the District.

The objectives and policies that address resource management issues may employ any combination of zones and areas, together with the rules applying, in any part of the District, to achieve sustainable resource management outcomes.

#### **1.6.4 Financial Contributions**

Financial contributions provide a means through which the Council may prevent or offset adverse effects from the subdivision, use or development of land or other resources, and provide facilities for public benefit. Provisions for financial contributions in relation to other resources or activities are contained in the chapters of rules in other parts of the Plan.

Financial contributions are a method of implementation common to all objectives and policies of this Plan. A financial contribution may comprise money or land, or any combination of these. Its purpose may be to avoid, remedy or mitigate an adverse effect, or to produce a positive effect to offset an adverse one. It may apply on site or off site; apply to permitted activities, or be imposed as a condition on a resource consent. Rules on financial contributions in relation to subdivision and land uses are contained in Chapter 16.

Contributions in the context of subdivisions may be in the form of a fixed fee (per allotment); be related to allotment size; be related to the value of allotments or the proposed work; or be negotiated to counter a specific adverse effect.

A major purpose of financial contributions in relation to subdivision and land development, is for the provision, extension or upgrading of “infrastructure”, including roads, utility services, parks and reserves, without which the subdivision, use or development of land would have unacceptable consequences. Part of the rationale is that new activities and developments should not impose costs on existing communities: this does not preclude costs falling to existing communities that benefit from the new activities.

Since 1 July 2004 the Plan no longer requires financial contributions for infrastructure (other than reserves and community services) to be made where development contributions are required under Council’s Long Term Plan made under the Local Government Act 2002.

## **1.7 RESTRICTIONS ON RESOURCE USE AND RESOURCE CONSENTS**

### **1.7.1 Types of Activities**

Rules in this Plan that have legal effect either prohibit, regulate or allow activities. The rules therefore determine whether a resource consent is required to be obtained from the Council before an activity is carried out and the conditions, including requirements and permissions, that must be satisfied before or after a resource consent is granted. If a land use is not regulated by a rule in this Plan or any other regulations or order, then it is allowed without a resource consent.

Activities within the coastal marine area, river and lake beds, and all water and discharge activities may not be carried out unless there is a rule allowing such activities.

Activities that may be affected by this Plan fall into six classes that reflect the actual or potential effect on the environment of the activity:

#### **(a) Permitted Activity**

A permitted activity is allowed without a resource consent if it complies with conditions stated in this Plan.

#### **(b) Controlled Activity**

A controlled activity is allowed only if a resource consent has been obtained. A resource consent must be granted by the Council if the activity complies with conditions specified in this Plan, except where the consent would contravene a special requirement of the Act (Sections 106, 107 or 217). Consents may be granted subject to conditions relating to matters over which Council has reserved control. These matters must be stated in the Plan for every controlled activity.

#### **(c) Restricted Discretionary Activity**

A restricted discretionary activity is allowed only if a resource consent has been obtained. The Council retains a discretion about whether or not it will grant a resource consent and the conditions it may impose, but the matters over which Council has retained this discretion must be stated in the Plan for every restricted discretionary activity. The activity must comply with any conditions stated in the Plan for such an activity.

#### **(d) Discretionary Activity**

A discretionary activity is allowed only if a resource consent has been obtained. The Council retains an open discretion about whether or not it will grant a resource consent. The activity must comply with any conditions stated in the Plan for such an activity.

#### **(e) Non-complying Activity**

A non-complying activity is allowed only if a resource consent has been obtained. The Council may grant or decline a resource consent and may impose conditions. The activity must be described in the Plan as non-complying, and the activity must comply with any conditions stated in the Plan. Council may only grant a non-complying activity consent where it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the activity will not be contrary to the objectives and policies of the Plan and any other relevant plan.

**(f) Prohibited Activities**

No resource consent will be granted and no application can be made for an activity that the Plan describes as a prohibited activity. The only avenue open to a person wanting to carry out a prohibited activity is to request a private Plan change. Information on the private Plan change request procedure may be obtained from the Tasman District Council.

**1.7.2 Matters of Control and Restricted Discretion**

Rules in the Plan that create either controlled activities or restricted discretionary activities, include lists of matters to which discretion is restricted or over which control is reserved. The listed matters have several functions. In the case of both restricted discretionary and controlled activities, the matters need to be addressed in the assessment of effects accompanying a resource consent application, under Section 88 of the Resource Management Act.

In the case of restricted discretionary activities, the listed matters will be taken into account by the Council in deciding whether to grant or decline a resource consent application. If a resource consent is granted, conditions may be imposed on the matters to which discretion has been limited.

In the case of controlled activities, conditions may be imposed in relation to the matters over which control has been reserved.

**1.7.3 Types of Resource Consents**

Resource consents are given different names depending on the type of activity they relate to. The types of resource consent are:

- (a) Land use consent.
- (b) Subdivision consent.
- (c) Coastal permit.
- (d) Water permit.
- (e) Discharge permit.

**1.7.4 Applications for Resource Consent**

Applications for resource consents should be made on the standard form available from the Tasman District Council. The application must be accompanied by an assessment of any actual or potential effects that the activity may have on the environment, together with other information required by this Plan (Chapters 19, 26, 32 and 37) or under the Resource Management Act, including any relevant approvals from affected persons such as neighbours.

**1.7.5 Notification or Non-Notification of Applications for Resource Consent**

The Council may or may not notify any application for resource consent. Notification may be public (any person may make a submission) or limited (only certain persons may make a submission). An application must be publicly notified if the Council considers that the activity will or is likely to have an adverse effect on the environment that is more than minor, or if the applicant requests public notification, or a rule or a national environmental standard requires public notification. If a rule or a national environmental standard precludes public notification, the application must not be publicly notified.

If the Council considers that there are affected persons, it must give limited notification to those persons, unless any such person has given written approval for the application, or a rule or a national environmental standard precludes limited notification.

## **1.8 APPLICATION OF RULES IN THE PLAN**

### **1.8.1 Protection of Existing Uses of Land and Other Resources**

Any land use activity that contravenes any of the applicable land use rules in this Plan, and that:

- (a) is lawfully established at the date of notification of Parts I and II of the Plan (or any variation or change to the applicable rule that has legal effect); and
- (b) whose effects remain of the same or similar character, intensity and scale as they were before that date; and
- (c) that is not discontinued or stopped for more than 12 months at any time;

may continue despite the rules in this Plan, under Section 10 of the Act.

However, this protection does not apply where:

- (a) any reconstruction, alteration or extension to any building increases the degree of non-compliance with the rules in this Plan affecting buildings; or
- (b) the land use is of a kind that is regulated by land use rules in this Plan that are regional rules.

### **1.8.2 Regional Rules**

The regional land use rules in this Plan regulate:

- (a) land uses involving the storage, use or disposal of hazardous substances (Section 16.7);
- (b) land uses in the beds of rivers and lakes (Part IV).

Where any land use activity contravenes any of the regional rules in this Plan as listed above, and the activity:

- (a) is lawfully established at the date of notification of Parts I and II of the Plan (25 May 1996) or notification of any relevant variation or change; and
- (b) whose effects are the same or similar in character, intensity and scale as they were before that date; and
- (c) has not been discontinued or stopped for more than 6 months;

then the activity may continue until the relevant regional rule is operative, under Section 20A of the Act. However, a land use consent must be applied for the activity within six months of the operative date of the relevant regional rule. Any lawful continuation of the activity after this point will depend on Council's decision on the application.

Rules contained in the following parts of this Plan, are also regional rules:

Part III (Coastal Marine Area)  
Part IV (Rivers and Lakes)  
Part V (Water)  
Part VI (Discharges).

All existing uses of the coastal marine area or the beds of rivers or lakes, or existing water uses or discharges, are also protected to the limited extent described above for existing land uses affected by regional rules, under Section 20A of the Act.

### **1.8.3 Application of Rules in Coastal Margins**

Rules in Part II of the Plan relating to land use and subdivision apply landward of the line of mean high water springs. Rules in Part III of the Plan relating to the use of the coastal marine area apply seaward of the line of mean high water springs. This applies despite the existence of cadastral or land title boundaries extending or located seaward of the line of mean high water springs. The location of the line of mean high water springs, wherever it may be from time to time, determines whether land and subdivision or coastal marine area rules and other provisions (objectives and policies) of the Plan apply to any particular location.

Existing cadastral or title boundaries of coastal margins do not necessarily coincide with the line of mean high water springs. In some situations, erosion may have moved that line landward of title boundaries. In other situations, accretion of the shoreline may have formed dry land between a title boundary and that line. Land that is accreted remains unalienated Crown land unless it is incorporated into a land title.

At rivers and streams, the boundary of the coastal marine area is as described in Schedule 25C and, for significant rivers and streams, as shown on maps 190 – 225.

## 1.9 ARRANGEMENT OF RULES IN THE PLAN

### 1.9.1 General

Most of the rules in this Plan are arranged in sets of two or three rules dealing with the same type of activity. Often, there are two rules in a set, consisting of a permitted activity rule followed by a discretionary activity rule. To find out whether a particular activity is a permitted activity, controlled activity, discretionary activity or non-complying activity, the activity must be tested in turn against the conditions, stated in each of the rules within the relevant set of rules until it reaches a rule where it complies with all of the relevant conditions. That rule governs the activity.

This arrangement of rules is called a “cascade”. To illustrate how the cascade works, consider the following (fictional) pair of rules:

#### # Permitted Activities (Poultry Keeping)

##### Example

Rule 1. Poultry keeping is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) No more than six hens are kept.
- (b) No rooster is kept.

#### # Discretionary Activities (Poultry Keeping)

##### Example

Rule 2. Poultry keeping that does not comply with the conditions for a permitted activity is a discretionary activity, if it complies with the following conditions:

- (a) No rooster is kept.

Example Rule 1 tells the reader whether a particular poultry-keeping proposal is a permitted activity or whether a resource consent is required. A poultry-keeping activity that complies with conditions (a) and (b) is permitted without a resource consent. A resource consent is required if the proposal contravenes either condition (a) or (b) of Rule 1.

Example Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1. Example Rule 2 tells the reader what kind of resource consent application has to be made. In this example, it will be either a discretionary activity application or a non-complying activity application. It will be discretionary if the proposal complies with the conditions stated in Rule 2 and non-complying if it does not. Rule 2 has only one condition, (a), and therefore if the proposal does not involve the keeping of a rooster, it will be treated as a discretionary activity. This is illustrated in Figure 1.9A.

**Figure 1.9A: Illustration of Cascade**

ILLUSTRATION OF CASCADE, FOLLOWING EXAMPLE RULES 1 AND 2			
Question	Complies with Rule 1?	Complies with Rule 2?	Conclusion
Can I keep 5 hens?	Yes	*	It is a permitted activity
Can I keep 50 hens?	No - Breaks 1(a)	Yes	Application must be made for a resource consent for a discretionary activity
Can I keep a rooster?	No - Breaks 1(b)	No - Breaks 2(a)	Application must be made for a resource consent for a non complying activity

\* Not applicable. Rule 2 only needs to be considered if the proposed activity does not comply with Rule 1.

Keeping of five hens would comply with Example Rule 1, but not 50 hens or a rooster. Keeping of 50 hens (or indeed 5,000 hens) would comply with Example Rule 2, but keeping a rooster would not.

Note that compliance with the conditions for a discretionary activity does not mean that a resource consent will be granted by the Council. It only means that the resource consent application will be processed as a discretionary activity and not as a non-complying activity. The Council retains discretion to decline consent, depending on all the circumstances.

In this example, there is no possibility of the activity being a controlled activity, as there is no controlled activity rule in the relevant set of rules.

The flow charts in Figure 1.9B illustrate two arrangements of sets of rules. The flow chart on the left shows the most common arrangement in the Plan, with two rules in the set, a permitted activity rule and a discretionary activity rule. Example Rules 1 and 2 conform to that pattern. The flow chart on the right of Figure 1.9B contains no permitted activities, but starts with controlled and goes to discretionary. This pattern is used for subdivisions. Other patterns are used in the Plan, although not illustrated. A set of rules may contain three rules, with permitted, controlled and discretionary activity rules. In every case the opening words of the later rules indicate their relationship to rules earlier in the cascade.

**1.9.2 Prohibited Activities**

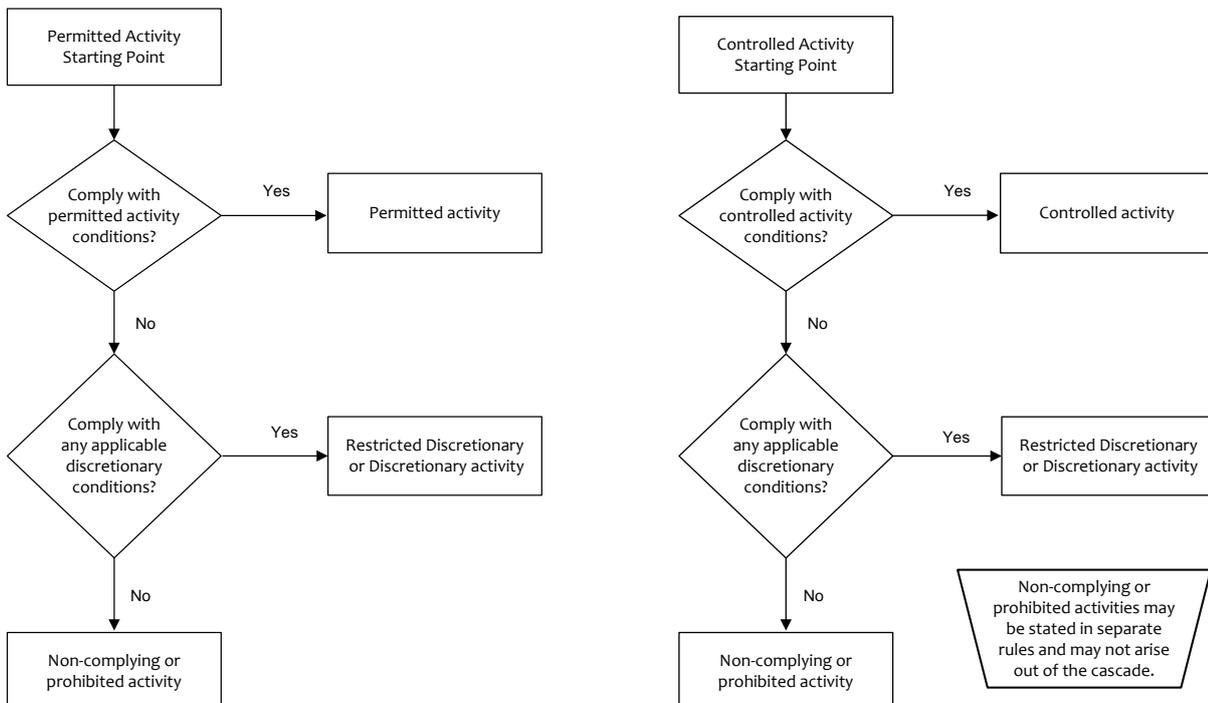
Prohibited Activities are dealt with separately from the cascade. Prohibited activities only arise from specific rules in the format of the following (fictional) rule:

**# Prohibited Activities (Tiger Keeping)**

**Example**

Rule 3 Keeping of tigers in the Antelope Protection Area is a prohibited activity for which no resource consent will be granted.

**Figure 1.9B: Cascade of Rules**



## 1.10 HOW TO USE THE PLAN

There are many types of enquiry that can be made about the contents of the Plan. The tables of contents and index will provide a ready reference to find the relevant Plan provisions dealing with specific topics.

For enquiries of the type, “what activities are permitted on my property?”, the following steps are suggested.

Step 1: Locate the property on the planning maps. Be aware that there may be more than one map that covers the property.

**It is essential to look at the map which is the largest scale for the area you are looking at. The largest scale map contains all the relevant information, including detail on whether the map is operative or not.** The larger scale maps show smaller areas, with greater detail.

1. On the **Zone** maps (in Part II), note the following:

The **zone** the property is in. Only one zone applies to any piece of land. There are some rules that deal with properties close to the boundaries between zones, so it is useful at this stage to note from the maps if the property is near a zone boundary.

2. On the **Area** maps (in Parts II, III and VI), note the following:

(a) Any **areas** that apply to the property. A property may be in more than one area; for example, all properties in St Arnaud are in a Landscape Priority Area and in Land Disturbance Area 1.

(b) Any **symbols** on the property, for example heritage buildings or designations. Note the numbers attached to the symbols, where applicable.

**NOTE: To check for the presence of any cultural heritage site on the property, refer to the Cross-Reference to Cultural Heritage Sites (at the beginning of Part II) which will refer you to the relevant Cultural Heritage Sites map(s) at the end of Part II.**

3. On the **Special** maps, note any of the following features, if applicable:

In Part II: Road hierarchy, landscape units in the coastal Tasman area, and cultural heritage sites

In Part III: Aquaculture Management Areas, natural ecosystem values, and river mouth and coastal marine area boundaries

In Part V: Water management zones and soil areas

In Part VI: Water classifications, Fire Sensitive/Ban Areas, obstacle limitation surface (Nelson Airport)

Step 2: Find the rules relating to the relevant zone in Chapter 17. You need only look at the rules for the zone the property is in. Where a development relates to a number of properties in different zones, obviously each property will be governed by the rules of the zone it is in.

Step 3: Find the rules relating to the relevant special areas in Chapter 18. The rules for every special area in which the property is mapped will be applicable in addition to the zone rules.

Step 4: Find the rules relating to any symbols on the maps. For example, provisions relating to designations are contained in Part II – Appendix 1. There is a series of figures (tables) which contains details for each designated site. Rules relating to heritage buildings, specimen trees and cultural heritage sites are contained in Chapter 16. Schedules contain further information relating to the symbols on the maps.

Step 5: Find the rules relating to the general effects of any proposed activity in Chapter 16. Look at the Table of Contents to Chapter 16 and consider whether the topics listed are relevant to the proposed activity. More than one section of Chapter 16 may be applicable. For example, a development may involve an outdoor sign, it might generate traffic and it might involve storage of hazardous substances. In that case, the rules in all of the relevant sections of Chapter 16 need to be considered.

Step 6: Consider the cumulative effect of all the relevant rules. Note that not all rules will apply to a particular activity and, in some cases, exceptions to rules have been stated. If the proposed activity is a permitted activity under one rule and a resource consent is required by another rule, then a resource consent is required for the whole activity. Where rules impose different standards in relation to the same matter (e.g. different building setback distances) the more stringent standard will have to be complied with.

For activities that involve the foreshore or coastal marine area, see Chapter 25 rules.

For activities that take place on the surface of the waters or on the beds of rivers or lakes, see Chapter 29 rules.

For activities that involve taking, using, damming or diverting water, see Chapter 31 rules.

For activities that involve discharges to land, air or water, see Chapter 36 rules.

Some developments and uses will be subject to rules in several sections of this Plan. All relevant rules or consent requirements must be met for the development or use to proceed.

For activities relating to any National Environmental Standard refer to that standard for any additional requirements (see Schedule 1.1).

If you are not sure, ask the planning staff at Tasman District Council service centres to help.

**Schedule 1.1: List of National Policy Statements, National Environmental Standards and Section 360 Regulations in Force under the Resource Management Act as at 11 September 2021****1.1.1 National Policy Statements**

National Policy Statement on Electricity Transmission 2008  
New Zealand Coastal Policy Statement 2010  
National Policy Statement on Renewable Electricity Generation 2011  
National Policy Statement on Urban Development Capacity 2016  
National Policy Statement for Freshwater Management 2020

**1.1.2 National Environmental Standards**

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (SR 2007/396)  
Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (SR 2016/281)  
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (SR 2009/397)  
Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (SR 2004/309) (as at 1 June 2011)  
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (SR 2011/361)  
Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (LI2017/174)  
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (LI 2020/174)  
Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021 (LI 2021/107)

**1.1.3 Section 360 Regulations**

Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991  
Resource Management (Exemption) Regulations 1996  
Resource Management (Marine Pollution) Regulations 1998 (Annex 1 to Part VI of the Plan)  
Resource Management (Infringement Offences) Regulations 1999  
Resource Management (Forms, Fees, and Procedure) Regulations 2003  
Resource Management (Discount on Administrative Charges) Regulations 2010  
Resource Management (Exemption) Regulations 2017  
Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020  
Resource Management (Stock Exclusion) Regulations 2020

All the national policy statements are available from the website of the Ministry for the Environment at: <http://www.mfe.govt.nz/rma/rma-legislative-tools/national-policy-statements>

All the national environmental standards and Section 360 regulations are available from the website for government legislation at: <http://www.legislation.govt.nz>

**Schedule 1.2: List of Planning Documents Recognised by an Iwi Authority and Lodged with Council as at 15 December 2018**

Pakohe Management Plan, Te Runanga o Ngati Kuia, 2015

Ngai Tama ki te Waipounamu Trust Environmental Management Plan 2018

## CHAPTER 2: MEANINGS OF WORDS

### 2.1 INTRODUCTION

This chapter defines the words used in this Plan. Words and meanings defined in the Resource Management Act are adopted and are repeated in Section 2.2 in *italics type*, for the convenience of the reader. The words shown in **bold type** in Section 2.2 have the special meanings indicated throughout this Plan, unless the context requires otherwise.

Cross-references are not exhaustive, but are included occasionally for the assistance of readers.

Headings and subheadings of Plan provisions do not affect the interpretation of the Plan.

Singular expressions include the plural, and plural expressions include the singular.

### 2.2 DEFINED WORDS

**10-year drought** – means a drought where low rainfall, river flows or soil moisture conditions (depending on which of these bases is chosen for calculation) can be expected to occur on average once every 10 years; in any year there is a 10 percent probability that a 10-year drought may occur.

#### A

**Abrasive blasting** – means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air, steam, or water, or by a wheel, but does not include grinding by hand-operated machinery.

**Abrasive blasting enclosure** – means an enclosure into which people enter to carry out abrasive blasting. It is constructed in such a manner that dust is not emitted into the atmosphere, it is ventilated by a powered extraction system and is fitted with appropriate dust control equipment.

**Access** – means a practical permanent vehicular and pedestrian access from a formed road to a site over either:

- (a) land that is included within the site; or
- (b) other land pursuant to an easement of right-of-way running with the land and appurtenant to the site.

*Access strip* – means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in the First Schedule to that Act).

**Accessway** – means a corridor with a path for mobility scooters, pedestrians and cyclists linking between road to road or road to public places.

C69 6/19  
Op 6/20

**Accessory building** – means any separate building the use of which is incidental to, and coexistent with, the use of a principal building, or activity on a site, and includes a sleepout, studio, garage or carport, garden shed, glasshouse, swimming pool, shed used solely as a storage area, or other similar structure.

**Act** – means the Resource Management Act 1991.

**Additive species** – means species for which material is added to the water column, or directly to stock, including feed.

RCP  
Op 10/11

**Adjoining land** – includes land that is separated from any other land only by a title boundary, road, drain, water race, river, or stream.

**Aerial** – means an antenna or similar communication device formed by a rod, wire, dish or other structure by which radio, telephone or electromagnetic signals are transmitted, received or broadcast from. It includes any support structure and guy wires. An aerial may include a single mast or pole supporting several antennae. Where the wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

**Aerial display** – means any display of advertising material on or attached to a balloon, blimp or similar device that is tethered to the ground but otherwise free to move, and includes searchlights and laser light displays.

**Affiliated to** - in relation to the Waimea Community Dam, means the exercise of a permit to take and use water is linked to the release of a sufficient quantity of water from the Waimea Community Dam and is demonstrated by the provision by the holder of the permit of either:

C54 9/15  
Op 9/16

(a) a water supply agreement;

or

(b) any other agreement such that the requirements of an applicable water permit held by the person to take and use water can be satisfied with respect to releases of water from the Dam;

and **affiliated permit** and **affiliation** have corresponding meanings.

**All weather standard** – in relation to any road, means construction of the carriageway by excavation to a sound subgrade, backfilling and compaction to an adequate drainage gradient with graded aggregate, resulting in a carriageway that is usable by motor vehicles under all weather conditions.

**Allocation limit** – means the maximum quantity that is able to be allocated in water permits and abstracted during November to April, expressed in litres per second and calculated as the sum of weekly maximum water permit allocations for a river, aquifer or management zone. For the Moutere Groundwater zones, allocation limits based on annual recharge of the aquifers are also the maximum quantity that is able to be allocated in water permits and abstracted during each year, expressed in cubic metres per year, and is calculated as the sum of maximum water permit allocations for each groundwater zone. Both limits must be complied with.

C12 7/08  
Op 8/14

**Allotment** – means:

(a) *any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:*

(i) *the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or*

(ii) *a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or*

(b) *any parcel of land or building or part of a building that is shown or identified separately:*

(i) *on a survey plan; or*

(ii) *on a licence within the meaning of Part I of the Companies Amendment Act 1964; or*

(c) *any unit on a unit plan; or*

(d) *any parcel of land not subject to the Land Transfer Act 1952.*

*The balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.*

**Ambient air quality** – means the air outside buildings or structures and does not refer to indoor air, to air in the workplace, or air that is enclosed or sheltered in a way that makes it untypical of the air in the surrounding area.

**Amenity planting** – means plants ranging from grass to trees, in an area of ground that is set aside and maintained to nurture those plants. The area may include ornamental features, and may be less than the full extent of tree canopy, drip line, or root spread.

C10 10/07  
Op 4/13

*Amenity values* – means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

**Animated sign** – means a sign that moves, has a message that moves, gives the effect of a moving display or has a moving attachment aimed at drawing attention to the sign, but does not include small, loosely attached discs which give a rippling effect when moved by the wind.

**Annual Exceedance Probability or AEP** - means the probability that an occurrence or event, including any natural hazard, that is greater than a given size, happens within a period of a year.

C66 10/17  
Op 12/18

**Appleby Gravel Zone** - means the surface waters and groundwater in alluvial gravels comprising the Appleby Gravel Unconfined Aquifer at depths up to 15 metres within the area shown on the planning maps as Appleby Gravel Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Appropriately competent person** - in relation to any specification of a professional or technical area of competence for a person, means that by virtue of the combination of professional or technical qualifications and experience held, the person has a level of competence recognized by Council under an independently audited process, to be sufficient for the purpose specified.

C21 8/10  
Op 1/15

**Aquaculture** – means any:

- (a) physical modification or disturbance of the foreshore or seabed; or
- (b) placement of any structure in, on, or over foreshore or seabed, or in the water column; or
- (c) occupation of foreshore, seabed, water column, or water surface; or
- (d) introduction or planting of any exotic plant;

for any of the activities of enhancement, breeding, hatching, cultivating, rearing, or ongrowing of fish, shellfish, aquatic life or seaweed for harvest; where the purpose of that activity is marine farming or the catching or holding of spat; and whether the activity is investigative, experimental, or commercial in nature.

**Aquaculture activities** – means marine farming or spat catching or both.

RCP  
Op 10/11

**Aquaculture Exclusion Area** – means all parts of the coastal marine area of the District except:

- (a) the following subzones within the Aquaculture Management Areas (AMAs) shown on the planning maps:

AMA 1: subzones (a) – (d);  
AMA 2: subzones (a) – (q);  
AMA 3: subzones (a) – (l); and

- (b) the Wainui Bay mussel farming sites as shown on the planning maps.

RCP  
Op 10/11  
C61 3/16  
Op 12/19

**Aquaculture Management Area (AMA)** – means that area shown on the planning maps and identified as an Aquaculture Management Area, and subject to all applicable rules of this Plan.

RCP  
Op 10/11

**Aquifer** – means an underground water-bearing formation, yielding economic quantities of water.

**Aquifer Contamination Risk Area** – means that area where there is:

- (a) alluvium (i.e. sand and gravel material transported and deposited by a river) deposited during the Quaternary Period on river terraces and floodplains; or
- (b) coastal sands or gravels deposited during the Quaternary Period through coastal processes; or
- (c) karst terrain;

and where underlying groundwater is unconfined or connected to an aquifer, a surface water body or coastal water.

**Archaeological site** – means any place in New Zealand that:

C16 9/09  
Op 8/12

- (a) Either:
  - (i) was associated with human activity that occurred before 1900; or
  - (ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

**Artificial shelter** – means a structure used to protect crops or enhance growth, including shade cloth and greenhouses.

C60 1/16  
Op 5/19

**Artificial watercourse** - means a constructed watercourse that contains no natural portion from its confluence with a river or stream to its headwaters and includes any:

C17 2/10  
Op 4/13

- (a) irrigation canal;
- (b) water supply race;
- (c) canal for the supply of water for electricity power generation;
- (d) roadside drain (or water table or culvert) that is constructed alongside or under roads used by vehicles and has as its primary function the drainage of surface water from the road;
- (e) farm drainage canal.

## B

**Base quantity (B)** – means the amount (mass in tonnes or cubic metres measured at 101.3 kilopascals and 20 degrees Centigrade for compressed gases) of any hazardous substance that has been assessed as generating no significant off-site effects on a notional heavy industrial site before site and substance specific consideration have been taken into account.

**Bed** – means:

- (a) *In relation to any river:*
  - (i) *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;*
  - (ii) *in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and*
- (b) *In relation to any lake, except a lake controlled by artificial means:*
  - (i) *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;*
  - (ii) *in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and*
- (c) *In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and*
- (d) *In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.*

**Benefits and costs** – includes benefits and costs of any kind, whether monetary or non-monetary.

**Berm land** – means land located between the bank of a river and a stopbank on the same side of the river, and includes the land between the western Peach Island stopbank and West Bank Road.

**Best practicable option** – in relation to a discharge of contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to: (a) *the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*

(b) *the financial implications, and the effects on the environment, of that option when compared with other options; and*

(c) *the current state of technical knowledge and the likelihood that the option can be successfully applied.*

**Biological corridor** – means a natural area that serves as a conduit for the movement of indigenous plants and animals, between two or more natural areas.

**Blading** – means any method of land disturbance over a more or less continuous area undertaken by the use of a blade mounted on a tractor or bulldozer.

**Boat** – refer to definition of ‘Ship’.

**Bona fide use** only applies to water permits that have been exercised in the five years prior to permit expiry. The *bona fide* quantity of water that will be granted to an applicant for a water permit must reflect actual and reasonable past use and:

C54 9/15  
Op 9/16

(a) Except as provided in (d), the bona fide use quantity will be determined by data provided through water meter returns, taking into account any reduction in use caused by water rationing requirements imposed by the Council;

C45 4/13  
Op 9/15

(b) Except as provided in (d), for irrigation the Council will also take into account:

(i) the area being irrigated;

(ii) the existence and availability of plant and equipment required to irrigate the area up to rates specified in Figure 31.1D;

(iii) the amount of rainfall that occurred during past irrigation seasons and whether that reflected exceptionally dry or wet periods, and the impact that had on normal irrigation water demand;

(iv) any actual or proposed changes in crop type;

(v) any likely future change in crop water demand resulting from the maturing of young crops;

(vi) variations in water demand resulting from crop rotations;

(c) For community water supplies, the Council will also take into account any growth in the area serviced, or changes in nature or pattern of water use;

C54 9/15  
Op 9/16

(d) In zones where the total amount allocated exceeds the water allocation limit or target, bona fide use will be as specified in the applicable rule.

**Bore** – means any pipe, cylinder, or hole inserted or drilled into the ground to access or investigate any natural resource, including water, oil or minerals, and including geological and geotechnical investigations; and includes a well or an infiltration gallery.

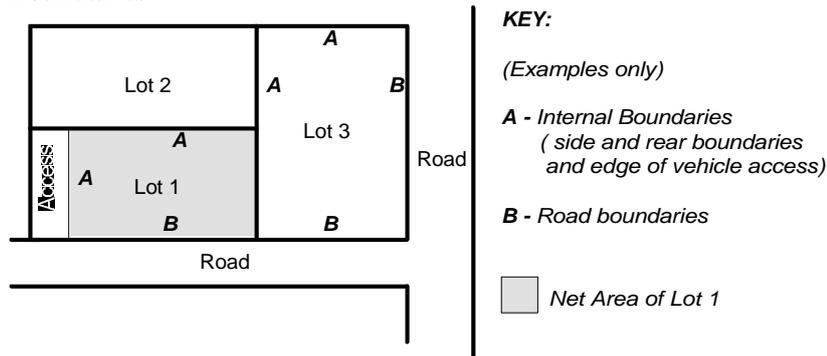
**Bore field** – means two or more bores within a circle with a diameter of up to 300 metres, in the same water management zone for which the taking of water is subject to the same water permit.

C13 12/08  
Op 8/14

**Bore log** – means a record of the rock and soil encountered in a bore hole from the surface to the bottom, including description of the water-bearing nature of strata encountered, including results and any lithological tests, flow tests, and water quality tests of water taken from the bore.

**Boundary** – means any boundary of the net area of a site and includes any road boundary, side or internal boundary.

**Boundaries:**



**Boundary adjustment** – means a subdivision of existing sites that does not result in any additional sites and adjusts the common boundary between two or more sites. In relation to boundary adjustments, sites are those that have been created by a previous subdivision consent or equivalent approval.

C60 1/16  
Op 5/19

**Brightwater Development Area** – means the area between State Highway 6, Pittfure Stream and Lord Rutherford Road as shown on the planning maps.

C75 9/22  
(D6/22)

**Building** – means any structure (as defined in the Act) or part of a structure whether temporary or permanent, movable or immovable, including accessory buildings but does not include:

- (a) coastal protection structures C22 2/11 Op 1/15
- (b) any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- (c) fences, walls or retaining walls of up to 1.8 metres in height, not used for advertising or for any purpose other than as a fence or wall;
- (d) structures that are both less than five square metres in area and less than 1.2 metres in height, except where such structures are for the purposes of damming, diverting, taking, or using water;
- (e) free-standing masts, towers, pylons, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 10 metres above mean ground level;
- (f) fan blades of any tower-mounted frost protection device; C14 5/09 Op 8/12
- (g) any vehicle, trailer, tent, caravan or boat whether fixed or movable, unless it is used as a place of long term accommodation (for two calendar months or more in any year), business or storage;
- (h) overhead lines;
- (i) in relation to any building setback requirement, any eaves, spouting, or bay windows projecting 1 metre or less from any exterior wall.

**Building coverage** – means the portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, but excludes:

- (a) eaves, spouting or bay windows projecting one metre or less from any exterior wall;
- (b) uncovered terraces, decks or swimming pools;
- (c) pergolas or satellite dishes;
- (d) fences, walls or retaining walls.

**Building Location Area** – means an area within an allotment identified as approved on an approved subdivision plan and within which all buildings are to be located.

C31 8/10  
Op 1/15

## C

**Cable hauling** – means any method of removing logs or trees that uses winches and cables to convey logs or trees to a field tower, on or over the surface of the ground.

**Carriageway** – means that portion of a road devoted particularly to the use of motor vehicles; from the face of kerb to face of kerb in an urban situation, and includes the shoulders where there is no kerb.

**Central Business Zone** – means that area of land displayed on the planning maps of this Plan and identified as Central Business Zone and subject to all applicable rules.

**Central Plains Zone** – means the surface waters and Motueka Gravel Aquifer within the area shown on the planning map as Central Plains Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone. C13 12/08  
Op 8/14

**Character** – means particular distinctive qualities or traits.

**Chimney** – means any structure designed for venting the airborne products of combustion upwards and above the ceiling height of the topmost floor of the building to which it is attached, and **stack** has a similar meaning.

**Coastal environment** – includes the coastal marine area, land above the coastal margin that is affected by coastal processes, resources and issues, and all associated plants, animals, and structures.

**Coastal Marine Area** – means the foreshore, seabed, and coastal water, and the air space above the water: RCP  
Op 10/11

- (a) of which the seaward boundary is the outer limits of the territorial sea;
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
  - (i) one kilometre upstream from the mouth of the river; or
  - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

**Coastal permit** – means a consent to do something in a coastal marine area that otherwise would contravene any of sections 12, 14, 15, 15A and 15B of the Act.

**Coastal protection structure** - means a seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure or modification to the seabed, foreshore or land adjacent to the coast that has a purpose or effect of protecting land from a coastal hazard, including seawater inundation or erosion. D 3/12  
Op 1/15

**Coastal water** – means seawater within the outer limits of the territorial sea and includes: RCP  
Op 10/11

- (a) seawater with a substantial fresh water component; and
- (b) seawater in estuaries, fiords, inlets, harbours, or embayments.

**Commercial** – means involving the payment of fees for hire or reward.

**Commercial activity** – means the use of land and buildings for the primary purpose of display, offering, provision or the sale or hire of goods, equipment or services. A commercial activity includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, tourist accommodation, the sale of liquor and associated parking areas, but excludes community activities and home occupations. C60 1/16  
Op 5/19

**Commercial operations** – in relation to Mooring Areas means the use of a craft for commercial activities, but does not include activities that are auxiliary to commercial activities undertaken inside the Mooring Area, e.g., cleaning and maintenance. C72 6/20  
(D 10/21)  
Op 7/22

**Commercial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Commercial Zone and subject to all applicable rules.

**Community activity** – means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational and temporary military training activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors' surgeries and other health professionals, churches, halls, libraries, community centres, stations (including police and fire stations), courthouses, and probation and detention centres. C60 1/16  
Op 5/19

**Community water supply** – means a reticulated water supply of potable water to a number of water users primarily for domestic household supply and may include industrial and commercial uses.

**Compact density development** – means residential development in the Richmond South, Richmond West, Brightwater, Wakefield, and Mapua Special development areas and the Motueka West Compact Density Residential Area that is two or more dwellings on any site, and where the buildings and open space, parking, storage, and amenity values, including privacy and outlook, have been planned and designed comprehensively. C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C66 10/17 Op 12/18  
C75, 9/22  
(D 6/22)  
C76, 9/22

**Comprehensive residential development** – means a comprehensively planned and designed collection of three or more dwellings on one site.

*Conditions* – in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

**Consent status index** – means numerical values of any total quantity ratio that are used to determine the consent status of a hazardous facility.

**Conservation Zone** – means that area of land displayed on the planning maps of this Plan and identified as Conservation Zone and subject to all applicable rules.

**Construction** - in relation to the Waimea Community Dam, means the commencement of site works, including earthworks, in the exercise of resource consent RM140553 to enable the construction of the Dam to proceed. C54 9/15  
Op 9/16

**Consumptive use** – means any use of fresh water that alters the flows and or levels in a water body on either a temporary or permanent basis, but excludes any use that: C13 12/08  
Op 8/14

- (a) substantially returns fresh water to the same water body at or about the same location; and
- (b) does not affect the spatial or temporal availability, or the physical, chemical or biological quality of the fresh water.

For the purposes of allocation limits and specified rationing provisions in the rules, the term 'consumptive use' does not apply to water used in hydro-electric power generation or water diversions which substantially return the water used to the same water body. C13 12/08  
Op 8/14

For avoidance of doubt, non-consumptive use is water use that does not meet these specifications for consumptive use. C54 9/15  
Op 9/16

**Contaminant** – includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

**Contaminated site** – means a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses or is likely to pose an immediate or long-term hazard to human health or to the environment.

**Contractor** – in relation to discharge of pesticides, means any person who, by agreement with the owner, occupier, or manager of any land, applies or causes to be applied any pesticide for hire or reward, but does not include any employee, owner, occupier, or manager of or in relation to the land to which the pesticide is to be applied.

**Controlled Activity** – means *an activity for which a resource consent is required for the activity and-*:

- (a) *the consent authority must grant a resource consent except if-*
  - (i) *section 106 applies; or*
  - (ii) *section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies; and*
- (b) *the consent authority's power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environment standard, or otherwise; and*
- (c) *the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan. [RMA 1991 s.87A(2)]*

**Cooperative living** – means the use of land and buildings, including three or more dwellings, where a legal arrangement exists for the collective ownership or use of the land and buildings.

C60 1/16  
Op 5/19

**Correction factor** – means an adjustment applied where the sound climate has a special audible characteristic (tonal or impulsive) and where the L10 performance standard is reduced arithmetically by 5 dBA for comparison with the measured L10 level of the sound climate.

**Council** – means the Tasman District Council.

**Craft** – refer to definition of 'Ship'.

RCP  
Op 10/11

**Cultural heritage precinct** – means an area of land containing a high incidence of individually recorded cultural heritage sites which may overlap, and a high likelihood of previously undiscovered material being encountered between listed sites due to known historical occupation, and which is listed in Schedule 16.13C.

C16 9/09  
Op 8/12

**Cultural Heritage Site** – means historic heritage that is:

- (a) an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) an archaeological site that is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand, although the site was associated with human activity that occurred after 1900; or
- (c) a wahi tapu or wahi tapu area as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

C16 9/09  
Op 8/12

**Cut-off** – means a constructed collection or diversion channel for the purpose of carrying surface run-off water away from bare ground and towards stable areas or into rivers.

## D

**Dam** - means a structure that dams water including a weir, and includes the associated parts of the dam such as any embankment, spillway, associated pipes, and the area covered by the impounded water at the highest level.

C17 2/10  
Op 4/13

**Damage** – in relation to soil, means any physical, biological, or chemical change that may adversely affect the productive value or physical stability of soil.

**Day care facility** – means land or buildings used for the care during the day of dependent persons, other than those residing on the site.

**dBA** – means the A-frequency-weighted sound pressure level in decibels relative to a reference sound level of 20 micropascals, as described in NZS 6801:1991, Clause 2.1, definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting and sound level.

**Debris** – means coarse or large fragments of disturbed rock or soil and may include organic matter.

**Delta Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning map as Delta Zone and including the coastal margin and subject to all applicable rules.

**Designation** – means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168, section 168A or clause 4 of the First Schedule.

**Discharge** – includes emit, deposit, and allow to escape.

**Discharge permit** – means a consent to do something (other than in a coastal marine area) that otherwise would contravene section 15 of the Act.

**Discretionary activity** – means an activity for which a resource consent is required for the activity and-

- (a) the consent authority may decline the consent or grant the consent with or without conditions; and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Disposal field** – in relation to domestic wastewater, means the design land application area plus the reserve area set aside for future land application in case of partial or total failure of the design area.

**District** – means the Tasman District or the Tasman Region.

**District rule** – means a rule made as part of a district plan or proposed district plan in accordance with section 76.

**Domestic quantity** – in relation to hazardous substances, means the amount of hazardous substance that is stored in a package designed for domestic use.

**Domestic wastewater** – means any wastewater from a residential activity and includes wastewater from toilets, greywater, a mixture of wastewater from toilets and greywater, and wastewater of similar character from other premises.

**Domestic water supply** – means the water usage of an individual home or household, including the needs of domesticated animals and of a household vegetable garden where the production of the garden is for that household's personal consumption.

**Drainage water** – means any fresh water that as a result of percolation through the ground is collected by any drainage channel before discharge.

**Dry abrasive blasting** – means abrasive blasting using materials to which no water has been added.

**Dust** – means all solid particulate matter that is suspended in the air, or has settled after being airborne. By way of example, “dust” may be derived from sand, cement, fertiliser, coal, soil, paint, ash, animal products, or wood.

**Dwelling** – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where “single self-contained housekeeping unit” means a single integrated set of sleeping, ablution, and cooking facilities under a continuous roof and fully enclosed walls). A **minor dwelling** is a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the minor dwelling the total area of the building is no more than 120 square metres.

C60 1/16  
Op 5/19

## E

**Earthworks** – means any modification to the shape of the ground surface by movement or removal of soil and includes excavation, infilling, recontouring, and construction of any road, track, embankment, or drainage channel.

**Eastern Hills Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Eastern Hills Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Educational facility** – means any land or buildings, or both, used for the provision of regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes their ancillary administrative, cultural, recreational and commercial facilities and activities.

**Elderly persons housing** – means two or more dwellings used for the accommodation of elderly persons.

**End-hauling** – means a technique of track, road or landing construction that requires the transport of spoil to a disposal area away from the site of construction in circumstances where disposal by sidecasting is not appropriate.

**Environment** – includes:

- (a) *ecosystems and their constituent parts, including people and communities; and*
- (b) *all natural and physical resources; and*
- (c) *amenity values; and*
- (d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

**Equivalent Car Movements (ECMs) per day** (averaged over three months) – is defined as follows:

C70 8/19  
Op 12/20

- (a) One car to and from the property = two equivalent car movements.
- (b) One truck to and from the property = six equivalent car movements.
- (c) One truck and trailer to and from the property = ten equivalent car movements.

**Esplanade reserve** – means a reserve within the meaning of the Reserve Act 1977:

- (a) *which is either:*
  - (i) *a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or*
  - (ii) *a reserve vested in the Crown or a regional council under section 237D; and*
- (b) *which is vested in the territorial authority, regional council, or the Crown for one of the following purposes:*
  - (i) *to contribute to the protection of conservation values by, in particular:*
    - *maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
    - *maintaining or enhancing water quality; or*
    - *maintaining or enhancing aquatic habitats; or*

- *protecting the natural values associated with the esplanade reserve or esplanade strip; or*
  - *mitigating natural hazards; or*
- (ii) *to enable public access to or along any sea, river, or lake; or*
- (iii) *to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

**Esplanade strip** – means a strip of land created by the registration of an instrument in accordance with section 232 for one or more of the purposes given for an esplanade reserve.

**Event** – means any use of land or buildings that is of a non-repetitive, transient or intermittent nature of limited duration, and includes sporting events, galas, market days, carnivals, shows, festivals, concerts and similar events. C60 1/16  
Op 5/19

**Exercised** – in relation to a resource consent, means used in accordance with the conditions of a consent.

**Existing forest** – in relation to the groundwater recharge protection area, means any area of plantation forest existing or planted as at 25 May 1996, and includes any area of indigenous forest.

**Extractive species** – means species which extract food that occurs naturally in the water column (e.g. plankton) or seabed. RCP  
Op 10/11

## F

**Farm drainage canal (or ditch)** - means an artificial watercourse that: C17 2/10  
Op 4/13

- (a) is entirely constructed for rural land drainage purposes, with no part being a natural or modified watercourse or river; and
- (b) does not incorporate naturally occurring bodies of surface freshwater.

A farm drainage canal is usually constructed to enhance production from farm land by improving land drainage.

**Fault Rupture Risk Area** – means the area encompassing active fault systems in the District and shown on the planning maps as Fault Rupture Risk Area and subject to all applicable rules. C21 8/10  
Op 1/15

**Fertiliser** – means a substance which is described as or held out to be for sustaining or increasing the growth, productivity or quality of plants or animals through application of essential nutrients to plants or the soil, but it does not include materials discharged or applied as part of a waste treatment or disposal process.

**Field crop** – in relation to allocation of water for irrigation, means a crop or plants grown outdoors where the soil is in situ.

**Fill** – means soil or debris removed from the ground and deposited in another position.

**Fire Ban Area** – means that area of land displayed on the planning maps of this Plan and identified as Fire Ban Area and subject to all applicable rules.

**Fire Sensitive Area** – means that area of land displayed on the planning maps of this Plan and identified as Fire Sensitive Area and subject to all applicable rules.

**Flood Flow Path** - means the course or route taken by floodwater in not only a natural channel or watercourse, but also that taken by surface water flow resulting from the exceedance of primary watercourse or pipe network capacity or failure during periods of intense or prolonged rainfall. Such a course or route will be determined by local topography, including features on the land such as solid fences, buildings, or raised garden beds; and may be naturally occurring (e.g., river berm) or be specifically formed for the purpose of avoiding or limiting flood hazard on, or floodwater damage to, adjacent land or development. C57 11/15  
Op 12/18

**Flood plain** – means any land surface which is likely to be subject to flooding from an adjacent river or stream and includes the surface of alluvial fans.

**Flowpath** – means the path that is taken by water during a rainfall event.

C5 3/06 Op 10/10

**Formed legal road** – means a road located in legal road reserve, with a carriageway not less than 3.5 metres wide and constructed to an all-weather standard.

C69 6/19  
Op 6/20

**Ford** - means a structure that is permanently or frequently overtopped by water within the bed of a river and that provides a hard surface for the purpose of enabling people, livestock or vehicles to cross the river and does not mean a crossing for vehicles where there is no structure. **Ford** includes a structure like “Baigent Bridge” that is designed to be overtopped.

C17 2/10  
Op 4/13

***Foreshore** – means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.*

RCP  
Op 10/11

**Free-standing sign** – means a sign that is not mounted on a wall or building, and may be either permanently fixed to the ground by way of a support structure, or removable.

***Fresh water** – means all water except coastal water and geothermal water.*

**Frontage** – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation.

**Frost protection device** – means any machinery, equipment, or technique, whether fixed or portable (other than aircraft while airborne), that is used to protect crops from frost damage.

C14 5/09  
Op 8/12

**Full-time equivalent persons** – means the employment of a person or persons for an average total of six hours per day assessed over any 14-day period.

**Fully exercised** – in relation to any water permit to take water, means that the quantity of water specified on the permit was and continues to be used; and in relation to takes for irrigation of field crops, means that the land area specified on the permit is irrigated at rates up to those specified in Figure 31.1D.

**Fumigation** – means the enclosed use of toxic or poisonous gaseous substances for the purposes of pest or disease control or management.

## G

**Garage** – means a building or part of a building principally used for housing motor vehicles and other ancillary items owned by persons living on the site.

**Glen Rae Zone** - means the surface waters and groundwater in alluvial gravels within the area shown on the planning maps as Glen Rae Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Golden Hills Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Golden Hills Zone and subject to all applicable rules.

**Greenhouse** – includes shadehouses, glasshouses, and buildings covered in translucent material, plastic, or glass and which are used for growing plants.

**Greywater** – means the wastewater from baths, showers, basins, laundries and kitchens.

**Greenway** - means the land within the Richmond South Development Area and the Richmond West Development Area identified on the planning maps as indicative reserve, that accommodates the area's primary open stormwater network function, in addition to open space and amenity values. C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14

**Gross floor area** – means the sum of the gross area of all floors of buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

**Gross leasable floor area (GLFA)** - means the sum of any floor areas (within the external walls of buildings) designed for tenant occupancy and exclusive use, including both freehold and leased areas. It includes any stock storage or preparation areas whether exclusive or not but excludes the following areas where these are common and not designed for rental: lift wells and stair wells including landing areas, corridors and halls, building service rooms, required parking areas. C10 10/07  
Op 3/14

**Ground level** – means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity.

**Groundwater** – means water occupying openings, cavities, or spaces in soils or rocks under the ground.

**Growsafe agrichemical rating** – means a rating that is administered by the New Zealand Agrichemical Education Trust and is awarded to pilots after successful completion of the Growsafe training course for pilots carrying out aerial application of pesticides.

**Growsafe standard certificate** – means a certificate that is administered by the New Zealand Agrichemical Education Trust, and is awarded following successful completion of the Growsafe Standard training course.

## H

**Habitable building** – means any building that is intended to be, or is capable of being: C31 8/10  
Op 1/15

- (a) routinely occupied; or
- (b) used as a dwelling.

**Hau Plains Zone** – means that part of the Motueka Gravel Aquifer to depths of less than 20 metres within the area shown on the planning maps as the Hau Plains Zone, including the coastal margin but not including surface waters such as Powley Creek, and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone. C13 12/08  
Op 8/14

**Hazardous facility** – means any activity on a site involving the use, storage, or disposal of any hazardous substance, and includes any installation or vehicle parked on the site that may contain any hazardous substance. Hazardous facility does not include:

- (a) the use or storage of any hazardous substance in domestic quantities; or
- (b) fuel in any motor vehicle, boat or small engine; or
- (c) gas and oil pipeline; or
- (d) trade waste sewer; or
- (e) any storage of milk in a farm dairy and any detergents or cleansers used and stored in that farm dairy; or

- (f) mobile tankers used for the transport of petrol, fuel oil or diesel; or
- (g) the temporary storage of up to 5,000 litres of petrol, fuel oil or diesel.

**Hazardous sub-facility** – means any hazardous facility that is separated by more than 30 metres from any other hazardous facility on the same site.

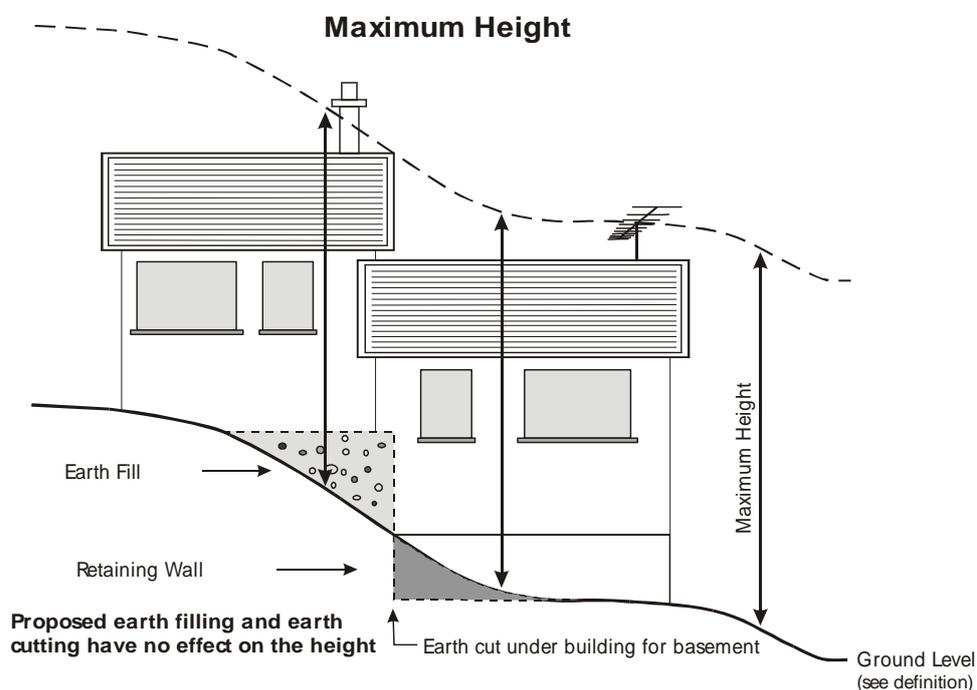
**Hazardous substance** – means:

- (a) any substance with one or more of the following intrinsic properties:
  - (i) explosiveness;
  - (ii) flammability;
  - (iii) a capacity to oxidise;
  - (iv) corrosiveness;
  - (v) toxicity (both acute and chronic);
  - (vi) ecotoxicity (adverse toxic effects on ecosystems or ecological communities, harmful to living organisms or ecosystems, with or without bioaccumulation (accumulation of a substance within the tissues of living organisms)); or
- (b) any substance which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition; or
- (c) a radioactive substance except when contained in smoke detectors.

**Height** – in relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

- (a) radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;
- (b) chimneys (not exceeding 1.1 metres in any direction); or finials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres.
- (c) solar panels, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 0.25 metres.

C73 12/20  
Op 6/23



**High productive value** – in relation to land, means land which has a combination of at least two of the following features, one of which must be (a): C60 1/16  
Op 5/19

- (a) a climate with sufficient sunshine that supports sufficient soil temperature;
- (b) a slope of up to 15 degrees;
- (c) imperfectly-drained to well-drained soils;
- (d) soil with a potential rooting depth of more than 0.8 metres and adequate available moisture;
- (e) soil with no major fertility requirements that could not be practicably remedied;
- (f) water available for irrigation;

where that combination is to such a degree that it makes the land capable of producing crops at a high rate or across a wide range.

NOTE: This meaning is adapted from “Classification System for Productive Land in the Tasman District”, Agriculture New Zealand, December 1994 and is equivalent to land under classes A, B, and C.

**Home occupation** – means the use of a site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by persons living permanently on the site, and includes visitor accommodation.

**Hope and Eastern Hills zones** - means the surface waters and groundwater in alluvial gravels comprising the Stoke fan gravel and Hope minor confined and unconfined gravels and normally at depths up to 15 metres within the area shown on the planning maps as Hope and Eastern Hills zones and subject to all applicable rules. C45 4/13  
Op 9/15

## I - J

**Impervious surface** – means any man-made or modified land surface that prevents or significantly reduces the infiltration of water into the soil or any naturally occurring ground surface during a rainfall event, and includes buildings, concrete, asphalt, and sealed pavers. C7 7/07  
Op 10/10

**Impulse noise** – means transient sound having a high peak level of very short duration, less than 50 milliseconds.

**Indigenous** – means found naturally in an area, and not introduced by people.

**Indigenous forest** – means any area of naturally occurring woody vegetation that:

- (a) has a canopy predominantly formed by trees over 6 metres high; and
- (b) has more than 80 percent closure of the canopy; and
- (c) at least 70 percent of the canopy cover is comprised of species indigenous to the District;

but for the avoidance of doubt, does not include planted indigenous forest as defined in the Forests Act 1949.

**Indigenous vegetation** – means any area of naturally occurring vegetation where the cover of indigenous plants is the same as or greater than exotic plants but excludes any indigenous vegetation which grows beneath plantation forestry.

**Industrial activity** – means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, storage, maintenance, or repair of goods, but does not include home occupations.

**Industrial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Industrial Zone and subject to all applicable rules, and includes Light Industrial Zone and Heavy Industrial Zone.

**Infiltration gallery** – means a horizontal conduit for improving access to groundwater by intercepting water. They are normally installed adjacent to a river or lake but can also be used to improve bore yields when an aquifer is too thin or has poor yield.

**Inshore coastal water** means –

- (a) the water in the coastal marine area south of a line drawn south-east from the Farewell Spit lighthouse; and
- (b) the water in the Big River estuary and Whanganui Inlet, being areas 1 and 2 of Schedule 25D, and the water in the Anaweka River estuary;

as shown on the planning maps.

RCP  
Op 10/11

**Intensive development** – means medium density residential housing development in the Richmond Intensive Development Area, where there is one or more dwellings on any site.

C66 10/17  
Op 12/18

**Intensive livestock farming** – means the intensive keeping of livestock, either in a building or on a permanent feedlot.

**Internal boundary** – means any boundary of the net area of a site other than a road boundary and includes a side boundary.

**Intrinsic values** – in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- (a) their biological and genetic diversity; and
- (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

**Irrigable Land** – for the purposes of Schedules 31D and 31E means land with soils with suitable depth, structure, drainage and water-holding capacity for growing irrigated crops where the slope does not exceed 7 degrees on south-east to south-west facing slopes and 15 degrees on all other slope aspects at elevations of no more than 300 metres above sea level. Land zoned and used for urban use, titles less than 1 hectare in area and land between any stopbank and riverbank or estuary are not included as irrigable land.

C13 12/08  
Op 8/14

**Iwi authority** – means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

## K

**Kaitiakitanga** – means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

**Karst** – means a naturally occurring landform that is formed by the dissolution by fresh water of rock containing calcium carbonate, calcium-magnesium carbonate, or magnesium carbonate (such as limestone, marble, dolomite, or magnesite), and having one or more of the following features:

- (a) sinkholes;
- (b) fissured or fluted rock outcrops;
- (c) areas of discontinuous surface drainage that includes stream sinks or resurgence;
- (d) underground caves.

**Kaupapa** – means a philosophical basis or principle for any aspect of tikanga Māori.

**King Edward Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as King Edward Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone.

C13 12/08  
Op 8/14

## L

**L<sub>10</sub>** – means the L<sub>10</sub> exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, 10 percent of the total measurement time as described in NZS 6801:1991, Clause 2.2, definition of exceedance level. Total measurement time is a minimum time of 10 minutes.

**L<sub>eq</sub>** – means the Equivalent Continuous A-weighted Sound Pressure level (Equivalent Noise level) (dBA L<sub>eq</sub>) and is the value of the steady continuous A-weighted sound pressure level that, within a measurement period of at least 10 minutes, has the same mean square root sound pressure as the sound under consideration whose level varies with time, as described in NZS 6801:1991, Clause 2.1, definition of L<sub>eq</sub>.

C10 10/07  
Op 3/14

**L<sub>max</sub>** – means the maximum A-frequency-weighted sound level (dBA L<sub>max</sub>), during a stated time period, as described in NZS 6801:1991, Clause 2.1, definition of maximum sound level.

**Lake** – means a body of fresh water which is entirely or nearly surrounded by land but does not include any artificial pond or water supply impoundment less than one hectare in area.

C17 2/10  
Op 4/13

**Land** – includes land covered by water and the air space above land.

**Land disturbance** – means the destruction or removal of vegetation, soil disturbance, or earthworks.

**Land fragmentation** – means any increase over time in the number of separately developed properties in any area, through successive land subdivision to form new land parcels and associated land development activities such as buildings and roads.

**Land use consent** – means a consent to do something that otherwise would contravene section 9 or section 13 of the Act.

**Landing** – means an area constructed for the purpose of log assembly or log making.

**Line** – means a wire or a conductor of any other kind (including fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing images, sounds, or intelligence of any nature by means of any electromagnetic system; or for the transmission or distribution of electricity; and includes any pole, insulator, casting, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

**Listed cultural heritage site** - means a cultural heritage site that is listed in Schedule 16.13C and shown on the planning maps. C16 9/09  
Op 8/12

**Local road** – means a legal road owned by the Council. C60 1/16 Op 5/19

**Low impact building design** – means the design of a building or structure to minimise the visual impact of the building or structure within the landscape, adverse effects on the productive potential of the land, and the effects of servicing the building or structure in terms of access, water supply, energy efficiency, and stormwater and wastewater management. C8 7/07  
Op 10/10  
C60 1/16  
Op 5/19

**Low impact design** - means the use of subdivision and land development design solutions including servicing, roading and allotment layouts that reduce the impact of any development on natural resources and processes. In particular, Low Impact Design approaches to stormwater management can be used to protect, incorporate or mimic natural drainage conditions of any site or area in the management of stormwater. This includes the retention and use of existing catchment drainage characteristics, minimisation of impervious surface cover, the enhancement of natural eco-systems, and maintenance of vegetation in the planning and management of development within catchments. C7 7/07  
Op 10/10  
C60 1/16  
Op 5/19

**Lower Confined Aquifer (LCA) Zone** – means the groundwater in alluvial gravels comprising the Lower Confined Aquifer at approximate depths of 24 metres near Clover Road to 40 metres at Queen Street, within the area shown on the planning maps as Lower Confined Aquifer (LCA) Zone and subject to all applicable rules. The seaward extent of the aquifer is not currently known. C45 4/13  
Op 9/15

**Lowland alluvial site** – means a site below an altitude of 600 metres of alluvial origin on flat or gently sloping land where the predominant slope is five degrees or less, including floodplains, valley floors, and terraces.

## M

**Mahinga kai** – means areas from which food is procured.

**Maintenance** – means the protective care of a place to maintain or enhance values associated with it. C16 9/09  
Op 8/12

**Mana** – means spiritual power, prestige, authority; anything to do with the status and standing of an individual or group.

**Mana whenua** – means customary authority exercised by an iwi or hapu in an identified area.

**Māori perpetual lease land** – means land exceeding 1 hectare, the freehold of which is included in the: C13 12/08  
Op 8/14

- (a) Nelson Section of Parts A and B of Schedule 3 to the Maori Reserved Land Amendment Act 1977 and was subject as at 1 January 1998 to a lease with a perpetual right of renewal; or
- (b) First Schedule of the Ngati Rarua-Atiawa Iwi Trust Empowering Act and was subject as at 1 October 1993 to a lease with perpetual rights of renewal or a lease exceeding a term of 10 years.

For the purpose of clarification it is recorded that the lands referred to in Schedule 3 of the Maori Reserved Land Amendment Act 1997 include lands owned by Rore Lands Ltd and The Proprietors of Wakatu.

**Marahau Zone** – means the surface waters and groundwater in the coastal sands within the area shown on the planning maps as the Marahau Zone and subject to all applicable rules.

**Marine farming** –

RCP  
Op 10/11

- (a) means breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest; and
- (b) includes any operation in support of, or in preparation for, marine farming; but
- (c) does not include any of the things in paragraph (a) –
  - (i) if the fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or
  - (ii) if the fish, aquatic life, or seaweed cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed.

**Mātaitai** – means food resources from the sea and **Mahinga Mātaitai** means the areas from which these resources are gathered.

**Mauri** - means a special power that makes it possible for everything to move and live in accordance with the conditions and limits of its existence. Everything has mauri, including people, fish, animals, birds, forest, land, seas and rivers; the mauri is that characteristic which permits these living things to exist within their own realm and sphere. C17 2/10  
Op 4/13

**Mean high water springs** – in relation to its location, means the position or line of mean high water spring tides wherever that position or line happens to be from time to time, irrespective of any representation of mean high water springs on any plan, map or other instrument. RCP  
Op 10/11

**Medium density development** - means residential development with a dwelling density between 20 – 30 dwellings per hectare on sites averaging between 200 – 300 square metres in extent, including Compact Density, Comprehensive and Intensive housing development. C66 10/17  
Op 12/18

**Mineral** – means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

**Minimum flow** – means the flow regime that is required as set out in the policies and rules of this Plan, as a minimum, to maintain or provide for the specified uses and values identified for that river, but which, during severe droughts may be further reduced through a combination of reduced water flows and water abstraction.

**Minimum Root Protection Zone** - means the minimum land area around the base of the tree that is required to safeguard the health and stability of a tree. This zone is determined by multiplying the diameter of the stem by the appropriate multiplier in the following table:

C20 8/10  
Op 8/12

Tree Age	Tree Vigour	Protected Root Zone radius (m)
Young trees (where the age of tree is less than 20% of life expectancy)	Good vigour	6 × DBH
	Poor vigour	9 × DBH
Mature trees (where the age of tree is between 20% and 80% of life expectancy)	Good vigour	9 × DBH
	Poor vigour	12 × DBH
Over-mature trees (where the age of tree is greater than 80% of life expectancy)	Good vigour	12 × DBH
	Poor vigour	15 × DBH

NOTE: DBH means Diameter at Breast Height, that is, 1.4 metres from ground level.

**Minor repair** – in relation to any heritage building or structure, means the making good of decayed or damaged material by patching, piecing-in, splicing and including replacement of minor components that are damaged beyond repair or are missing.

**Mixed Business Zone** – means that area of land displayed on the planning maps of this Plan and identified as Mixed Business Zone and subject to all applicable rules.

C10 10/07  
Op 3/14

**Mixed domestic waste** – means household and residential waste and garden wastes other than paper and cardboard.

**Modified watercourse** - means a river or stream that may have been subject to works or modifications for a variety of purposes and is or has one or more of the following features:

C17 2/10  
Op 4/13

- (a) part of a river, stream or creek that has been channelled or diverted;
- (b) part of a wetland or swamp through which water has been channelled or diverted to flow either permanently or intermittently and which connects with other naturally occurring bodies of water;
- (c) a watercourse that has a natural headwater of either a channel or spring and generally follows the path of a historic river or stream or defined drainage channel that functions naturally by providing a connection between surface water and groundwater, and is capable of providing habitat for flora and fauna.

**Mooring Area** – means that area shown on the planning maps and identified as a Mooring Area and subject to all applicable rules of this Plan.

C72 6/20  
(D 10/21)  
Op 7/22

**Motueka gravel aquifer** – means the alluvial water-bearing formation called the Motueka Gravel that overlies Moutere Gravel or Separation Point Granite.

**Motueka West Development Area** – means the area west of High Street, Motueka as shown on the planning maps.

C43 4/13  
Op 1/15

**Motupiko Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Motupiko Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Moutere Coastal Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Coastal Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. The seaward extent of the aquifer is not currently known.

C12 7/08  
Op 8/14

**Moutere Eastern Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Eastern Groundwater Zone and subject to all applicable rules, but

C12 7/08  
Op 8/14

excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. C12 7/08  
Op 8/14

**Moutere gravel catchments** – means catchments where the underlying geology is predominantly Moutere Gravel.

**Moutere Southern Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Southern Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. C12 7/08  
Op 8/14

**Moutere Surface Water Zone** – means the surface waters and the water in the shallow valley gravels within the area shown on the planning maps as the Moutere Surface Water Zone and subject to all applicable rules.

**Moutere Western Groundwater Zone** – means the aquifers included in the area shown on the planning maps as the Moutere Western Groundwater Zone and subject to all applicable rules, but excludes waters of the shallow valley and other gravels and coastal sediment deposits to a depth of 20 metres below ground level. The seaward extent of the aquifer is not currently known. C12 7/08  
Op 8/14

**Mouth**, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either—

- (a) As agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or
- (b) As declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,—And once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree.

**Mussel spat** - means any stage of the lifecycle of Green-lipped mussel (*Perna canaliculus*) less than 40 millimetres in length. RCP  
Op 10/11

**Mussel spat catching** - means spat catching that is limited to the obtaining or retention of mussel spat and the harvesting thereof from aquaculture structures.

**Mussel spat holding** – means the retention of Green-lipped mussel (*Perna canaliculus*) spat between 40 to 60 millimetres in length, on spat-catching structures. C61 3/16  
Op 12/19

## N

**Natural and physical resources** – includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

**Natural character** – includes:

- (a) landform, including natural features and patterns;
- (b) natural processes that create and modify landform;
- (c) indigenous plant and animal species present;
- (d) natural sounds;
- (e) natural water quality;
- (f) absence, or unobtrusiveness, of use and development;
- (g) expansive open space, especially where there is knowledge that undeveloped space is in public ownership; and, in particular, the sea.

**Natural hazard** – means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, wildfire, or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

C60 1/16  
Op 5/19

**Naturally occurring** – in relation to wetlands, means not specifically created by someone as a wetland, and includes wetlands formed by natural processes of reversion and sedimentation.

**Net area** – means the total area of a site or allotment, less:

- (a) any area of the site subject to a designation for a road;
- (b) any area of the site subject to a right-of-way in favour of another site;
- (c) in the case of a rear site, the area contained in the access to the site (being an area between the road frontage and the internal boundary);
- (d) any part of the site that is seaward of the line of mean high water spring tides.

(NOTE: Refer to diagram after “boundary”)

**Network utility** – means:

- (a) a pipeline for gas, petroleum, or geothermal energy; or
- (b) a network for distribution of electricity, water (including irrigation), telecommunication or radiocommunication, drainage, or wastewater, or a road or railway line (including any lighting, signalling or other equipment related to the safe use of the road or railway); or
- (c) an airport or approach control service within the meaning of the Civil Aviation Act 1990;
- (d) street lighting; or
- (e) a network for the measurement, collection and distribution of meteorological information.

**New Zealand Coastal Policy Statement** – means the New Zealand Coastal Policy Statement 2010 issued by notice in the Gazette on 4 November 2010.

**Noise** – means unwanted sound and includes those parameters such as pitch, intensity, duration, repetitiveness, regularity, frequency and vibration, which, along with the measurable level of sound, affect people’s reaction to sound but does not include the sound of warning devices or other equipment being used by emergency services or in an emergency.

**Non-Complying Activity** – means an activity for which a resource consent is required for the activity and the consent authority may-

- (a) decline the consent; or
- (b) grant the consent, with or without conditions, but only if the consent authority is satisfied that the requirements of section 104D are met and the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Non-consumptive use** – means any use of fresh water that substantially returns water to the same water body at or about the same location; and does not affect the spatial or temporal availability, or the physical, chemical or biological quality for uses of the water resource.

C54 9/15  
Op 9/16

**Notional boundary** – in relation to noise, means:

- (a) a line 20 metres from the facade of any rural dwelling that is most exposed to the noise source; or
- (b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a).

**NTP** – means the scientific basis for correcting the volume of gases or other physical properties of a gas to a standard temperature of zero degrees and one standard atmosphere pressure.

**NTU** – means Nephelometric Turbidity Unit.

C17 2/10  
Op 4/13

## O

**Odour** – means the human perception of one or more chemical compounds in the air we breathe and for the purposes of this Plan includes the odorous contaminants that create an odour.

The sensory perception of odour has four main dimensions:

- (a) odour threshold or detection – the concentration of odour necessary for detection by a certain percentage of the population (normally 50 percent)
- (b) odour intensity – the perceived strength of an odour, which normally increases exponentially with the concentration of an odourant
- (c) odour character – what it smells like
- (d) hedonic tone – judgement of the relative pleasantness of the odour, which is influenced by individual experience, frequency or occurrence, odour character, odour intensity and duration, and location of the odour.

**Offal** – means all or part of the carcass of an animal or fish either when cut off when cutting up the carcass for food or being disposed of as a result of disease or injury, but does not include waste being disposed of from any industrial or trade activity.

**Offal pit** – means a covered hole or covered pit that is used for the disposal of dead animals or offal. It does not include the occasional burial of dead animals or offal.

**Open coastal water** – means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments; and in this District means the water in the coastal marine area to the north and west of a line drawn south-east from the Farewell Spit lighthouse; but excluding the water in the Big River estuary and Whanganui Inlet, being areas 1 and 2 in Schedule 25D, and excluding the water in the Anaweka River estuary; as shown on the planning maps.

RCP  
Op 10/11

**Open Space Zone** – means that area of land displayed on the planning maps of this Plan and identified as Open Space Zone and subject to all applicable rules.

**Outdoor burning** – means the open combustion of any material in the open air, and includes any fire or bonfire or burning of material in a drum or incinerator where there is no (chimney) stack nor provision to control air flow to the fire.

**Outdoor fireplace** – means any device including a brazier used outdoors to provide light, or heat, or ambience for outdoor entertainment through the combustion of gaseous, liquid or solid fuel excluding domestic, garden or industrial waste

**Outdoor living space** – means an area of open space required by this Plan to be provided for the exclusive use of the occupants of the dwelling to which the space is allocated. Outdoor living space includes the area occupied by a swimming pool, or accessory building of less than eight square metres, but excludes space occupied by buildings, access, or parking space.

**Outdoor storage** – means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products, outside a fully enclosed building for periods in excess of four weeks in any one year.

## P

**Papakāinga development** – means the use and occupancy of multiple-owned allotments by the Māori landowners and involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.

**Papakāinga Zone** – means that area of land displayed on the planning maps of this Plan and identified as Papakāinga Zone and subject to all applicable rules.

**Parking space** – means a space on a site available at any time for accommodating one stationary motor vehicle that has vehicular access to a road or service lane and is not located on any access or outdoor living space, and includes a parking space in a garage or other building.

**Particulates** – include smoke, deposited particulates, suspended particulates, respirable particulates and visibility-reducing particulates. Particles range in size from 100 microns down to aggregations of molecules.

**Performance monitoring indicator** – means information obtained by monitoring to help indicate the effectiveness of the Plan’s objectives, policies and methods.

**Permitted activity** – means *an activity for which a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.*

**Pervious surface** – means any natural or modified land surface that allows for the infiltration of water into the ground. C7 7/07  
Op 10/10

**Pesticide** – means any substance that is used to eradicate, modify, or control flora or fauna that:

- (a) is a hazardous substance under the Hazardous Substances and New Organisms Act 1996 having any of the following intrinsic properties:
    - (i) toxicity (including chronic toxicity);
    - (ii) ecotoxicity (with or without bioaccumulation); or
  - (b) on contact with air or water generates a substance which has any of these properties;
- and includes herbicides and fungicides but excludes any fertiliser or animal remedy.

**Plan** – means the Tasman Resource Management Plan, and includes the text, all of the planning maps, and any amendments to the Plan.

**Planning map** – means any of the planning maps contained in this Plan.

**Plant and animal production** – means the use of land and buildings primarily for or associated with the production, preparation and packing (but not processing) of plant or animal products produced on the site. C60 1/16  
Op 5/19

**Plantation forestry** – means the planting, management, harvesting and replanting of trees, where the stocking density of any plantation is 150 or more stems per hectare, provided that replanting is carried out within two years of harvest. **Plantation Forest** has a corresponding meaning.

**Predominant slope** – means the most common natural slope of any area of land subject to any land disturbance, measured in degrees from horizontal.

**Primary flowpath** – means the path taken by water during a rainfall event that can be accommodated within the drainage network, which may include pipes and open drains. C7 7/07  
Op 10/10

**Principal building** – means a building, buildings or part of a building accommodating the activity for which the site is primarily used.

**Productive value** – in relation to land, means the inherent ability of the land to produce plant or animal biomass arising from its natural and physical features, and includes measures of productivity and versatility. C60 1/16  
Op 5/19

**Productivity** – in relation to land, means the inherent ability to produce any type of plant or animal biomass over a given period and area. C60 1/16  
Op 5/19

**Prohibited activity** – means *an activity* for which—

- (a) *no application for a resource consent may be made for the activity; and*
- (b) *the consent authority must not grant a consent for it.*

**Proposed plan** – means *a proposed plan, or variation to a proposed plan, or change to a plan that has been notified under clause 5 of the First Schedule but has not become operative in terms of clause 20 of the First Schedule; but does not include a proposed plan or change originally requested by a person other than a local authority or a Minister of the Crown, unless the proposed plan or change is adopted and notified by the local authority under clause 25(2)(a) of the First Schedule.*

**Property** – means land held by a person in one or more adjacent certificates of title, and includes land that is traversed by a road, whether unformed or formed.

**Pump test** – means a test conducted on a bore to:

- determine the hydraulic characteristics of aquifers or water bearing layers;
- provide information on the yield and drawdown of the bore;
- enable determination of the discharge/drawdown ratio of the bore;
- provide information for selecting pump type and estimating pumping cost.

A pump test is the pumping from a bore while the discharge rate and water levels in the pumped bore and nearby observation bores are continuously measured. For artesian aquifers, a pump test also includes an artesian free-flow test where artesian flow is released from a bore with the discharge and the water pressure/level in the free-flowing bore and nearby observation bores are continuously measured.

## Q

**Quantity ratio (Q)** – means the ratio of the proposed quantity of a hazardous substance over the applicable base quantity.

**Quarrying** – means any land disturbance required for the extraction of any mineral including any rock, gravel or sand, and includes any on-site storage or processing of any mineral extracted on the site and any ancillary building including caretaker’s accommodation, but does not include: C60 1/16  
Op 5/19

- (a) prospecting or exploration as defined in the Crown Minerals Act 1991 where no earthworks using machinery are carried out; or
- (b) construction or alteration of a bore.

## R

**Radiocommunication facility** – means any transmitting or receiving device such as an aerial, dish, antenna, cable, line, wire, and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.

**Rainy Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Rainy Zone and subject to all applicable rules. C52 1/15  
Op 7/17

**Rangatira** – means a very respectful term referring to a person in the warmest way.

**Rationing** – means restrictions on water use imposed during periods of water shortage, and includes rostering or staged reductions in water use.

**Recontouring** – means any earthworks that result in the reshaping, raising, or lowering of the surface of a more or less continuous area of ground.

**Recreation Zone** – means that area of land displayed on the planning maps of this Plan and identified as Recreation Zone and subject to all applicable rules.

**Recreational activity** – means the use of land and buildings for the primary purpose of recreation or entertainment by the members of more than one household unit.

**Redwood Zone** - means the surface waters and groundwater in shallow alluvial gravels within the area shown on the planning maps as the Redwood Zone and subject to all applicable rules. C45 4/13  
Op 9/15

**Regional rule** – means a rule made as part of a regional plan or proposed regional plan in accordance with section 68.

**Relocatable** – means not intended for permanent location on any site and readily capable of removal for relocation to another site.

**Relocated building** – means any second-hand building which is transported whole, or in parts and relocated from its original site to its final destination site, but excludes a new pre-fabricated building which is delivered in whole or in parts to a site, for erection on that site. This definition includes removal of a building off a site (but excludes demolition) and shifting a building within a site. C73 12/20  
Op 6/23

**Relocation** – in relation to a building, means the removal and resiting of any building from any site to a new site.

**Reservoir Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Reservoir Zone and subject to all applicable rules.

**Residential Zone** – means that area of land displayed on the planning maps of this Plan and identified as Residential Zone and subject to all applicable rules.

**Residential activity** – means the use of land and buildings by people for the purpose of living accommodation, including: C60 1/16  
Op 5/19

- (a) the use of a dwelling, including any secondary self-contained housekeeping unit and all associated accessory buildings,
- (b) leisure activities,
- (c) the keeping of domestic livestock, and
- (d) emergency and refuge accommodation,

but does not include workers' accommodation.

**Resource consent** – means any land use consent, subdivision consent, coastal permit, water permit, or discharge permit, and includes all conditions to which the consent is subject.

**Restricted Discretionary activity** – means an activity for which a resource consent is required for the activity and-

- (a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

**Retail sales** – means the direct sale or hire to the public from any site or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment. **Retail activity** has a corresponding meaning.

**Reverse sensitivity** – means the risk to an existing activity that may generate adverse effects of receiving complaints or other expressions of sensitivity from any new activity locating nearby. C60 1/16  
Op 5/19

**Richmond Airshed** - means that area of land specified by the Minister for the Environment by notice in the Gazette to be a separate airshed and subject to applicable rules.

**Richmond East Development Area** - means the area to the east of Richmond as shown on the planning maps. C20 8/10  
Op 8/12

**Richmond South Development Area** - means the area to the south of Richmond as shown on the planning maps. C5 3/06  
Op 10/10

**Richmond West Development Area** – means the area to the west of Richmond as shown on the planning maps. C10 10/07  
Op 3/14

**Riparian** – means immediately adjacent to any river, lake, or wetland.

**Risk analysis** – means the systematic use of available information to determine the likelihood of specified events and the magnitude of their likely consequences.

**Risk assessment** – means the overall process of risk identification, risk analysis and risk evaluation.

*River – means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).*

**Riwaka Zone** – means the Riuwaka River, its tributaries and groundwaters in alluvial gravels within the area shown on the planning maps as Riwaka Zone and subject to all applicable rules.

**Road** – has the same meaning as in section 315 of the Local Government Act 1974 and includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989. C69 6/19  
Op 6/20

**Road boundary** – means any boundary of a site that abuts a legal road, other than an access way or service lane, or abuts a road designation. **Frontage** or **road frontage** have the same meaning as **road boundary**.

**Road network** - means state highways; arterial, principal, collector, sub-collector and local roads; residential lanes; shopping streets — and the intersections between them — further defined in the planning maps and as follows: C69 6/19  
Op 6/20

- (a) State highway – means a road constructed and managed by the New Zealand Transport Agency and which has a vital role in the strategic road network linking Nelson and Tasman to other areas of the country.
- (b) Arterial road – means a road that is constructed and managed to minimise its local access function and typically joins centres of population within regions and neighbouring regions and provides links to the higher order State Highway network.
- (c) Principal road – means a road constructed and managed to connect and augment the higher order transport system.
- (d) Collector road – means a road that is constructed and managed to distribute traffic between and within local areas and forms a link between higher order (principal and arterial) roads and lower order (sub-collector and local) roads.
- (e) Sub-collector road – means a road that is constructed and managed to distribute traffic at a neighbourhood level, intermediate of collector roads and local roads.

- (f) Local road – means a road that is constructed and managed for the primary function of providing direct access to properties fronting the road and along which only traffic having an origin or destination there will travel.
- (g) Residential lane – means a road that is a public road providing access for between seven (7) and twenty (20) residential units.
- (h) Shopping street – means a road that is constructed and managed to serve a range of functions within commercial areas of town centres, including pedestrian and on-road parking supply, amenity, local traffic circulation and servicing.
- (i) Service lane – means “service lane” as defined in Section 315 of the Local Government Act 1974.

**Roller crushing** – means the damage or destruction of vegetation by movement of a roller either Attached by cables to a stationary machine or fixed to a moving machine.

**Root raking** – means any method of land disturbance undertaken by the use of a rake mounted on a tractor or other machine for the purpose of separating living and rooted vegetation from the soil.

**Rostering** – means water users whose takes, particularly irrigation takes, affect surface water flows collectively, or adjust timing or rates of takes, so that they are not all abstracting water at the same time in order to reduce peak instantaneous take and maintain a higher river flow.

**Rule** – means a district rule or regional rule.

**Rural 1 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 1 Zone and subject to all applicable rules and includes the Rural 1 Closed and Rural 1 Coastal zones.

**Rural 2 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 2 Zone and subject to all applicable rules.

**Rural 3 Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural 3 Zone and subject to all applicable rules.

**Rural area** – means land within any Rural 1, Rural 2, Rural 3, Rural Residential, Rural Industrial, or Conservation Zone, or within any Tourist Services, Open Space, or Recreation Zone adjoining any of the above zones, and where any site may also fall as an urban area then the site is deemed to be in an urban area only.

C9 7/07  
Op 10/10

**Rural character** - means the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;
- (b) large areas of pasture, crops, forestry and land used for a productive end;
- (c) built structures usually associated with productive rural land uses, including artificial shelter and crop support structures;
- (d) low population density;
- (e) residential activity usually directly associated with a productive land use;
- (f) social and economic activity associated with productive land use;
- (g) noises, smells and other effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes.

C60 1/16  
Op 5/19

**Rural Industrial Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural Industrial Zone and subject to all applicable rules.

**Rural industrial activity** - means the use of land and buildings for an industrial activity that depends on produce harvested from plant and animal production, or the sea, or any other land-derived product, including any sawmill, timber treatment plant, abattoir, stockyard, packhouse, cold storage, rural contractor’s depot, and the processing of minerals and quarry products.

C60 1/16  
Op 5/19

**Rural residential** – means the use of a rural site primarily for residential purposes, with any farming or other rural activity being ancillary.

**Rural residential character** – means the character of the land as shown by the predominance of low density residential activity in a rural area at locations that may be close to rural production activities and includes:

C60 1/16  
Op 5/19

- (a) the proportion of open space to buildings maintains a sense of openness, with opportunity for rural outlook
- (b) allotment sizes that are large enough to allow for small scale farming or other plant and animal production activities, ancillary to residential use;
- (c) buildings associated with residential and ancillary plant and animal production activities.

**Rural Residential Zone** – means that area of land displayed on the planning maps of this Plan and identified as Rural Residential Zone and subject to all applicable rules, and includes Rural Residential Closed Zone.

**Rural selling place** – means any land, building or part of a building that is used for the sale of farm or garden produce or the products of any home occupation produced or made on the site on which the rural selling place is situated.

## S

**Scallop spat** - means any stage of the lifecycle of Scallop (*Pecten novaezealandiae*) less than 50 millimetres in length.

RCP  
Op 10/11

**Scallop spat catching** - means spat catching that is limited to the obtaining or retention of scallop spat and harvesting thereof from aquaculture structures.

**Seawater intrusion** – means the entry of saltwater from the sea into a freshwater aquifer.

**Secondary containment** - in relation to hazardous substances, means a containment system whereby leakage from the primary tank is contained within an outer containment layer such as a double skin tank, pit liner, or HDPE liner.

**Secondary flowpath** – means the path or paths taken by water during a rainfall event that is beyond the extent of the primary flowpath, when the capacity of the drainage network forming the primary flowpath is exceeded.

C7 7/07  
Op 10/10

**Service station** – means a site where one or more of the following activities takes place:

- (a) the sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel;
- (b) the sale of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- (c) mechanical repair and servicing of motors (includes motor cycles, caravans, boat motors, trailers);

- (d) warrant of fitness testing;
- (e) the sale of other merchandise where this is an ancillary activity to the sale of motor fuel and vehicle accessories;
- (f) truck stops;
- (g) the mechanical washing of motor vehicles.

**Setback** – means the distance between a building and the boundary of its site or other specified feature, such as mean high water springs.

**Shelter belt** – means a line or area of vegetation, which at maturity, will be 3 metres or more in height and which is established to provide shelter from weather for stock or for other agricultural or horticultural purposes, and includes a spray belt. C60 1/16  
Op 5/19

**Ship** – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes a jetski; a windsurfer or kayak; a barge, lighter, or other like vessel; a hovercraft; and a submarine or other submersible. RCP  
Op 10/11

**Side boundary** – means any boundary of a site generally at right angles to a road boundary.

**Sidecasting** – means a technique of road, track or landing construction that requires the placing of spoil immediately to the side of the site of construction.

**Sign** – means any poster, placard, handbill, writing, picture, painting, engraving, carving, illuminated sign, aerial display, hoarding, billboard, flag or other device erected or displayed for the purpose of attracting the attention of passers-by and includes the frame, support structure and anchorage, but does not include:

- (a) road marking or traffic signs erected on roads by controlling authorities under the Traffic Regulations 1976;
- (b) signs on shop windows;
- (c) advertising on motor vehicles with a current registration and warrant of fitness, except where the vehicle acts as a stationary support structure for commercial advertising.

Signs may be double sided.

**Sign area** (also referred to as **display area**) — in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign do not exceed twice that permitted in the relevant signage rules. C68 7/18  
Op 5/19

**Significant Natural Area** – means an area of indigenous vegetation or indigenous fauna habitat that has been assessed as significant according to the ecological criteria in Schedule 10C, and listed in Schedule 18.1A.

**Sinkhole** – means a surface depression that is open to the ground below or is closed, and formed by the dissolving of calcium carbonate rock near the ground surface, or by the collapse of underlying caves. A sinkhole may provide drainage to fissures or caves below.

**Site** – means:

- (a) an area of land which is the smaller land area of either:
  - (i) the land comprised in a single allotment in a single record of title; or
  - (ii) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title could be issued without further consent of the Council; or
- (b) an area of land comprising two or more adjoining lots held together in one record of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or

- (c) an area of land comprising two or more adjoining lots held in two or more records of title where such titles are:
- (i) subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or
  - (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council;

except that:

- (d) in the case of land subdivided under the cross lease or company lease systems (other than strata titles), site means an area of land containing:
- (i) a building for residential or business purposes, and any accessory building, and any land exclusively restricted to the user of either building; or
  - (ii) a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes; and
- (e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site means an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; and
- (f) in the case of strata titles, site means the underlying record of title of the entire land containing the strata titles, immediately prior to subdivision.

**Site coverage** – means the proportion of a site that is covered by buildings, decks and paving, including concrete, asphalt, brick, stone and precast concrete slabs. C59 11/15  
Op 3/16

**Site-to-site transfer** – in relation to water permits, means the transfer of the point of take to another point in the same or another water management zone.

**Slash raking** – means the removal of vegetation by use of a rake for the purpose of sweeping cut vegetation across the surface of the soil.

**Sleepout** – means a detached bedroom (with or without ablution facilities) occupied exclusively as part of the principal dwelling on the site and containing no kitchen or cooking facilities.

**Small scale** – in relation to community activities, means the number of vehicle movements to and from a site does not exceed 30 on any one day.

**Small-scale solid fuel-burning appliance** – means any appliance having a net heat output of up to 40 kilowatts using solid fuels, and includes any open fire, pot belly and domestic range or stove, woodburner, pellet fire, multi-fuel (coal/wood and waste burning system), and any similar appliance.

**Soil** – means earth material at or below the surface of the ground in any undisturbed situation, that:

- (a) may have value for biomass production; and
- (b) is sufficiently weak to form sediment through the action of wind or water;

and includes any weathered or disaggregated rock.

**Soil disturbance** – means the disturbance of soil other than by modification of the shape of the ground surface and includes cultivation, deep ripping, moleploughing, rootraking, blading, and compaction by vehicles or stocking, and excludes earthworks.

**Spat** - means the larval or juvenile stages of an animal's lifecycle which settle from a motile or drifting phase onto natural or man-made substrates. For the purposes of this Plan, the definition of 'spat' also includes the spores or gametes of seaweeds.

RCP  
Op 10/11

**Special Domestic Wastewater Disposal Area (SDWDA)** – means that area of land displayed on the planning maps and identified as Special Domestic Wastewater Disposal Area and subject to all applicable rules.

**Spray belt** – means a line of vegetation which at maturity is:

- (a) a minimum of one metre thick; and
- (b) a minimum of six metres high; and
- (c) a mixture of species, including one or more evergreen species; and
- (d) semi-permeable with a porosity of no more than 50 percent; and
- (e) more than one row of plantings.

NOTE: The spray belt will need to be higher than the height at which a pesticide discharge occurs, and where this is more than 6 metres, other Plan rules that regulate the height of spray belts and shelter belts will also apply.

**Stack** – refer to definition of ‘Chimney’.

**Standard density development** - means residential development that is not compact density development, comprehensive residential development or intensive development. C66 10/17  
Op 12/18

**Step-in plan** – means a break in the continuity of an exterior wall of any building or block or line of dwellings, whether of one or more storeys, by stepping back the wall or walls a minimum specified distance measured at right angles to the long axis of the building or block or line of dwellings.

**Stopbank** – means a constructed embankment intended to keep floodwater away from naturally flood-prone land.

**Storage** – in relation to any **hazardous substance**, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and emptying of the container. Storage does not include substances in use or oil used as a heating or cooling medium in enclosed systems.

**Stormwater** – means any fresh water that, as a result of rainfall:

- (a) runs off land or the external surface of any structure; and
- (b) may contain a contaminant as a result of this process; and
- (c) is collected so as to concentrate the flow at some point before discharge.

**Stormwater interceptor treatment device** – means a device that conveys stormwater through a treatment system in such a way that contaminants such as floating debris, oil and other hydrocarbons, and sediment that may otherwise be discharged in the stormwater are substantially retained by the device. C10 10/07  
Op 3/14

**Structure** – means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

**Studio** – means a detached room for art, craft or hobbies occupied exclusively as part of the principal dwelling on the site and containing no kitchen, cooking or sleeping facilities and that is no more than 36 square metres in area.

**Subdivision consent** – means a consent to do something that otherwise would contravene section 11 of the Act.

**Substantial take-up** – in relation to any deferred zone in the Richmond West Development Area identified on the planning maps and in the rules, means that 65 percent of the area of land comprising individual sites that is zoned for development in a defined location has been issued with building consents for site development that have been given effect to. C10  
Op 4/13

**Substation** – means those parts of works or electrical installations, being a building, structure, or enclosure, incorporating fittings that are used for the purpose of the control of the transformation, transmission, or distribution of electricity.

**Subzone** - means an area within an Aquaculture Management Area, shown on the planning maps and identified by an alphabetical symbol.

RCP  
Op 10/11

**Supermarket** – means a retail outlet with a gross floor area greater than 500 square metres, used for the sale of a wide variety of goods.

**Surface take** – in relation to taking water, means takes from a dam or reservoir or the bed of a river and includes water taken from under the river gravels and water taken from any infiltration gallery within 10 metres of the river bank.

**Sustainable bore yield** - means where the water level in a pumped bore does not adversely affect the pumping rates in neighbouring bores. It is dependent on the static water level, lowering of the water level due to pumping in the bore, lowering of the surrounding water table due to interference as a result of pumping from the bore itself and neighbouring bores and aquifer recharge. These factors are, in turn, dependent on bore depth, bore construction and aquifer hydraulic characteristics. The sustainable bore yield may vary between bores and aquifers and depend on location in the aquifer.

C45 4/13  
Op 9/15

**Swamp Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Swamp Zone and subject to all applicable rules.

## T

**Tadmor subzone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Tadmor Subzone and subject to all applicable rules.

*Tangata whenua* – in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

**Tangata whenua iwi** - in relation to Part III of this Plan, means the iwi holding mana over the lands (whenua) and coastal waters (moana) of western Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua and includes Ngati Tama Ki Te Tau Ihu, Te Atiawa Ki Te Tau Ihu and Ngati Rarua Ki Te Tau Ihu.

**Taonga** – means the treasures as the sacred possessions of the tangata whenua. Taonga are prized and protected and not limited to things that can be seen or touched.

**Tapawera Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Tapawera Zone and subject to all applicable rules.

C52 1/15  
Op 7/17

**Telecommunication facility** – means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication link** – means any line, radio frequency, or other medium used for telecommunication.

**Te Matu Zone** – means the surface waters and Motueka Gravel Aquifer within the area shown on the planning map as Te Matu Zone and subject to all applicable rules. It does not include the underlying Western Moutere Groundwater Zone.

C13 12/08  
Op 8/14

*[Definition of 'Temporary Activity' is deleted]*

C60 1/16  
Op 5/19

**Temporary Military Training Activity** - means a temporary military activity undertaken for defence purposes. The term 'defence' is as described in Section 5 of the Defence Act 1990.

**Tenancy** - means any occupancy for a retail activity that is created by freehold, leasehold, license, or any other arrangement to occupy.

C10 10/07  
Op 3/14

**Tikanga Maori** – means Maori customary values and practices.

**Topsoil** – means the topmost layer of the undisturbed soil profile.

**Total quantity ratio** – means the total value of all the quantity ratios for each effect type for individual hazardous substances proposed to be used or stored in a hazardous facility.

**Tourist accommodation** – Tourist accommodation has the same meaning as visitor accommodation but also includes some centralised services or facilities, such as food preparation, dining, sanitary, conference, recreation, and bar facilities, and associated parking areas for the use of those living on and visiting the site.

**Tourist Services Zone** – means that area of land displayed on the planning maps of this Plan and identified as Tourist Services Zone and subject to all applicable rules.

**Toxicity** – means the inherent potential or capacity of a material to cause adverse effects on a living organism.

**Track** – means any constructed pathway or trail where the formation construction is at least to a standard that is capable of carrying a crawler or wheel tractor, or other vehicle, and includes any road.

**Trade supplier** – means a business engaged in sales to businesses and institutional customers and includes a proportion of sales to the general public, and consists of suppliers of goods in one or more of the following categories:

C10 10/07  
Op 3/14

- (a) Automotive and marine suppliers
- (b) Building suppliers
- (c) Catering equipment suppliers
- (d) Farming and agricultural suppliers
- (e) Garden and patio suppliers
- (f) Hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items)
- (g) Industrial clothing and safety equipment suppliers
- (h) Office furniture, equipment and systems suppliers.

**Traffic sign** – means any sign that is erected or authorised by or on behalf of the road controlling authority for the purpose of road marking, traffic control, or enforcement.

**Treaty values** associated with aquaculture activities include:

RCP  
Op 10/11

- (a) pollution and degradation of kaimoana beds;
- (b) degradation of customary fisheries ecosystems;
- (c) imposition and lifting of tapu rahui;
- (d) access to customary coastal resources.

## U - V

**Umukuri Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Umukuri Zone and subject to all applicable rules.

**Unaffiliated or not affiliated**, in relation to the Waimea Community Dam, means where a permit holder does not hold a water supply agreement or any other agreement linked to water release from the dam.

C54 9/15  
Op 9/16

**Unmodified flow** - means a river flow which would have occurred in the absence of any flow to or from a storage dam or reservoir. It will be calculated by the Council and is based on the measured flow of the river and adjusted according to:

C54 9/15  
Op 9/16

- (a) any contribution from an augmentation dam or reservoir; or
- (b) effects of damming or storage by the dam or reservoir.

**Upgrading** – in relation to lines, means an increase in the carrying capacity, or security, of the line (e.g., such as adding additional circuits, reconductoring with heavier conductors, longer insulators, or the addition of earthwires) utilising the existing support structures or structures of a similar scale and character. A change in voltage will only be included when there is no physical change to the line, e.g., where a line has been constructed to operate at a certain voltage but has been operating at a lesser voltage.

**Upper Confined Aquifer (UCA) Zone** – means the groundwater in alluvial gravels comprising the Upper Confined Aquifer at approximate depths of 18 metres near Aniseed Valley Road to 32 metres near State Highway 60, within the area shown on the planning maps as Upper Confined Aquifer (UCA) Zone and subject to all applicable rules.

C45 4/13  
Op 9/15

**Upper Motueka Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Upper Motueka Zone and subject to all applicable rules.

**Urban area** – means any site within any Residential, Commercial, Central Business, Mixed Business, Industrial, or Papakainga Zone, or within any Tourist Services, Open Space, or Recreation Zone adjoining any of the above zones.

**Urban Design Guide (Part II, Appendix 2)** – means the subdivision and development design guide' in urban areas such as the Richmond South, Richmond West, [Brightwater](#), [Wakefield](#), and Mapua development areas that forms Appendix 2 of Part II of the Plan and that, for the avoidance of doubt, forms part of the Plan.

C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C75 9/22  
(D 6/23)  
C76 9/22

**Use** – in relation to any hazardous substance, means the manufacturing, processing or handling of a substance or mixture of substances without necessarily changing the physical state or chemical structure of the substance. "Use" includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products.

**User** – refer to definition of 'Water User'.

**Utility service line** – means any pipe, cable, line, drain, channel, race or other linear facility for utility purposes.

**Vegetation** – includes trees, shrubs, plants, or grasses.

**Vehicle crossing** – means the formed and constructed area providing vehicular entry and exit between the carriageway of any road and the road boundary of any site, and extending into the site so that a vehicle can be driven clear of the road reserve; and includes any associated culvert, bridge, or kerbing.

**Vehicle trip** – means a single journey to or from a particular site by a person or persons in a motor vehicle.

**Versatility** – in relation to land, means the range of types of plant or animal biomass that may be produced over a given area.

**Vessel** – refer to definition of ‘Ship’.

RCP Op 10/11

**Visitor accommodation** – means the use of land and buildings for short-term commercial or recreational living accommodation, where the length of stay for any one visitor is not greater than three months at any one time.

**Void volume** - means the volume within a stormwater device that can effectively be filled with water. C66 10/17  
Op 12/18

## W - Z

**Wāhi tapu** – means a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense. C16 9/09  
Op 8/12

**Wāhi Tapu Area** - means an area of land that contains one or more wāhi tapu.

**Wai-iti Dam Service Zone** - means the surface water and groundwater in alluvial gravels within the area shown on the planning maps as Wai-iti Dam Service Zone and subject to all applicable rules.

**Wai-iti Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Wai-iti Zone and subject to all applicable rules.

**Waimea Community Dam** - means the structure that is the subject of resource consents RM140556 and RM140557 to dam and discharge into the Lee River. C54 9/15  
Op 9/16

*[Meaning for ‘Waimea Community Dam Limited’ deleted]*

**Waimea Community Dam Operator** – means the person who exercises the resource consent to operate releases of water from the dam subject to Resource Consent RM 140557.

**Waimea Deep Moutere Aquifer Zone** - means the groundwater in the Moutere Gravel formation beneath the alluvial aquifers within the area shown on the planning maps as Waimea Deep Moutere Aquifer Zone and subject to all applicable rules. C45 4/13  
Op 9/15

**Waimea Islands Zone** – means the surface and groundwater in alluvial gravels and coastal sands within the area shown on the planning maps as the Waimea Islands Zone and subject to all applicable rules.

**Waimea Plains Zones** - means the Appleby Gravels, Reservoir, Waimea West, Golden Hills, Delta, Hope and Eastern Hills, Upper Catchments and Upper and Lower Confined Aquifer Zones. C54 9/15  
Op 9/16

**Waimea West Zone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Waimea West Zone and subject to all applicable rules.

**Waiting list** – in relation to the taking and use of water, means any written list of registrations established and maintained by Council that are: C12 7/08  
Op 8/14

- (a) lodged on the list in priority-in-time order; and
- (b) accompanied by information on need for and amount of water taking and use; and
- (c) made by persons seeking to have authorised water takes in Water Management Zones where allocation limits specified in the Plan have been reached.

A waiting list establishes a priority order for authorised access to water by a water permit, when it becomes available following the notification of increased allocation limits in the Plan, or following the relinquishing, expiry, reduction or lapsing of existing permits. C12 7/08  
Op 8/14

**Wairua** - means the spiritual value or essence, soul, quintessence - spirit of a person or thing which exists beyond death. C17 2/10  
Op 4/13

**Wakefield Development Area** - means the area between Pitfure Road, Edward Street, and Higgins Road, as shown on the planning maps. C76 9/22

**Wangapeka subzone** – means the surface waters and groundwaters in alluvial gravels within the area shown on the planning maps as Wangapeka Subzone and subject to all applicable rules.

**Waste oil** – means any oil that has been used in machinery but not including oil that has been re-refined to be resold.

**Wastewater Management Area** – means that area of land displayed on the planning maps as Wastewater Management Area and subject to all applicable rules.

**Water** –

- (a) means water in all its physical forms whether flowing or not and whether over or under the ground;
- (b) includes fresh water, coastal water and geothermal water;
- (c) does not include water in any form while in any pipe, tank, or cistern.

**Water body** – means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Water Management Area** – means any area of land displayed on the planning maps of this Plan and identified as a water management area and subject to all applicable rules, and includes the Motueka/Riwaka Plains Water Management Area and the Waimea Water Management Area.

**Water Management Zone** – means a defined part of water resource displayed on the planning maps in this Plan and subject to all applicable rules.

**Water meter** in relation to the provisions of Part V, means a device or system that: C35 3/12  
Op 4/13

- (a) takes continuous measurements;
- (b) keeps records
  - (i) in cubic metres
  - (ii) specifying “zero” when no water is taken
  - (iii) in an auditable format
  - (iv) that must be able to be combined to cover each water year of the permit;
- (c) measures the volume of water taken
  - (i) to within +/- 5 percent of the actual volume taken for water taken from a full pipe, or
  - (ii) to within +/- 10 percent of the actual volume taken for water taken by another method (including an open channel or partially full pipe);
- (d) for takes greater than 5 litres per second is able to provide data in a form suitable for electronic storage, except that for meters existing as at 31 March 2012, manually recorded and reported data is accepted;
- (e) is suited to the qualities of the water it is measuring (such as temperature, algae content and sediment content);
- (f) is sealed and is as tamper-proof as practicable;
- (g) is installed either:
  - (i) at the location from which the water is taken;
  - or
  - (ii) at the location specified by any approval granted in writing by the Council;

and

(iii) by a person who is appropriately accredited to install water meters.

- (h) For takes greater than 5 litres per second, has been verified as accurate by a person who is appropriately accredited<sup>1</sup> to verify the accuracy of water meters.

Verification is required in the first year of the water permit and thereafter at any time in the five-year period ending when that water year ends.

<sup>1</sup> ‘Appropriately accredited’ in relation to installation and verification of water meters is accreditation under the Water Measurement & Reporting Industry Accreditation Programme (Irrigation NZ; February 2011) or a similar programme that provides both training and auditing.

- (i) For takes less than 5 litres per second, has been verified as accurate by or on behalf of the consent holder in the first year that the meter is required and thereafter where the duration is at least five years, once midway during the remaining duration of the permit.

Verification must be by a repeatable method that provides three volume results. The results must be signed as accurate by the person carrying out the measurements.

NOTE: ‘Continuous measurement’ means that flow is **measured** continuously but not necessarily **recorded** continuously.

**Water permit** – means a consent to do something (other than in the coastal marine area) that otherwise would contravene section 14 of the Act.

**Water supply agreement** - means a contract for the release of a specified amount of water from the Waimea Community Dam.

C54 9/15  
Op 9/16

**Water user** or **user** – in relation to water, means any person using water for any purpose.

**Weir** – means a structure that impedes or alters the flow of water or bed material in a river but enables flows over the top of the structure without control. A weir acts to build up the water level behind it but it does not provide significant water storage or opportunity for water harvesting.

C35 3/12  
Op 4/13

**Wet abrasive blasting** – means abrasive blasting using materials to which water has been applied.

**Wetland** – includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

**Wildlife habitat** – means the physical setting in which naturally occurring or introduced animals live in a wild state.

**Wood** – includes logs, sawn timber, bark, shavings, sawdust and wood chips.

**Wood pellets** – means solid fuel used in pellet-burning appliances that is made of wood that has not been treated with preservatives or impregnated with chemicals (except for negligible amounts of anti-sapstain) and that complies with the following standards:

Average moisture content (as delivered):	4% – 8% of the wet mass
Bulk density:	No less than 640kg/m <sup>3</sup>
Ash content:	No more than 0.5% by oven dry weight
Gross calorific value:	18 – 21 MJ/kg
Pellet size:	No more than 10mm diameter by 38mm long
Fines:	No more than 1% by weight passing through a 3mm mesh screen

**Workers’ accommodation** – means a collection of buildings that:

- (a) provides the functional requirements of one or more self-contained housekeeping units; and  
 (b) locates in separate buildings, sleeping facilities from sanitary and eating facilities; and  
 (c) is used for the residential accommodation of persons employed.



## CHAPTER 3: LOCAL AUTHORITY CROSS-BOUNDARY ISSUES

### 3.0 INTRODUCTION

Some resource management issues or concerns are common with those for other local authorities adjacent to Tasman District. Such issues may be in relation to a specific resource or area that extends across district or regional boundaries, for example, continuous urban areas and areas of high natural value. Other common issues may be similar processes or systems such as erosion, contamination, transport networks or water bodies that require a consistent approach to management. The Act requires the Council to investigate common or cross-boundary issues with adjacent local authorities, and to specify in the regional and district plans, the processes to deal with these issues.

The West Coast Region and Buller District lie to the west of Tasman District, and Nelson City, Marlborough District, Hurunui District and the Canterbury Region lie to the east and south.

Since 1 July 1992 when the Council became a unitary authority, issues have arisen in consultation between the Council and some adjacent local authorities, particularly Nelson City Council and West Coast Regional Council. Significant issues include:

- (a) Consistent approaches in resource management policies and plans (Tasman District/Nelson City/Marlborough District/West Coast Region/Buller District/Canterbury Region/Hurunui District).
- (b) Consistent approaches in addressing issues of significance to the tangata whenua and iwi authorities (Tasman District/Nelson City).
- (c) Consistent management of effects of urban land use activities in the Nelson-Stoke-Richmond urban area, including space needs for residential, commercial, industrial (large and small sites), rural-residential and open space purposes (Tasman District/Nelson City).
- (d) Consistent management of the effects of land disturbance activities (Tasman District/Nelson City/West Coast Region).
- (e) Co-ordinated management of land use effects in areas that are significant hard rock quarry aggregate sources in the Eastern Nelson Hills (Tasman District/Nelson City).
- (f) Consistent coastal water quality management and coastal space management in eastern Tasman Bay/Te Tai-o-Aorere, particularly in relation to recreational activities and aquaculture (Tasman District/Nelson City).
- (g) Protection of natural values and features in Waimea Estuary (Tasman District/Nelson City).
- (h) Consistent water management on shared catchments, including the Roding River (Tasman District/Nelson City) and Buller River (Tasman District/West Coast Region).
- (i) Co-ordinated waste minimisation and hazardous waste management programmes (Tasman District/Nelson City).
- (j) Co-ordinated environmental monitoring of water and air quality and hazardous wastes (Tasman District/Nelson City).
- (k) Co-ordinated management of the effects of land transport systems and modes, including roading, passenger transport, cycleways and walkways, and of the effects of land use activities on these systems and modes (Tasman District/Nelson City).
- (l) Co-ordinated provision for specific amenity services and facilities in relation to recreation, arts, culture, tourism (Tasman District/Nelson City).

## **3.1 LOCAL AUTHORITY CROSS-BOUNDARY ISSUES**

### **3.1.1 Issue**

The need for co-ordinated, consistent approaches to resource management issues that cross local authority boundaries.

### **3.1.2 Objective**

Full and effective integration of resource management decisions and results concerning issues extending across the District boundary.

### **3.1.3 Policies**

**3.1.3.1** The Council will continue joint definition and analysis of significant cross-boundary issues with adjacent local authorities and seek to pursue consistent resource management policies for their resolution.

### **3.1.20 Methods of Implementation**

**3.1.20.1** The Council will consult and undertake joint investigations and analyses of common issues with adjacent local authorities.

**3.1.20.2** The Council will pursue consistent resource management policies to address these issues, under agreed priorities and processes under regional and district plans.

**3.1.20.3** The Council will co-operate in the use of joint committees where appropriate to achieve methods (a) and (b).

### **3.1.30 Principal Reasons and Explanation**

Cross-boundary issues are matters of concern and interest to both the Council and any adjacent local authorities. The Act requires these issues to be dealt with in the same way as resource management issues that are contained within the District. There are potential cost savings and cost-sharing arrangements that can be pursued by working together with adjacent Councils, particularly with Nelson City Council, with which the Council has a significant number of common issues.

### **3.1.40 Performance Monitoring Indicators**

**3.1.40.1** Completion of joint resolution processes within appropriate timeframes.

**3.1.40.2** Demonstration of sustainable and integrated management outcomes arising from resolution processes.

## **3.50 ENVIRONMENTAL RESULTS ANTICIPATED**

**3.50.1** Resolution of significant cross-boundary issues through appropriate timeframes and efforts.

**3.50.2** Environmental results that are in accordance with sustainable and integrated management aims of all affected Councils.

## CHAPTER 4: MONITORING AND REVIEW PROCEDURES

### 4.1 MONITORING OF THE PLAN

#### 4.1.1 Introduction

The Council has a duty under the Act (Section 35) to gather information, investigate and monitor:

- (a) the state of the whole or any part of the environment of the District;
- (b) the suitability and effectiveness of its resource management plans;
- (c) the exercise of resource consents in the District;

and to take appropriate action to carry out its resource management functions.

Monitoring information kept by the Council enables the public to be better informed of their duties and to participate effectively under the Act.

The Council has developed a documented strategy for monitoring the state of the environment in Tasman District. The strategy outlines the need for monitoring in the following areas:

- (a) monitoring compliance with the Act, plan rules, and resource consents;
- (b) monitoring effects of resource use activities;
- (c) environmental baseline monitoring;
- (d) monitoring the suitability and effectiveness of resource management plans.

Under the Act (Sections 67 and 75) the Council must state in this Plan the procedures to be used to monitor the effectiveness of the Plan.

#### 4.1.2 Monitoring Policies

##### 4.1.2.1 State of the Environment Monitoring

The Council will maintain a current database relating to the natural and physical resources of the District to provide information on the state of the environment that will assist the Council in undertaking its functions under the Act.

##### 4.1.2.2 Plan Monitoring

The Council will establish key performance monitoring indicators for each objective and group of related policies in the Plan, and report on these indicators at regular intervals (at least three yearly).

##### 4.1.2.3 Resource Consents and Complaints Monitoring

The Council will maintain its record of resource consents and monitor these to ensure compliance with consent conditions and ensure timely processing. It will also investigate complaints on adverse effects of activities, and monitor the type and frequency of complaints as required by the Act.

## 4.2 REVIEW OF THE PLAN

### 4.2.1 Introduction

Under the Act (Sections 67 and 75) the Council may state in this Plan the procedures to be used to monitor the efficiency and effectiveness of the Plan. Any operative provision of the Plan must be reviewed not later than 10 years after it becomes operative (Section 79 of the Act). A review may result in a change or a replacement of the Plan, or a notification of the Plan without change.

### 4.2.2 Procedures

4.2.2.1 After any part of the Plan becomes operative, the Council may review any part of the Plan and notify a change to the Plan as provided by the Act. Also, any person may formally request the Council to change the Plan. The procedure is set out in the First Schedule to the Act. Requesters must clearly describe the environmental results anticipated from implementing the change.

4.2.2.2 A review of any part of the Plan will be carried out if as a result of any:

- (a) submission, or other advice from the community;
- (b) result of monitoring and evaluating the efficiency and effectiveness of policies, rules or other methods;
- (c) change in legislation; or
- (d) issue, review, change or revocation of any national policy statement, national environmental standard or any amendment to Council's Tasman Regional Policy Statement, or any making of a water conservation order, with which this Plan is inconsistent;

a new issue arises or the Plan is found to contain inappropriate provisions.

4.2.2.3 The Council will review parts of the Plan commencing no later than 10 years after the operative date of that part of the Plan. This review will follow the procedures set out in the First Schedule to the Act, and in compliance with the duties under Section 32 of the Act to consider alternatives and assess benefits, costs and risks of any means of promoting sustainable management. The review of any part of the Plan after 10 years will include consideration of:

- (a) environmental monitoring results obtained during the preceding 10 years;
- (b) assessments of the efficiency and effectiveness of the Plan; and
- (c) the need to consult with the community on resource management issues that are current at that time.

## PART II: LAND

### INTRODUCTION

Part II applies to land in the District, including land that is the bed of any river, stream or lake, but it does not apply to the coastal marine area (foreshore, seabed and coastal water).

C46 4/13  
Op 9/15

Chapters 5 to 14 deal with land resource management issues, objectives and policies.

Chapters 16 to 18 state the general, zone and area rules applying to land uses and subdivisions.

Chapter 19 states the information required with land use and subdivision consent applications.

Part II constitutes the District Plan combined with particular provisions that are regional rules. District and regional plan provisions have the same effect except that regional rules affect existing land uses in a manner different from district rules. Section 1.8 of the Plan explains this different effect and identifies regional rules in this Part and other Parts of the Plan.



## CHAPTER 5: SITE AMENITY EFFECTS

### 5.0 INTRODUCTION

Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Amenity values may also be affected by increased or decreased stormwater run-off from development. The health and safety of people must be assured, and flooding to property must be avoided, remedied or mitigated.

C7 7/07  
Op 10/10

Within a site, amenity may stem from the versatility of the site; the proportions of buildings, open space, and vegetation; provision for vehicles; the benefits of daylight and sunlight both indoors and outside.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

The density of development influences the degree of some effects. In other cases it influences the perception of when an effect becomes adverse: for example, development at urban density produces different expectations of privacy than is achieved in rural areas.

In rural areas, adverse effects are particularly apparent between residential activities with urban amenity expectations, and the range of possible rural land uses. In urban areas, adverse effects can occur between all types of activities.

The urban/rural boundary is an area of particular sensitivity, where rural uses may result in effects, which are at times unacceptable to urban dwellers. This may include situations where urban expansion results in the imposition of additional controls on established rural uses, unless buffers are provided or other provisions are made to address potential cross-boundary effects.

There is the potential for the adverse cross-boundary effects from subdivision and development on the natural values of those areas, where urban or residential areas are located within or adjacent to areas of significant indigenous vegetation, significant habitats of indigenous fauna, or outstanding natural features or landscapes.

### 5.1 ADVERSE OFF-SITE EFFECTS

#### 5.1.1 Issues

5.1.1.1 Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.

#### 5.1.2 Objective

Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

### 5.1.3 Policies

*Refer to Policy sets 6.4, 8.2, 33.1, 33.3, 33.4, 33.5, 35.1.*

*Refer to Rule sections 16.3, 17.1, 17.5, 17.6, 17.7, 17.8, 17.12, 18.7, 18.8, 36.1 - 36.7.*

- 5.1.3.1** To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.
- 5.1.3.2** To protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities.
- 5.1.3.3** To protect areas of specific resource value, such as hard rock aggregate resources, from the adverse effects of encroachment by other activities, particularly residential activities.
- 5.1.3.4** To limit the intensity of development where wastewater reticulation and treatment are not available.
- 5.1.3.5** To ensure that the characteristics, including size, soil type and topography of each lot of any proposed subdivision or built development are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly in areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.
- 5.1.3.6** To limit the use of on-site domestic wastewater disposal systems in the Special Domestic Wastewater Disposal Areas (SDWDAs) where cumulative adverse effects including degraded receiving water quality, health risks, nuisance odours, and overland flows of wastewater are likely or have been identified because of increasing system density.
- 5.1.3.7** To require developers to show, in any land use consent involving new on-site disposal of domestic wastewater in an SDWDA how a transition from on-site disposal to a community disposal or reticulated scheme will be made where Council has resolved to construct such a scheme within five years of the application being made.
- 5.1.3.8** Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor. C7 7/07  
Op 10/10
- 5.1.3.9** To avoid, remedy, or mitigate effects of:
- (a) noise and vibration;
  - (b) dust and other particulate emissions;
  - (c) contaminant discharges;
  - (d) odour and fumes;
  - (e) glare;
  - (f) electrical interference;
  - (g) vehicles;
  - (h) buildings and structures;
  - (i) temporary activities;
- beyond the boundaries of the site generating the effect.

- 5.1.3.10** To avoid, remedy, or mitigate the effects of shelter belts, spray belts, horticultural plantings, plantation forestry and other vegetation on adjoining properties and on road safety matters including visibility, shading, and icing, while acknowledging the rural area as being a working environment.
- 5.1.3.11** To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.
- 5.1.3.12** To protect the natural character of coastal land from adverse effects of further subdivision, use or development, including effects on:
- (a) natural features and landscapes, such as headlands, cliffs and the margins of estuaries;
  - (b) habitats such as estuaries and wetlands;
  - (c) ecosystems, especially those including rare or endangered species or communities;
  - (d) natural processes, such as spit formation;
  - (e) water and air quality;
- having regard to the:
- (i) rarity or representativeness;
  - (ii) vulnerability or resilience;
  - (iii) coherence and intactness;
  - (iv) interdependence;
  - (v) scientific, cultural, historic or amenity value;
- of such features, landscapes, habitats, ecosystems, processes and values.
- 5.1.3.13** To avoid, remedy, or mitigate adverse effects of urban use and development on rural activities at the interface between urban and rural areas.
- 5.1.3.14** To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.

## **5.1.20 Methods of Implementation**

### **5.1.20.1 Regulatory**

- (a) Rules relating to:
  - allotment size and intensity of site development;
  - disposal of effluent and waste;
  - bulk and location of buildings and trees;
  - effects of urban development, including the spatial distribution and design layout of classes of activities within urban areas;
  - nuisance effects, including dust, odour, noise, glare, vibration, electrical interference, traffic matters, and effects which are cumulative or are related to reverse sensitivity issues;
  - screening activities of inherently poor appearance;
  - amenity standards for rural areas;
  - contaminant discharges;
  - stormwater discharges.
- (b) Zones and areas that are identified on the basis of particular characteristics and qualities where variations in rules to manage actual and potential effects apply.

C7 7/07  
Op 10/10

- (c) Provisions such as buffer areas, separation areas, screening, security, urban layout or design, or other methods to address urban-rural and other interface amenity issues, at the time of any Plan change or resource consent.
- (d) Special Domestic Wastewater Disposal Areas shown on the planning maps where the combination of site specific characteristics such as soil, geology and topography, and risks of adverse effects, especially cumulative effects, from the on-site disposal of domestic effluent are high and where area rules apply.
- (e) Standards of the Nelson Tasman Land Development Manual 2019 that can address the effects of development on and design of Council's network infrastructure assets. C69 6/19  
Op 6/20

#### 5.1.20.2 Investigations and Monitoring

- (a) Monitoring of site amenity effects, including health and nuisance effects, and public perceptions of site amenity values, in all urban and rural areas subject to development.
- (b) Investigations of methods for avoiding or mitigating the discharge of contaminants across property boundaries.
- (c) Investigations and research into the natural drainage characteristics of land for determining appropriate catchment-based stormwater management. C7 7/07  
Op 10/10

#### 5.1.20.3 Education and Advocacy

- (a) Advice and information relating to nuisance management, including reference to technical experts.
- (b) Promotion of a code of practice for minimising leakage of night lighting, consistent with maintenance of safety and security, in urban and rural areas.
- (c) Mediation and conflict resolution.
- (d) Advice and information relating to the effective management of stormwater, including the use of Low Impact Design solutions. C7 7/07  
Op 10/10

### 5.1.30 Principal Reasons and Explanation

Subdivision and development commonly occur at locations which share attributes valued by the community such as sustainable management of land for rural activities, or scenic or natural attractions. Subdivision and development commonly occurs at locations which share attributes valued by the community, such as sustainable management of land for rural activities and scenic or natural attractions. Continued urban development at these locations may reduce those values. Sometimes developments may provide an opportunity for more formal protection of valued features and may include other mechanisms for enhancing the environment. Policy 5.1.3.1 is a general policy which addresses the management of effects of change in land use in both the urban and rural environment. Policy 5.1.3.12 limits development on coastal land where it will have an adverse effect on coastal values. Policy 5.1.3.13 limits urban development and other activities which are likely to be incompatible with rural activities, in rural areas.

Water of good quality is needed for domestic use and for natural ecosystems. Policies 5.1.3.2, 5.1.3.4 and 5.1.3.11 seek to achieve that.

Land activities and development will be affected by, or have an effect on, stormwater flows, sedimentation and water quality. C7 7/07  
Op 10/10

Policy 5.1.3.9 is intended to contain nuisance effects, and 5.1.3.10 addresses a nuisance which can also become a safety issue.

Rural activities are associated with a wide range of effects on amenities. Policy 5.1.3.14 acknowledges that these effects must be provided for on a flexible basis, including making allowance for some changes in effects in both the short and long term.

Rules and advocacy are regarded as the most effective means of achieving the results sought.

Policies 5.1.3.5, 5.1.3.6 and 5.1.3.7 recognise that there are a number of locations in the District where a combination of site features, geology, soil type and topography and a prevalence of on-site domestic wastewater systems has led to a variety of adverse effects. Increasing density of such systems in these areas creates increasing risks of cumulative adverse effects.

The Special Domestic Wastewater Disposal Areas particularly at risk have been identified by the Council as the Waimea Plains Aquifer Protection Area, the Richmond foothills, Milnthorpe, Parapara, Patons Rock, Marahau, Brooklyn, Tasman and Upper Moutere. Specific requirements for wastewater treatment and disposal system design and regulatory requirements for the discharge of the effluent will be imposed in these areas.

There are other areas where limitations for on-site disposal of domestic waste will also exist, such as those on sandy soils along the coast and where there are poorly drained pakihi soils and where there is karst terrain. It is important that these limitations be taken into account when assessing resource consent applications involving on-site disposal of domestic wastewater.

Policy 5.1.3.3 refers to the need to specifically protect some resources to provide for the wellbeing of present and future generations.

## **5.1.40 Performance Monitoring Indicators**

- 5.1.40.1** Complaints regarding adverse effects of noise, dust, odour, signs, contamination, electrical interference and vegetation (including shading).
- 5.1.40.2** Surveyed extent and degree of adverse change to specified site amenity values in living environments in the District.

## **5.2 AMENITY VALUES**

### **5.2.1 Issues**

- 5.2.1.1** Amenity can be compromised in site development and site use.

### **5.2.2 Objective**

Maintenance and enhancement of amenity values on site and within communities throughout the District.

### **5.2.3 Policies**

*Refer to Rules sections 16.1, 16.3, 17.1, 17.2, 18.1.*

- 5.2.3.1** To maintain privacy in residential properties, and for rural dwelling sites.
- 5.2.3.2** To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.
- 5.2.3.3** To promote opportunity for outdoor living on residential properties, including rural dwelling sites.
- 5.2.3.4** To promote amenity through vegetation, landscaping, street and park furniture, and screening.
- 5.2.3.5** To promote amenity and convenience for people in commercial areas.
- 5.2.3.6** To maintain and enhance natural and heritage features on individual sites.

- 5.2.3.7** To enable a variety of housing types in residential and rural areas.
- 5.2.3.8** To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.
- 5.2.3.9** To avoid, remedy or mitigate the adverse effects of signs on amenity values.
- 5.2.3.10** To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.
- 5.2.3.11** To enable a range of signs in commercial and industrial areas, subject to safety and access needs and visual considerations.
- 5.2.3.12** To support the consolidation of information and “welcome to . . .” signs at the entrances to towns.
- 5.2.3.13** To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security.

## **5.2.20 Methods of Implementation**

### **5.2.20.1 Regulatory**

- (a) Rules relating to:
- allotment size and intensity of development;
  - sunlight and shading;
  - outdoor living space on dwelling sites;
  - vegetation, fences and screening;
  - verandahs, retail frontage, pedestrian areas, garden areas and landscaping in commercial areas;
  - natural and cultural heritage features;
  - number, size, location and nature of signs in different areas of the District;
  - provision of roads and on-site vehicle needs.

### **5.2.20.2 Education and Advocacy**

- (a) Advice and information on amenity issues, including landscaping.
- (b) Promotion of standards for signs through design guides and awards.

### **5.2.20.3 Works and Services**

- (a) Street and park works and furniture.
- (b) Multi-sign structures and advertising kiosks.
- (c) Landscape planting.

## **5.2.30 Principal Reasons and Explanation**

Allotment size and intensity of site development affect the perception of whether buildings or open space are dominant in any locality. They also affect the degree of amenity (including privacy) possible between sites, the proportion of sunlight and shade occurring on any site, and the options for using outdoor parts of a site.

These two factors also affect options for servicing sites, especially effluent disposal.

There is tension between the advantages of higher density urban development in reducing demands on limited land resources (such as coastal land, or land of high productive value), and people’s expressed preference for low density development in which open space is prominent. Trees and gardens are important in that open character.

Shelter from sun and rain is sought for pedestrians in the major commercial areas. Policy 5.2.3.8 recognises the effects of traffic on safety, convenience, and noise levels.

Several of these policy matters are subjective. Information and advice will be useful in addition to rules to help people achieve the policies.

A variety of housing types is permitted to cater for the changing household types in the District, including single person households, communal housing and transient accommodation.

Signs are an important part of the District in their role in giving information and advertising products. However, they affect safety and visual amenity if not properly designed and located, especially at the entrance to townships.

Signs are generally acceptable in the commercial and industrial areas because they are needed to advertise products and services. For this reason there is a more liberal approach to signage in these areas. However, signs on roofs and verandahs are restricted for amenity reasons.

Advertising in rural, recreation and residential areas is often a detraction from the amenity of these areas and in these areas, signs are restricted as to scale and positioning.

Traffic safety policies for signs are in Chapter 11. Signs on Council roads are controlled by Council bylaw. Signs on state highways are subject to controls specified in New Zealand Transport Agency (Signs on State Highways) Bylaw 2010.

Excessive or unnecessary lighting can be intrusive in rural and rural-residential areas. The policy intention is to permit only such lighting as is necessary for safety and security.

#### **5.2.40 Performance Monitoring Indicators**

- (a) Surveyed degree of satisfaction of residents and users concerning the on-site amenity values of living and urban environments in the District.

### **5.3 VISUAL AND AESTHETIC CHARACTER**

#### **5.3.1 Issues**

- 5.3.1.1 Some localities exhibit special characteristics which people wish to retain.

#### **5.3.2 Objective**

Maintenance and enhancement of the special visual and aesthetic character of localities.

#### **5.3.3 Policies**

*Refer to Rules sections 16.3, 17.5 – 17.8, 18.1, 18.3, 18.12.*

- |          |  |                       |
|----------|--|-----------------------|
| 5.3.3.1  | To maintain the low or medium density residential character within the existing urban areas, except where higher residential density is provided for in specified development areas. | C5 3/06<br>Op 10/10   |
| 5.3.3.1A | To enable medium density housing with a high standard of amenity in specified locations.   | C66 10/17<br>Op 12/18 |
| 5.3.3.2  | To maintain the open space value of rural areas.   |                       |

- 5.3.3.3** To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.
- 5.3.3.4** To avoid, remedy or mitigate the adverse effects of activities on the character and sets of amenity values in specific urban locations.
- 5.3.3.5** To maintain and enhance features which contribute to the identity and visual and aesthetic character of localities, including:
- (a) heritage sites and buildings;
  - (b) vegetation;
  - (c) significant landmarks and views.
- 5.3.3.6** To provide clear and distinctive boundaries to urban areas in relation to main highway routes.

## **5.3.20 Methods of Implementation**

### **5.3.20.1 Regulatory**

- (a) Rules relating to:
  - allotment size and intensity of site development;
  - location, design and appearance of buildings and signs;
  - location of classes of activities and effects;
  - heritage, vegetation and landscape features.

### **5.3.20.2 Education and Advocacy**

- (a) Development and promotion of guidelines or design codes for buildings and subdivision in areas of high natural, scenic, historic or amenity value.
- (b) Advice and information on amenity issues, including landscaping, retaining and enhancing natural character.

### **5.3.20.3 Works and Services**

- (a) Street and park works and furniture.
- (b) Landscape planting.

## **5.3.30 Principal Reasons and Explanation**

The [community preference for low density ongoing expansion of](#) urban areas [can](#) conflicts with the need to limit urban encroachment onto two of the District's land resources: the limited amount of land of high productive value; and the coastline, where natural character is prominent. [Enabling medium density development in specified Development Areas, reflects the need to use land more efficiently where expansion does occur.](#)

C75 9/22  
(D6/23)  
C76 9/22

In locations such as St Arnaud, Marahau, Lake Rotoroa and Awaroa, natural and scenic values also warrant limits on the nature and scale of development (see Chapter 6.13). Elsewhere, heritage sites or other landmarks may warrant preservation.

As areas are developed within the controls applying to various locations, they take on the character allowed by those controls. These areas may need to be protected against new controls, or new activities, which would cause a departure from that character. For example, the removal of indigenous forest in areas where it is now rare in the coastal environment will adversely affect the character of the locality. Sprawling development along main highway routes leading into settlements may undermine the visual amenity of those settlements.

There is strong community preference to retain the residential character of residential areas. While some non-residential activities such as schools, churches and halls are complementary to that character, others are not compatible with the amenity of residential areas and should be excluded - by plan rules or by decisions on consent applications.

Design guidelines and Council works will be useful in addition to rules in maintaining the character of localities.

### **5.3.40 Performance Monitoring Indicators**

**5.3.40.1** Changes in extent and density of settlements (five yearly).

**5.3.40.2** Surveyed degree of satisfaction of residents and users concerning the special visual and aesthetic character of localities in living, working and recreational environments.

## **5.4 RESIDENTIAL ACTIVITIES AND COMMUNITY FACILITIES**

### **5.4.1 Issue**

**5.4.1.1** Residential and community facilities and services which enable people to provide for their social, economic and cultural well-being and for their health and safety.

### **5.4.2 Objective**

Accommodation of a wide range of residential activities and accessible community facilities in urban areas.

### **5.4.3 Policies**

*Refer to Rule section 17.1.*

**5.4.3.1** To enable a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents.

**5.4.3.2** To allow for health care, educational and cultural facilities and other local community activities, including in residential areas, providing these do not compromise the character or amenity of the residential neighbourhood.

### **5.4.20 Methods of Implementation**

#### **5.4.20.1 Regulatory**

- (a) Rules which permit a variety of residential activities but set performance standards to protect the amenity of residential neighbourhoods.
- (b) Rules which permit community activities subject to meeting performance standards.

### **5.4.30 Principal Reasons and Explanation**

There is a need for a variety of housing forms – for example, permanent living accommodation, refuge or emergency housing, rental flats and boarding houses, or housing for people with special needs – to provide for the varied households of the District.

Community facilities such as halls, schools, health care facilities or hospitals may be of local or regional importance. They must be readily accessible to the residential community which they serve if they are to contribute effectively to the overall amenity or well-being of the community. However, because they have the potential to create adverse effects such as noise, traffic and long hours of operation, a high standard of amenity will be sought.

## 5.5 HEALTH AND SAFETY

### 5.5.1 Issues

- 5.5.1.1 Safety of people, property, and resources.
- 5.5.1.2 Inappropriate management and systems for manufacturing, handling, storing, using or disposing of hazardous substances can pose significant risks to the environment.

### 5.5.2 Objective

Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.

### 5.5.3 Policies

*Refer to Policy sets 33.2, 33.5.*

*Refer to Rule sections 16.7, 17.4 – 17.8, 18.13.*

- 5.5.3.1 To avoid, remedy or mitigate the likely adverse effects on land uses from fire, arising from the location of buildings or flammable vegetation.
- 5.5.3.2 Avoid, remedy or mitigate the likely adverse effects of facilities for the manufacture, storage, use or disposal of hazardous substances, on human health, other land use activities or the environment, including those effects arising from the location, design, construction or management of such facilities.
- 5.5.3.3 To avoid, remedy or mitigate the likely adverse effects of the transport or use of hazardous substances, arising outside of any facility for their manufacture, storage or use.
- 5.5.3.4 To avoid any escape or discharge to surface water or groundwater, or drift to other property, of any hazardous substance, from within the site where it is used.
- 5.5.3.5 To require adoption of land management practices that avoid the potential for creating future contaminated sites.
- 5.5.3.6 To require the preparation of a contingency plan to avoid, remedy or mitigate any adverse effects of an emergency discharge or accidental spill of hazardous substances.
- 5.5.3.7 To encourage the reduction in the use of hazardous substances.
- 5.5.3.8 To account for the cumulative risk from storage and use of hazardous substances arising from the development of different scales and types of hazardous facilities locating in the Mixed Business Zone, and to account for the effects of each hazardous facility on the:
- (a) adjacent land uses;
  - (b) aggregate risk of hazardous substances on the site;
  - (c) cumulative risk of hazardous substances across the zone and in the wider environment;
  - (d) ability of the zone infrastructure, especially stormwater drainage networks to address cumulative impacts of stormwater discharged from hazardous facilities.
- 5.5.3.9 To avoid, remedy or mitigate the adverse effects of land use activities on contaminated sites where there is a risk to human health or the environment by regulating activities being carried out on contaminated sites, particularly where there is a change in land use.

C10 10/07  
Op 3/14

**5.5.3.10** To prohibit:

- (a) the generation of radioactive material;
- (b) the generation of energy from radioactive material or irradiating apparatus;
- (c) the transport, storage, or disposal of radioactive material or waste;

in Tasman District, except where one of the following is undertaken in accordance with the Radiation Protection Act 1965:

- (i) the transport, storage, or use of radioactive material, or the use of irradiating apparatus for medical, educational, industrial or research purposes; or
- (ii) the disposal of radioactive material or waste.

**5.5.3.11** To oppose the presence of nuclear powered or nuclear equipped vessels in the waters of the Tasman District.**5.5.20 Methods of Implementation****5.5.20.1 Regulatory**

- (a) Rules relating to:
  - sites involving the storage, use and disposal of hazardous substances according to the nature of the substance and activities or resources at risk from it;
  - the safe storage, use and disposal of hazardous substances;
  - site management systems and contingency plans;
  - the location of rural buildings and flammable vegetation in relation to each other and property boundaries;
  - prohibiting and restricting radioactive material and nuclear technology in activities.
- (b) Chemical Hazard Area rules to restrict activities on any confirmed contaminated site that requires remediation, and that has the potential to cause significant adverse effects until remediated.

**5.5.20.2 Investigations and Monitoring**

- (a) Monitoring of locations, types of hazardous facilities, and incidents involving hazardous substances.
- (b) Assess the risks of the confirmed contaminated sites in the Site Contamination Register and make decisions as to whether any site needs to be included in the Chemical Hazard Area.
- (c) Establish and maintain a Site Contamination Register by following the Ministry for the Environment's guidelines for collecting and managing contaminated sites information.

**5.5.20.3 Education and Advocacy**

- (a) Promotion of public awareness of the benefits and costs of hazardous substances, and facilities for them.
- (b) Development, implementation, promotion and recognition of industrial standards and codes of practice to reduce adverse effects and minimise risks of hazardous substances.
- (c) Establishment of cooperative approaches with industries to ensure compliance with industry standards and codes of practice that are consistent with sustainable land management practices.
- (d) Promotion of guidelines to help achieve compliance with requirements.

- (e) Promotion of practices which make less use of hazardous substances.
- (f) Council will advocate to the government that energy-related uses of radioactive material or nuclear technology be kept out of Tasman District.
- (g) Promotion of public awareness about fire risks in rural areas, and methods to avoid or mitigate fire risks, such as retention of defensible space around buildings.
- (h) Promotion of public awareness about contaminated sites, and the Council's Site Contamination Register.
- (i) Advocate landowners or polluters of contaminated sites remediate the contamination by management or clean-up.

### **5.5.30 Principal Reasons and Explanation**

Fire is a risk to people, property and natural resources. Reducing the probability of fire spreading, and requiring access for fire-fighting, can be promoted in this Plan.

Hazardous substances present a variety of risks to people's health and safety, and to natural resources. They need to be contained, used in prescribed ways, and any accidental spillage or release remedied according to an approved contingency plan.

Contaminated sites should not be used for any purpose which might release contaminants from the site, except the removal of contaminated material for disposal by approved methods. Further investigation may reveal additional contaminated sites.

Rules set limits for activities or facilities involving hazardous substances, but advisory material may help people achieve compliance. A reduction in the need to use hazardous substances would be beneficial, provided any surplus substances were disposed of in a risk-free manner.

The use of radioactive material or irradiating apparatus is principally in connection with energy generation or supply elsewhere in the world. Apart from popular medical, educational or research purposes, potential energy generation uses of such material or apparatus are considered to have unacceptable risks of contamination or other environmental damage in Tasman District. The Council will prohibit or oppose such uses or activities to the extent of its resource management powers.

### **5.5.40 Performance Monitoring Indicators**

**5.5.40.1** The number and severity of incidents, emergencies or escapes of hazardous substances in relation to the change in numbers of hazardous facilities.

**5.5.40.2** Incidence of damage to buildings from vegetation fires.

## **5.50 ENVIRONMENTAL RESULTS ANTICIPATED**

**5.50.1** Changes in the quality of site amenity and the special character of living and working environments in the District but without significant adverse change.

**5.50.2** Continued low or no risk of contamination or other environmental damage from radioactive sources.

**5.50.3** Improvement in the quality of site amenity of the special character localities of the District.

**5.50.4** Signage that is authorised.

# CHAPTER 6: URBAN ENVIRONMENT EFFECTS

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## 6.0 INTRODUCTION

The District contains a dispersed pattern of over 30 small settlements in a mainly rural setting - with only Richmond and Motueka having a population of over 5,000. Population growth requires careful monitoring so that the reasonably foreseeable needs of future generations for land and other resources can be predicted and met.

There has been rapid growth in the settlements of Richmond, Brightwater and Wakefield on the Waimea Plains (which contain some of the District's most versatile land), at Mapua, Motueka and at coastal settlements in Golden Bay such as Pohara and Parapara since 1985. C58 11/15  
Op 7/17

The population of some inland towns such as Murchison and Tapawera has declined slightly in recent years. New residents have been attracted to the District because of its intrinsic qualities such as good climate and attractive environment. The major urban area of Nelson City lies a few kilometres to the north east of the District and many residents of the Waimea Basin settlements commute to work in industrial and commercial areas in Nelson.

The key locational and urban form issues are:

- (a) Urban development that provides a liveable and sustainable environment for the community through the use of careful design. C5 3/06  
Op 10/10
- (b) Urban growth that minimises the loss of the most productive and versatile land in the District.
- (c) Urban development that avoids locations where it has the potential to be adversely affected by loss or damage from natural hazards.
- (d) The ability to service urban growth (including new residential subdivision) cost effectively and sustainably. Compact urban form can promote efficient use of existing utility services, energy and infrastructure.
- (e) The effect of urban expansion on the character of coastal locations.
- (f) The efficient use and development of the scarce industrial land resource.
- (g) Effective use of commercial land resources.
- (h) Maintenance and enhancement of environmental character and design features in towns. The relationship between buildings and ridgeline features is an issue in some towns.
- (i) The extent of urban expansion bordering national parks.
- (j) The cumulative effect of more dense development on stormwater quality and flood risk. C7 7/07  
Op 10/10
- (k) Residential development that provides for a diversity and choice of housing density and form to cater for a growing population, a changing demographic profile and a range of living options. C66 10/17  
Op 12/18
- (l) The effect of urban development and expansion on historic and cultural heritage.

Six general urban objectives and related policies cover all broad urban issues and some settlements have further policies which relate to particular local land issues.

## 6.1 SUSTAINABLE URBAN DESIGN AND DEVELOPMENT

### 6.1.1 Issue

C5 3/06  
Op 10/10

How to ensure that growth and development of towns and urban areas have socially and economically liveable and environmentally sustainable design features.

There is a growing realisation of the importance in encouraging future urban development to incorporate design features that make a more liveable and sustainable environment to accommodate the increasing numbers of people within the District. Design features, through good urban design, can have a positive effect on the efficiency of servicing and transport networks, and can address risks such as contamination and hazards, as well as amenity issues, whether the urban development involves urban expansion or intensification, or a combination of both. There are a number of principles for sustainable urban design that have been recognised by Council in more recent strategic urban development planning, particularly in Richmond. These principles have application over all urban areas in the District.

C5 3/06  
Op 10/10  
C75 9/22  
(D 6/23)  
C76 9/22

### 6.1.2 Objectives

C5 3/06  
Op 10/10

**6.1.2.1** Urban buildings, places, spaces and networks that together, by design, sustain towns as successful places to live, work and play.

C66 10/17  
Op 12/18

**6.1.2.2** A wide range of living opportunities in urban locations that incorporate urban design principles.

### 6.1.3 Policies

*Refer to Policy sets 8.1, 11.1, 11.2.*

*Refer to Rule sections 16.2, 16.3, 16.4, 17.14, 18.8.*

**6.1.3.1** To encourage subdivision and development to incorporate sustainable urban design principles by:

C5 3/06  
Op 10/10

- (a) encouraging a sense of place and identity;
- (b) working with the natural characteristics of sites;
- (c) creating opportunities to enhance natural values;
- (d) providing a high degree of connectivity within road networks;
- (e) providing for safe walking and cycling;
- (f) designing local roads to ensure a safe low traffic speed environment on local streets and accessways;
- (g) creating a streetscape which enhances perceptions of safety;
- (h) managing stormwater run-off on site where possible, and ensuring off-site stormwater run-off does not increase flood risk nor adversely affect water quality in waterways and the coastal marine area for aquatic ecosystems and recreation; and
- (i) locating and designing development to address cross-boundary effects between land uses.
- (j) encouraging medium density housing development in the forms of compact density and comprehensive housing and intensive residential development within walking or cycling distance of or close to town centres and urban facilities, including public transport.

C22 2/11  
Op 1/15  
C66 10/17  
Op 12/18  
C75 9/22  
(D 6/23)  
C76 9/22

	(k) providing for a choice of residential density and form within the District, taking into account people's preferences, the existing character of neighbourhoods, topography, proximity to town centre, the capacity of infrastructure and the constraints of the land resource.	C66 10/17 Op 12/18
	(l) enabling protection of heritage sites, items and values, cultural heritage and protected trees.	
<b>6.1.3.1A</b>	To encourage medium density housing developments that achieve a high standard of amenity in areas identified on the planning maps as the Richmond South, <b>Brightwater</b> , Richmond West, <b>Wakefield</b> , Mapua Special and Richmond Intensive development areas and the Motueka West Compact Density Residential Area by:	C66 10/17 Op 12/18 C75 9/22 (D 6/23) C76 9/22
	(a) ensuring the suitable and compatible location, height, density, scale and bulk of intensive residential development relative to its context and adjacent land uses, including streets and reserves.	
	(b) encouraging best practice and design through the use of the Council's Urban Design Guide.	
<b><u>6.1.3.1B</u></b>	<u>To ensure that higher density housing options in the Brightwater Development Area and the Wakefield Development Area achieve a high standard of amenity through design in accordance with the Urban Design Guide (Part II, Appendix 2).</u>	C75 9/22 (D6/23) 76 9/22
<b>6.1.3.2</b>	To integrate the management of stormwater run-off with the maintenance and enhancement of natural waterways, vegetation and wetlands, and co-locate provision of passive recreational opportunities, and pedestrian and cycle access.	C5 3/06 Op 10/10
<b>6.1.3.3</b>	To ensure the establishment of riparian planting along urban waterways to maintain and enhance water quality and natural habitats, improve indigenous biodiversity of the catchment, and reduce stream bank erosion while providing access for channel maintenance.	C5 3/06 Op 10/10

## 6.2 LAND EFFECTS FROM URBAN GROWTH

### 6.2.1 Issues

<b>6.2.1.1</b>	How to provide for urban growth that keeps the loss of land of high productive value to a minimum and that avoids or mitigates the risks of extending onto land subject to natural hazards.	
<b>6.2.1.2</b>	How to use existing urban land and infrastructure effectively and efficiently to accommodate the growing population, the changing demographic profile and a diversity of living opportunities.	C66 10/17 Op 12/18

### 6.2.2 Objectives

<b>6.2.2.1</b>	Urban growth that avoids or mitigates the loss of land of high productive value and the risks of extending onto land subject to natural hazards.	
<b>6.2.2.2</b>	Urban growth and sufficient opportunities, including redevelopment opportunities that encourage more efficient use of land, energy and provision of infrastructure, services and amenities.	C66 10/17 Op 12/18
<b>6.2.2.3</b>	For the period 2021 to 2051, the minimum sufficient development capacities for housing in the Tasman portion of the Nelson-Tasman Urban Environment are provided.	NPS-UD 09/21

**Note:**

The minimum sufficient development capacities to meet housing demand, including the competitiveness margin, over a 30-year period are:

Urban Environment	Short Term Years 1-3 (2021-2024) Number of Dwellings
Richmond	398
Brightwater	77
Māpua/Ruby Bay	109
Wakefield	64
Motueka	262
<b>Total</b>	<b>910</b>

Urban Environment	Medium Term Years 4-10 (2025-2031) Number of Dwellings
Richmond	1006
Brightwater	175
Māpua/Ruby Bay	268
Wakefield	145
Motueka	631
<b>Total</b>	<b>2225</b>

Urban Environment	Long Term Years 11-30 (2032-2051) Number of Dwellings
Richmond	2697
Brightwater	412
Māpua/Ruby Bay	722
Wakefield	377
Motueka	1812
<b>Total</b>	<b>6020</b>



### 6.2.3 Policies

*Refer to Policy sets 6.4, 7.1, 7.2, 7.4, 13.1.*

*Refer to Rule sections 16.3, 16.10, 17.1, 18.9, 18.10, 18.12, 18.13, 18.14.*

- 6.2.3.1** To allow infill development of existing allotments in the serviced townships that have an urban zoning as a means of minimising encroachment on the most versatile land in the District.
- 6.2.3.2** To permit enable smaller residential lot sizes in the townships of Motueka, Richmond, Brightwater, Wakefield and part of Mapua. C22 2/11  
Op 1/15  
C75 9/22  
(D6/23)  
C76 9/22
- 6.2.3.2A** To encourage and promote medium density development that achieves a high standard of amenity in areas specified on the planning maps as the Richmond South, Richmond West, Brightwater, Wakefield, Mapua Special and Richmond Intensive development areas and the Motueka West Compact Density Residential Area. C66 10/17  
Op 12/18  
C75 9/22  
(D 6/23)  
C76 9/22
- 6.2.3.2B** To ensure efficient land use in the Brightwater Development Area and Wakefield Development Areas by requiring subdivisions that result in a variety of lot sizes, including higher density housing options.
- 6.2.3.3** To minimise the loss of land of high productive value in allowing for further urban development, while having regard to:
- the efficient use of resources, including land, infrastructure, and energy;
  - the quality of the urban environment.
- 6.2.3.4** To avoid extending urban development onto natural flood plains with a moderate to high risk of flooding or areas that have a moderate to high risk of river or coastal erosion or inundation or land instability.
- 6.2.3.5** To require new areas of residential development to be adequately buffered from the effects of rural activities on the urban-rural interface.
- 6.2.3.6** To avoid, remedy, or mitigate the adverse effects of urban growth on natural stormwater drainage processes within catchments and infrastructure services. C7 7/07  
Op 10/10
- 6.2.3.7** To identify and designate principal stormwater flow routes in urban catchments prior to development and after consultation with affected landowners. C7 7/07  
Op 10/10
- 6.2.3.8** To avoid inappropriate expansion of existing residential settlement areas in the Takaka-Eastern Golden Bay Area where the land is of high productive value. C8 7/07 Op 10/10  
C60 1/16 Op 5/19
- 6.2.3.9** To avoid inappropriate further expansion of the existing Takaka urban area, where this land is found to be affected by flood risk. C8 7/07  
Op 10/10
- Note:** Takaka-specific policies are set out in 6.10.
- 6.2.3.10** To avoid or mitigate the expansion of the urban area in Richmond West Development Area on land subject to sea level rise and flooding by:
- providing an Open Space Zone adjacent to the Waimea Inlet generally below the 3-metre contour above mean sea level (datum reference: NVD55);
  - managing the actual and potential risks of development between the 3- to 4.6-metre contour above mean sea level (datum reference: NVD55) through assessment as part of the subdivision and land use consent process, including a building platform level and reserves for stormwater management, and monitoring changes in coastal patterns;
  - widening Borck Creek to 70 metres to accommodate future stormwater flows in the larger Borck Creek catchment, equivalent to a '1 in 100-year' flood.

## 6.2.20 Methods of Implementation

### 6.2.20.1 Regulatory

- |      |   |                                  |
|------|---|----------------------------------|
| (a)  | Subdivision rules permitting small residential allotments in urban zones, except on the urban-rural interface <u>unless in the <a href="#">Brightwater and Wakefield Development Areas</a></u> .  | C75 9/22<br>(D 6/23)<br>C76 9/22 |
| (b)  | Subdivision rules <u>permitting enabling the smallest</u> residential lots in Motueka, <a href="#">Brightwater, Wakefield</a> and Richmond.   | C75 9/22<br>(D 6/23)<br>C76 9/22 |
| (ba) | <u>In the <a href="#">Brightwater and Wakefield Development Areas</a>, subdivision rules which ensure that a variety of lot sizes and higher density housing options are provided for, and that implement the <a href="#">Urban Design Guide (Part II, Appendix 2)</a>.</u> |                                  |
| (c)  | Zones that contain urban development away from land of high productive value.   |                                  |
| (d)  | Zones that contain urban development away from land with a moderate to high risk of natural hazard.   |                                  |
| (e)  | Subdivision and land use rules limiting development where inundation cannot be mitigated.   | C10 10/07<br>Op 3/14             |
| (f)  | Subdivision and land use rules requiring minimum ground levels above mean sea level for buildings and allotments.   |                                  |
| (g)  | Subdivision and zone rules and an urban design guide that manage medium density development.  | C66 10/17<br>Op 12/18            |
| (h)  | Standards of any Council Land Development Manual that ensure the design and construction of effective and efficient network asset infrastructure.   | C69 6/19<br>Op 6/20              |

### 6.2.20.2 Investigations and Monitoring

- |     |  |                      |
|-----|--|----------------------|
| (a) | Monitoring of lands of different quality and changes in the extent and location of land uses, including buildings. |                      |
| (b) | Monitoring changes in coastal patterns of seawater inundation and erosion.   | C10 10/07<br>Op 3/14 |

## 6.2.30 Principal Reasons and Explanation

The townships on the Waimea, Motueka and Riwaka plains are located on land with the highest productive value in the District, which coincides with a favourable climate for horticultural, viticultural and agricultural production. Such production contributes significantly to the regional economy.

Land with high productive value is a scarce resource in the District (estimated at only 5.4 percent of the land area of the District) that should be kept available to meet the needs of future generations. C60 1/16  
Op 5/19

Any urban expansion onto these lands should be minimised as much as practicable.

Where a township is entirely surrounded by high productive value soils, some urban encroachment may be necessary from time to time when there are no other practical options. C60 1/16  
Op 5/19

Options for future urban expansion in each of the main settlements have been assessed, taking into account factors such as traffic effects, access to utility services, hazard effects, landscape effects and effects on productive value. C60 1/16  
Op 5/19

Each of these factors should be considered in assessing the effects of urban development. C66 10/17 Op 12/18

Urban expansion needs to be sensitive to natural drainage processes within catchments. Areas that have significant drainage issues, such as high groundwater, areas that are low-lying, and areas that may be flood prone, are generally not suitable for urban expansion and intensification. Inappropriate residential, recreational, commercial and industrial development will result in downstream stormwater effects such as flooding and a reduction in water quality for ecosystem, human health and recreational values and uses. C7 7/07  
Op 10/10

While the low density and low-rise character and scale of the settlements is to be maintained compared with larger centres outside the District, resubdivision of existing allotments is encouraged to make more efficient use of the existing land resource in serviced settlements zoned urban. The smallest residential allotment size is permitted in the larger settlements that are located on the most versatile soils to lessen the demand for growth onto greenfield sites. Also, Motueka and Richmond are characterised by a relatively high proportion of elderly residents who often prefer small lot sizes.

Medium density development is encouraged in development areas shown on the planning maps and identified in the rules in the forms of compact density and intensive residential development. The specified areas are Richmond South, Richmond West, [Brightwater](#), [Wakefield](#), Mapua Special, Motueka West Compact Density and the Richmond Intensive development areas. Outside of the above areas, medium density development is provided for in the form of comprehensive development.

C66 10/17  
Op 12/18  
C75 9/22  
(D 6/23)  
C76 9/22

Intensive residential development is promoted and encouraged within walking [and cycling](#) distance or close to town centres and urban facilities as it increases lifestyle and housing choices and uses urban land and services, including public transport, efficiently and effectively.

Subdivision and zone Plan rules, together with the Urban Design Guide, are designed to ensure that medium density development achieves a high standard of amenity.

The Takaka-Eastern Golden Bay Area is defined as the Takaka Valley lowland area from Tata Beach in the east to Rangihaeata in the west, and south to Upper Takaka at the base of the Takaka Hill.

C8 7/07  
Op 10/10

The loss of land of high productive value to residential development in the Takaka-Eastern Golden Bay Area is an issue that must be addressed in relation to the expansion of settlement areas.

C60 1/16  
Op 5/19

Many existing settlement areas such as Takaka, Clifton and Motupipi are located on such land, and further expansion of them should be avoided.

C8 7/07  
Op 10/10

In the case of the existing Takaka Township, as well as being located on lands of high productive value, if the land is subject to flood risk, then both issues need to be taken into account when considering future development in this area.

C60 1/16  
Op 5/19

The hazard generated by rising sea level requires consideration in the Richmond West and Mapua development areas in respect of land closest to the present mean sea level. Already in high tide events combined with high rainfall events, there is a susceptibility to flooding. Sea level rise mitigation measures need to be built into the design of an expanded urban area and new development in combination with stormwater catchment improvements.

C10 10/07  
Op 3/14  
C22 2/11  
Op 1/15

## 6.2.40 Performance Monitoring Indicators

6.2.40.1 Area and type of land taken up for urban and rural residential purposes.

C60 1/16  
Op 5/19

6.2.40.2 Percentage of consents issued that waives any urban building setback from rural zones.

6.2.40.3 The type and percentage of consents issued that involve comprehensive, intensive and compact density residential development.

C66 10/17  
Op 12/18

## 6.3 URBAN INFRASTRUCTURE SERVICES

### 6.3.1 Issue

Planning and provision of servicing infrastructure is essential for the sustainable management of the effects of urban growth. The District has many small settlements – some of which have minimal, incomplete or inadequate servicing that results in inconvenience, contamination and health risks. Services are a physical resource, the efficient and effective provision and use of which has important economic and environmental effects for the community.

C51 1/15  
Op 9/16

Demand for urban growth requires the identification of rural land for future urban purposes. Such land will have servicing needs, and the lack of efficient and effective provision of urban infrastructure services is the main reason for deferring for urban zoning purposes. While such rural land remains deferred subject to services provision, ongoing demand for rural subdivision and development poses the risk that such land may become compromised for successful urban use. Mitigating this risk, and ensuring the adequacy of servicing proposals for urban rezoning and development, are both further issues.

### 6.3.2 Objectives

**6.3.2.1** Sustainable urban growth that is consistent with the capacity of services and has access to the necessary infrastructure such as water supply, roading, wastewater and stormwater systems.

**6.3.2.2** Retention of opportunities for efficient future urban purposes on rural land that is identified for future urban use and development but deferred for this purpose, while enabling rural activities for the time it remains deferred.

C51 1/15  
Op 9/16

### 6.3.3 Policies

*Refer to Policy sets 6.4, 8.1, 8.2, 9.2, 11.1, 11.2, 33.3.*

*Refer to Rule sections 16.2, 16.3, 16.5, 16.6, 17.1, 17.14, 18.8, 36.4.*

**6.3.3.1** To ensure that utilities and services are adequate to avoid, remedy, or mitigate adverse effects of urban development and population growth on both existing and future urban areas.

**6.3.3.2** To require financial contributions towards the provision of servicing infrastructure at the time of subdivision or development.

**6.3.3.3** To promote the establishment of a reticulated servicing system for wastewater treatment and disposal and water supply at Marahau by ensuring the design of the water and wastewater systems for the tourism development at Marahau (Section 111 Block VI and Block XII) can incorporate the necessary upgrades to service the wider settlement.

**6.3.3.4** Where future urban development is proposed and existing services require upgrading, to defer and stage development to avoid adverse effects on the environment.

**6.3.3.4A** Where rural land is identified as subject to a deferral for any urban zoned purpose, despite the land's rural zoning, to restrict activities requiring a consent for subdivision or development by:

C51 1/15  
Op 9/16

- (a) considering the scale, location, design, and servicing features; and
- (b) limiting any potential adverse effects of such features on efficient future urban subdivision, use, and development opportunities as indicated by the urban zone that is deferred, for the transition period until the deferral is removed; and

- (c) where the period of transition until the expected removal of the deferral is significantly long or is uncertain, to enable potential rural activities. **C51 1/15  
Op 9/16**
- 6.3.3.4B** Where any rural land is identified as deferred for any urban zoned purpose until adequate provision of any infrastructure service, to enable:
- (a) the provision of the necessary service by any person or by the Council for any part or all of that land either before or after rezoning by the removal of the deferral; but:
- (b) to ensure that the concept servicing plans that are approved by Council before the removal of the deferral, are required to be implemented under the urban zone through subsequent subdivision or development.
- 6.3.3.4C** Where rural land is subject to a deferral for any urban purpose subject to adequate provision of any infrastructure service, to enable:
- (a) the provision of the necessary service by any person or by the Council for any part or all of that land, and
- (b) whether this is done before or after rezoning by the removal of the deferral, but:
- to ensure that the servicing plans that are approved by Council, prior to the removal of the deferral, are required to be implemented under the urban zone through subsequent subdivision or development.
- 6.3.3.5** To promote a pattern of roading in urban areas that maximises choice of route through a network, with recognition of the contributions of individual extensions to the network pattern and of the constraints of topography.
- 6.3.3.6** To allow development to occur only where adequate provision is made for:
- (a) control of sediment discharges;
- (b) control of stormwater discharges to avoid adverse downstream erosion or flooding effects;
- (c) protection of fresh water and coastal water quality, including through source control techniques, stream management, and where necessary, stormwater treatment, including aquifers and karst drainage systems and caves; **C7 7/07  
Op 10/10**
- (d) retention or establishment of appropriate vegetation wherever practicable adjacent to water bodies and coastal waters;
- (e) maintenance of natural, cultural and intrinsic values of aquatic systems, including aquifers and karst drainage systems and caves;
- (f) protection of riparian margins;
- (g) the use of Low Impact Design solutions for the management of stormwater run-off where practicable. **C7 7/07  
Op 10/10**
- 6.3.3.7** To require developers to adopt appropriate management methods to avoid or mitigate the adverse effects of stormwater run-off.
- 6.3.3.7A** To ensure effective and efficient network asset infrastructure within urban communities by implementing the Nelson Tasman Land Development Manual 2019. **C69 6/19  
Op 6/20**
- 6.3.3.8** To consider options for treatment in all or parts of the Special Domestic Wastewater Disposal Areas where there are:
- (a) significant actual or potential adverse effects from on-site domestic wastewater systems on receiving water quality, habitats, human health and amenity values; or

- (b) site limitations which may create increased risk of adverse effects either by individual systems or cumulatively.

**6.3.3.9** In the Takaka-Eastern Golden Bay Area, to ensure that:

C8 7/07  
Op 10/10

- (a) settlement objectives, policies and residential location options inform and guide Long Term Council Community Plan servicing decisions;
- (b) wastewater, water supply, stormwater management, transportation networks (including State Highway 60), and parks and reserves issues and options are addressed before land is zoned for residential settlement;
- (c) minimum standards for human health and safety, long-term cost effectiveness and environmental quality are met or bettered for any alternative wastewater management and water supply options, such as de-centralised and independent solutions;
- (d) where on-site wastewater treatment and disposal solutions are used, the standard of management avoids, remedies or mitigates adverse effects on water quality, and that long-term management and maintenance responsibilities are clearly defined;
- (e) structure planning with the local community and landowners is undertaken where appropriate and necessary to achieve comprehensive infrastructure planning;
- (f) private infrastructure service provision is considered where the legal, financial and practical responsibilities for design, construction, maintenance and repair are clearly defined.

**6.3.3.10** In the Takaka-Eastern Golden Bay Area, to ensure that:

C8 7/07  
Op 10/10

- (a) new residential development consolidates around existing residential development in locations that have been zoned for that purpose;
- (b) settlement areas are well connected with safe and efficient roads, safe and pleasant walkways, cycle lanes and bridle-paths;
- (c) appropriate residential settlement opportunity is provided for in a location that is within walking and biking distance to the existing Takaka township;
- (d) appropriate residential settlement opportunities are provided for in locations that are in proximity to effective and efficient wastewater treatment and disposal facilities;
- (e) opportunities for light industrial and commercial activity are provided for in appropriate locations that are within proximity to existing settlement areas and transport networks.

**6.3.3.11** In the Takaka-Eastern Golden Bay Area, to ensure that:

C8 7/07  
Op 10/10

- (a) local communities are involved in determining appropriate development standards for built development and infrastructure planning prior to the re-zoning of land for residential development;
- (b) the character of development and built infrastructure is in keeping with the natural heritage, landscape character and amenity values of the surrounding environment, without compromising human health and safety;
- (c) landowners and developers are actively encouraged to use the New Zealand Standards Handbook of Subdivision for People and the Environment (SNZ HB44:2001), in the design of future subdivision and development, where these standards are consistent with the Long Term Council Community Plan objectives for settlement planning and development.

## 6.3.20 Methods of Implementation

### 6.3.20.1 Regulatory

- (a) Rules establishing what works, services, land or money are to be provided by developers, including for the upgrading of existing facilities.
- (b) The location, scale and staging of urban development shown on planning maps.
- (c) Rules regarding connection to Council utility services or whether alternative means of managing effects are acceptable.
- (d) Rules that require roads to be formed to standards of connectivity as a result of subdivision in urban or rural-residential areas.
- (e) Rules that encourage the use of Low Impact Design solutions in the management of stormwater. C7 7/07  
Op 10/10
- (f) Standards of the Nelson Tasman Land Development Manual 2019 that ensure the design and construction of effective and efficient network asset infrastructure. C69 6/19  
Op 6/20

### 6.3.20.2 Investigations and Monitoring

- (a) Investigations into the capability of utility services to support further urban development.
- (b) Investigation into options for domestic wastewater treatment and disposal in all risk areas, including:
  - (i) Tasman
  - (ii) Marahau
  - (iii) Upper Moutere
  - (iv) Patons Rock
  - (v) Brooklyn
  - (vi) karst
- (c) Monitoring the performance of utility services in avoiding, remedying and mitigating adverse effects on the environment.
- (d) Regular preparation of a “State of the Environment” report.

### 6.3.20.3 Works and Services

- (a) Provision, extension or upgrading of utilities and services by Council.
- (b) Establishment of current and deferred standards of service or performance in terms of both community expectation and environmental performance for infrastructure services, including requirements for the quality of stormwater discharged into the Council’s stormwater network.
- (c) Council liaison with infrastructure service providers to promote and plan for effective infrastructure service development.

## 6.3.30 Principal Reasons and Explanation

The infrastructure services such as roads, water, and wastewater and stormwater systems are a valued physical resource generally owned and maintained by the community. They are essential for the efficient operation of the District and the well-being of its residents. New users will be expected to contribute to the sustainable development of the resource through funding mechanisms, including the development impact levy programme (see Chapter 16, Section 16.5).

In some settlements such as Motueka, Mapua, Richmond, Kaiteriteri, Marahau and Patons Rock, future growth will necessitate further upgrading of services and a series of deferrals will enable a staged provision of these, rather than creating a false expectation that all areas will be immediately available for development. The logical pattern to service development in a hilly area such as Richmond is to proceed from the bottom to the top of a catchment. The deferral and staging proposed emphasises such a pattern of development.

C22 2/11  
Op 1/15

Where new development is proposed, an integrated, catchment-based approach to the management of stormwater is to be used.

C7 7/07  
Op 10/10

The use of Low Impact Design solutions is encouraged where the site and surrounding environment permit. Low Impact Design principles are concerned with minimising the adverse effects of development by protecting, incorporating, or mimicking natural drainage features to manage the flow and quality of stormwater run-off where practicable.

Where land adjacent to urban areas is identified as suitable and appropriate for urban growth, but is not adequately serviced for infrastructure, including water supply, wastewater, stormwater and transportation, this land is deferred for an urban zoning. In the transition to its release for urban purposes, there is a need to retain efficient urban development opportunities, where a variety of subdivision or development proposals may be considered by Council under the existing rural zoning.

C51 1/15  
Op 9/16

Deferred zoned lands may be the subject of servicing proposals from any developer, or may be programmed for extensions or upgrades of existing urban services by Council itself. Adequate standards of all necessary services will be required for deferred zoned land, whether or not the services are provided before or after removal of the deferral.

Once land becomes urban zoned, existing uses on the land will be able to continue.

At Marahau the tourist services zoning of the land at Section 111 Blk VI and Blk XII is allowed for as it is provided for in the Marahau Strategic Development Review (July 1998) and the site's servicing for water and wastewater treatment and disposal will be designed to allow for upgrades that can provide reticulated services for Marahau in the future.

In the Richmond West Development Area the rezoning of most land identified for urban development (except the development of some existing zoned land: Light Industrial Zone northwest of Headingly Lane) is deferred until the required infrastructure of water, wastewater, and stormwater) is provided. (*Refer to Section 17.14*)

C10 10/07  
Op 3/14

The information gathered by Council about services infrastructure will enable reappraisal of areas available for urban or rural-residential development, any specified sequence of development, and the infrastructural requirements that any proposed development may need to address.

In catchments served by inadequate stormwater networks, any proposed development will not be allowed to increase peak run-off further.

Where necessary, regulation of stormwater discharges will be reviewed in these areas. Council will be able to make decisions on urban development proposals and the allocation of funds for stormwater infrastructure in a co-ordinated, consistent and efficient manner.

Council will ensure that risks of contamination of stormwater are considered and avoided, remedied or mitigated as necessary and appropriate. It will also address matters of quantity, including impacts on the capacity of the existing systems as well as provisions for secondary flows.

Actual and potential adverse effects from the on-site treatment and disposal of domestic wastewater will be managed both by land use and discharge rules. However, in some parts of the District the cumulative adverse effects of such systems requires that Council consider other options for wastewater treatment and disposal. These may include small-scale package treatment plants or large-scale reticulation schemes.

The Takaka-Eastern Golden Bay Area is defined as the Takaka Valley lowland area from Tata Beach in the east to Rangihaeata in the west, and south to Upper Takaka at the base of the Takaka Hill.

C8 7/07  
Op 10/10

In the Takaka-Eastern Golden Bay Area, it is important that issues and options for efficient and effective infrastructure services provision are discussed with the local community, and that this occurs prior to the re-zoning of land for settlement purposes.

This may occur in the form of a structure planning exercise or through an integrated approach to Long Term Council Community Plan and resource management planning discussions.

C8 7/07  
Op 10/10

All policies, objectives and location options should be used to inform other Council processes, such as the Nelson Tasman Land Development Manual 2019 and the Long Term Plan.

C69 6/19  
Op 6/20

Where Council network asset infrastructure is to be created or affected by new development, Council's Land Development Manual can ensure a standard of design and construction that is effective and efficient in meeting the needs of communities while at the same time ensuring sustainable environmental outcomes.

### 6.3.40 Performance Monitoring Indicators

6.3.40.1 Area of land deferred because of constraints on the availability of services in different settlements.

## 6.4 COASTAL URBAN DEVELOPMENT

### 6.4.1 Issue

Avoidance of inappropriate subdivision in the coastal environment.

### 6.4.2 Objective

Containment of urban subdivision, use and development so that it avoids cumulative adverse effects on the natural character of the coastal environment.

### 6.4.3 Policies

*Refer to Policy sets 6.2, 6.3, 6.5, 8.2, 13.1*  
*Refer to Rule sections 18.12*

6.4.3.1 To avoid the creation of new settlement areas in the coastal environment.

6.4.3.2 To provide for future growth of key coastal settlements landward rather than along the coast.

6.4.3.3 To protect the coastal environment from sprawling or sporadic subdivision, use and development.

- 6.4.3.4** In the Takaka-Eastern Golden Bay Area, to ensure that:
- (a) the long-term limits of coastal settlement areas are defined and then protected, in all directions, to prevent inappropriate sprawl;
  - (b) new coastal development is concentrated within and inland of existing coastal settlement areas to avoid coastal ribbon development and help to protect natural heritage and coastal landscape values;
  - (c) alternative solutions to continued expansion along the coast are considered, such as more compact forms of low impact design building, to address the demand to live in proximity to the coast;
  - (d) new residential settlement in low-lying coastal areas at risk from coastal hazards are avoided;
  - (e) outstanding coastal landscapes are protected from built development and land uses;
  - (f) low impact design building solutions for all built development within the coastal environment are encouraged;
  - (g) legal and physical protection of the margins of coastal landscapes that have high natural heritage values, such as estuaries and coastal wetland environments, is required;
  - (h) opportunities for low density, low impact design building development are considered, where landscape values are protected, where the land has low productive value (Class D lands or poorer), and where there are net gains for protection and enhancement of the coastal environment, such as public access opportunities, cultural heritage protection and restoration of natural heritage values.

C8 7/07  
Op 10/10

## 6.4.20 Methods of Implementation

### 6.4.20.1 Regulatory

- (a) Zones that limit the extent of settlements in the coastal environment.
- (b) Rules that limit the effects of residential lots in the rural coastal margin.

### 6.4.20.2 Investigations and Monitoring

- (a) Monitoring of the number of residential lots approved in the coastal environment.

## 6.4.30 Principal Reasons and Explanation

[6.3.30 Proposed]

### Proposed as at 1 November 2008

The coastal environment is a finite resource within the District. There are numerous small to medium sized settlements which lie in the coastal environment. Some of these settlements such as Pohara and Pakawau already extend a considerable distance along the coastline. It is acknowledged that there is a strong demand for coastal allotments with a sea view and access to the coast. However, such allotments cannot be created indefinitely without adversely affecting natural character. It is proposed to encourage urban development in depth at key coastal serviced settlements such as Mapua, Kaiteriteri, Ligar Bay, Pohara, Patons Rock and Collingwood where natural character has already been compromised, and so avoid sporadic development. Objective 6.4.2 and its related policies give effect to the New Zealand Coastal Policy Statement 2010, Policy 13.

C2 2/97

## 6.4.40 Performance Monitoring Indicators

- 6.4.40.1 Number of new lots created for residential activities in the coastal environment.

## 6.5 LAND FOR INDUSTRIAL ACTIVITIES

### 6.5.1 Issues

The key issues relating to land for industrial activities are:

C10 10/07  
Op 3/14

**6.5.1.1** There is a limited availability of land for industrial activities where adverse effects can be adequately avoided or mitigated.

**6.5.1.2** The provision, availability and ongoing supply of suitably located industrial land within the District to accommodate the Nelson City's and Tasman District's needs in the medium term to 2026 and long term to 2051.

C10 10/07  
Op 3/14

### 6.5.2 Objectives

**6.5.2.1** Accommodation of a wide range of industrial activities in locations where adverse effects on other values and activities are avoided, remedied or mitigated.

**6.5.2.2** A supply of suitably located industrial land to provide for the medium to long-term needs of the Tasman and Nelson region.

C10 10/07  
Op 3/14

### 6.5.3 Policies

*Refer to Policy sets 8.2, 11.1, 33.1, 34.2, 35.1.*

*Refer to Rule sections 17.1, 17.3, 17.4, 36.1 – 36.7.*

**6.5.3.1** To promote a form of settlement that identifies areas where industry can operate with the required services and without adverse effects on or from other activities.

**6.5.3.2** To identify areas where heavy industry can operate with convenient access to the transport system and without adverse effects on or from other activities.

**6.5.3.3** To identify areas where light industry can operate with convenient access to the transport system and without adverse effects on or from other activities.

**6.5.3.4** To avoid the adverse effect of residential and retailing activities consuming the land resource that is made available for industry through lower standards of environmental effects.

**6.5.3.5** To avoid a reduction of amenity standards in residential areas by industrial activities.

**6.5.3.6** To avoid the adverse effects of industrial activities that are unrelated to the rural environment on the amenity and character of rural areas.

**6.5.3.7** To prevent the expansion of industrial zones, or the creation of new industrial zones, in sensitive environments such as aquifer recharge areas and margins of lakes, rivers and wetlands.

**6.5.3.8** To prevent the expansion of industrial zones, or the creation of new industrial zones, in the coastal environment.

**6.5.3.9** To provide a medium-term supply of suitable industrial land close to urban areas and strategic road networks.

C10 10/07  
Op 3/14

**6.5.3.10** To ensure that within the Richmond West Development Area, a long-term land bank of industrial land is provided to meet regional needs.

- 6.5.3.11** To enhance the amenity values of new industrial areas for employees, customers and for the public when viewed from public areas such as roads, and open space.
- 6.5.3.12** To avoid the establishment of community activities within the Light Industrial Zone.
- 6.5.3.13** To limit the nature and scale of retail activities within the industrial zones to those that directly relate to products produced or processed as part of an industrial activity on site and that are ancillary to the industrial activity, with the exception of food and beverage outlets below 100 square metres gross leasable floor area.

C10 10/07  
Op 3/14

## 6.5.20 Methods of Implementation

### 6.5.20.1 Regulatory

- (a) Zoning of separate heavy, light industrial and rural industrial areas.
- (b) Rules that limit retailing activities and other non-industrial activities in industrial zones.
- (c) Rules that limit industrial activities in residential areas.
- (d) Zones that limit the extent of industrial development in the coastal environment.

## 6.5.30 Principal Reasons and Explanation

Industrial land is a scarce resource. Industry has specific locational requirements and the following criteria are indicative of general industry needs:

- (a) Proximity to main access roads.
- (b) Adequate roading for heavy vehicles.
- (c) Proximity to labour force.
- (d) Separation from sensitive environments, including residential areas, rivers, streams, the coast and aquifer recharge areas.
- (e) Services such as sewer and water.
- (f) Flat land.

Specific areas have been set aside for industry and this would be advantageous for industry because these needs have been taken into account. The grouping of industries recognises there is often a working relationship between different industries. There may also be a need to separate incompatible industries. Heavy industry is characterised by more intense environmental effects than light industry. The Council has had a wide variety of industrial zones, with some recognising specific industries - especially resource processing industries in the rural area. This Plan continues with that approach where there is a community benefit from the industry remaining in the rural area. Small-scale rural service businesses may be able to be permitted through the resource consent process in appropriate circumstances.

From the point-of-view of market demand, Richmond and Nelson urban areas together provide a single supply of land for industrial development, within which potential developers make choices on the basis of location, cost and availability of key servicing needs. The close proximity to the Port and strategic road networks make Richmond and Nelson prime locations for industrial development.

C10 10/07  
Op 3/14

Increasingly there has been pressure on industrial land for use by commercial activities, including office and large format retail and this has contributed to a reduction in available land area. In general, there is a trend of a mixed commercial/industrial use in most urban industrial zones.

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C10 10/07  
Op 3/14

Since the consideration of the long-term growth needs for Richmond, commencing with the Richmond Development Study in 2003, ongoing investigation into the future demand and supply for industrial land has centred on the Richmond West Development Area. Because of its urban proximity and infrastructure features compared with all other undeveloped regional locations, this area has a permanent regional significance for business land, including industrial and commercial needs. Adoption of an approximate 50-year time horizon for a land bank for industrial and other business development, secures the long-term value of the Richmond west location in the context of the regional need.

“Greenfields” or unbuilt land, such as that in the Richmond West Development Area (but not in ecologically sensitive parts of the coastal environment) offers the opportunity of tailored site layout and building development to meet specific needs.

The relative shortage and constrained land supply of suitable industrial land (lack of new large affordable sites) in Nelson means that the Tasman District, particularly Richmond, is accommodating an increasing proportion of the region’s industrial growth, and this trend is set to continue.

Industrial zoned land in smaller towns such as Motueka, Brightwater, Wakefield and Takaka provides for local needs and contributes to a wider need.

The Rural Industrial zones, particularly Eves Valley, will provide the localities for rural industrial and heavy industrial activities.

Effort has been made to have some compatibility with the policies and rules in Nelson City, especially in relation to the location and availability of industrial land in the eastern part of the District.

Retailing is limited in industrial zones to encourage consolidation of retailing in the Central Business and Commercial zones. The lower standard of amenity permitted in industrial areas compared with commercial areas is likely to cause conflict over allowable effects, with large-scale retailing inhibiting the operation of legitimate industrial activities. Exceptions are provided for goods made on the premises and retail activities requiring very large sites for the storage and display of bulky items. It is important that residential and retailing activities that do not rely on a close association with other industrial activities do not occupy land in industrial zones. Residential activities are not encouraged in industrial zones, unless they are for on-site custodial purposes, because of the lower environmental standards that apply. In sensitive environments such as coastal margins, industry will be limited to existing industrial zones.

There are many sites in the rural area which contain rural industries which have had a resource processing zoning in the previous District Plan. Many are wood or gravel-based industries with elements of noxiousness such as noise, dust and heavy traffic generation, which would not fit comfortably into a general industrial zone. However, the Council still wishes to maintain a minimum standard of environmental quality, so minimum standards in relation to noise, dust and landscaping apply. There are also former depots and workshops which are a physical resource that could be put to good use.

## **6.5.40 Performance Monitoring Indicators**

**6.5.40.1** Changes in the area of land available for industrial activities.

## 6.6 LAND FOR COMMERCIAL ACTIVITIES

### 6.6.1 Issues

- 6.6.1.1** Effective management of land for commercial activities minimises adverse effects on surrounding land. While there has been some small-scale tourism development in the rural area, a general dispersal of commercial activities will undermine the vitality of the District's commercial centres.

It is important to sustainably manage these town centres as physical resources that are convenient, attractive and safe.

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- 6.6.1.2** A reduction in the ability to provide for a range of business opportunities and environments to meet the needs of the business community and the wider community has arisen from changes in business trends. Some of these trends include: a mixing of business activities; a move to larger format retail outlets, either stand alone or in combination; selling single or multiple lines; and establishment of themed business parks (technology, office, education, industry) with high quality and high amenity environments.

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- 6.6.1.3** The provision and availability of suitably located commercial land within the District to accommodate the Nelson City's and Tasman District's needs in the long term to at least 2051.

### 6.6.2 Objectives

- 6.6.2.1** Effective accommodation of a wide range of commercial activities on appropriately located sites, including a strong, vibrant commercial focus in the main towns of the District.

- 6.6.2.2** A high quality, high amenity business environment with minimal environmental effects within and beyond the zone boundary.

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### 6.6.3 Policies

*Refer to Policy sets 8.2, 11.1.*

*Refer to Rule sections 17.2, 17.4, 17.5.*

- 6.6.3.1** To retain a compact identifiable grouping of business activities in defined areas in settlements, with due regard to the convenience and safety of customers.

- 6.6.3.2** To ensure the Richmond town centre (Central Business Zone) continues to develop as the central focus for intensive retail and office commercial development, and the core pedestrian-oriented area.

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- 6.6.3.3** To enable business growth in the Mixed Business Zone that is complementary to the Richmond Central Business Zone.

- 6.6.3.4** To ensure that commercial activities and activities in the Mixed Business Zone operate in a manner and in a setting likely to provide a high standard of safety, amenity and efficiency.

- 6.6.3.5** To ensure that the intensity and scale of tourist development in rural areas does not adversely affect the character, amenities and image of surrounding rural resources.

- 6.6.3.6** To provide opportunity for tourist activities to be grouped, and their effects contained, in key tourist areas.
- 6.6.3.7** To avoid, remedy, or mitigate adverse effects from incompatible activities in the special tourist areas so that an attractive and coherent environment is maintained.
- 6.6.3.8** To avoid disruption to the convenience of a continuous frontage of commercial activities at street level in central business and commercial locations.
- 6.6.3.9** To avoid the adverse effect of industrial activities on the amenity of the Central Business Zone.
- 6.6.3.10** In the Takaka-Eastern Golden Bay Area, to ensure that: C8 7/07  
Op 10/10
- (a) defined commercial and service centres, such as Takaka, are the hub of the community, providing goods and services, community amenities, sustainable economic opportunities and social interaction;
  - (b) de-centralised business opportunities in other established locations, such as Tarakohe and Pohara, are provided for in order to service those communities;
  - (c) commercial centres are safe, high amenity areas that people and communities can use and enjoy for a range of service and social activities.
- 6.6.3.11** To provide for a range of large format retail activities in the Mixed Business Zone. C10 10/07  
Op 3/14
- 6.6.3.12** To enable a range of commercial activities and light industrial activities to locate within the Mixed Business Zone where adverse effects can be avoided, remedied or mitigated, and the quality of the environment and high amenity values can be maintained or enhanced.
- 6.6.3.13** To provide a supply of suitable land for regional and district business needs in the long term to at least 2051.
- 6.6.3.14** To provide a mixed use business environment that accommodates a range of business opportunities for commercial activities, large format retail, trade-related supply, and small-scale light industrial activities where:
- (a) adverse environmental effects within and beyond the zone boundary can be avoided, remedied or mitigated;
  - (b) a high quality, high amenity business environment can be maintained;
  - (c) the scale, nature and intensity of activities are compatible with maintaining a high quality, high amenity business environment.
  - (d) the role of the existing Richmond town centre (Central Business Zone) is not undermined as the central focus for intensive retail and administrative activity, community interaction, and the core pedestrian-oriented area for Richmond.
- 6.6.3.15** To avoid heavy industrial activities and incompatible trade and light industrial activities from locating in the Mixed Business Zone.
- 6.6.3.16** To enable business activities with clean technology and low emissions to land, air and water to locate within the Mixed Business Zone.
- 6.6.3.17** To enable community activities within the Mixed Business Zone where adverse effects on adjoining residential and rural zones can be avoided, remedied or mitigated and where these are compatible with surrounding activities within the zone.

## 6.6.20 Methods of Implementation

### 6.6.20.1 Regulatory

- (a) Delineate Central Business, Commercial, Mixed Business and Tourist Services zones on planning maps.
- (b) Rules limiting non-commercial activities in Central Business, Commercial and Mixed Business zones.
- (c) Rules that seek to avoid the establishment of specific retailing activities in the Mixed Business Zone that have the potential to undermine the vitality and function of the Richmond Central Business Zone as the central focus for intensive retailing activity.

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## 6.6.30 Principal Reasons and Explanation

For the larger towns of the District, it is important for the social and economic wellbeing of the residents to retain a commercial centre that is convenient, pleasant and provides a desirable range of products and services. Retaining a compact, identifiable grouping of commercial and community activities is an effective way of improving their vitality, convenience and availability to residents. It also assists in reducing travel distances and energy consumption.

Commercial areas provide the major location for businesses supplying goods and services in the community. Commercial zones typically achieve:

- (a) Convenience to customers (which include other businesses) by the grouping of commercial activities.
- (b) Transport efficiencies when compared with individual commercial activities being located randomly throughout urban areas for the whole District, although traffic requires careful management in commercial areas.
- (c) Containment of activities which could have adverse effects in residential areas (e.g. traffic; noise; “after hours” activities and the passage and assembly of people).

Central Business, Commercial and Mixed Business zones are the primary areas of retail and office space, employment opportunities and entertainment (social, cultural and educational). They provide the business sector and the wider community with convenient employment, visitor accommodation, and shopping hubs.

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There is a distinction between the character of the business zones and the nature and scale of activities. In this respect, the zones are considered to be complementary to one another. In some locations, such as the Richmond Central Business District, the distinction whilst present is not fully developed. In time it is anticipated that the primary retail and entertainment focus of the Central Business Zone will be reinforced and commercial and trade supply activities that do not contribute to that function will relocate to more appropriate localities such as the Commercial or Mixed Business zones.

The Central Business Zone in Richmond, Motueka and Takaka is generally characterised by smaller-scale specialty retail outlets, food and grocery stores, continuous shopping frontages, pedestrian oriented movement networks, large centrally located vehicle parking areas and street-side parking alongside retail frontages and offices.

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The Commercial Zone is generally characterised by more open space than the Central Business Zone, on-site parking and a mix of business activities, including trade supply outlets and automotive services.

C10 10/07  
Op 3/14

The Mixed Business Zone is characterised by the predominance of vehicle orientated activities, generally requiring larger areas of on-site parking, a large format retail activity focus which tends to be destination oriented, with larger areas of open space and higher amenity values as a consequence. The zone accommodates those business activities that do not have the potential to undermine the vitality and function of the Central Business Zone as the central focus for retailing activity and are not able or do not need to be centrally located within the town, and provides flexibility for their requirements and convenience for customers and the wider community.

A range of other activities common to both the Central Business and Commercial zones such as support services, including offices (professional and personal services, health and social services), are also located within the Mixed Business Zone.

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Op 1/15

These activities are not likely to result in re-distribution of activities from the central business area.

C10 10/07  
Op 3/14

The distinction between the Central Business, Commercial and Mixed Business zones should be encouraged with the vehicle-oriented business opportunities located in the Mixed Business Zone or on the outer edge of town centres complementing the specialty retailing and entertainment focus, and office activities located centrally.

The layout of the three business zones within the urban environments of the District are likely to differ in response to the existing pattern of development in towns and man-made and natural constraints, such as the presence of main highways and flooding hazards.

Generally, the commercial zones allow more open areas than the Central Business Zone, where more compact, focused building development is sought.

Low-key tourist accommodation and adventure tourism are already established in the rural area. The impact on rural resources such as landscape, roads and waterways will continue to be monitored to ensure a high standard of visual amenity, traffic safety and water quality is maintained.

The key tourist areas such as Kaiteriteri, Marahau and Lake Rotoroa have locations where tourist activities with compatible effects may locate.

## **6.6.40 Performance Monitoring Indicators**

**6.6.40.1** Changes in the area of land available for commercial activities.

## **6.7 SETTLEMENT CHARACTER AND DESIGN**

### **6.7.1 Issue**

Changes occur to the design, appearance and character of settlements, including their relationship with their landscape settings, as settlements grow.

### **6.7.2 Objective**

Maintenance and enhancement of the distinctive characters of urban settlements and integration between settlements and their adjoining landscapes.

### **6.7.3 Policies**

*Refer to Policy sets 8.1, 8.2, 14.1, 14.2.*

*Refer to Rule sections 16.1, 17.2, 18.1, 18.2.*

- 6.7.3.1** To retain and enhance existing significant vegetation, wetlands, lakes and waterways within and adjoining settlements to the maximum possible extent.
- 6.7.3.2** To identify land for future subdivision, and regulate the form of development, so that the particular character and appearance of each existing settlement is not compromised.
- 6.7.3.3** To identify and protect key landscape features in settlements, especially in those which are gateways to areas of special landscape or natural value.
- 6.7.3.4** To seek a consistency in the design and appearance of signs at the entrance to settlements.
- 6.7.3.5** To enhance the design of shopping centres.
- 6.7.3.6** To encourage the development of shopping centres that suits the character of their environment.

### **6.7.20 Methods of Implementation**

#### **6.7.20.1 Regulatory**

- (a) Pattern of urban zoning that takes account of topographical and natural features and significant landscape areas.
- (b) Rules limiting development on identified ridgelines.
- (c) Performance standards for commercial street appearance (height, landscaping, coverage, verandahs).
- (d) Rules requiring esplanade reserves.

#### **6.7.20.2 Investigations and Monitoring**

- (a) Investigate design options through Mainstreet programmes.
- (b) Landscape assessment for major developments at St Arnaud, Rotoroa, Awaroa and Torrent Bay.

#### **6.7.20.3 Works and Services**

- (a) Street works incorporating design features in residential and commercial areas.

- (b) Design guides for buildings in areas of special character such as St Arnaud, Awaroa and Torrent Bay.

### **6.7.30 Principal Reasons and Explanation**

Some of the settlements in the District are growing quite rapidly. As settlements grow, character can be lost if enhancing features are not identified and protected. The issue is particularly pertinent where settlements adjoin national parks (see Issue 6.12). Existing waterways and significant planting on the periphery of settlements enhance the setting of towns and need to be maintained.

Some localities display a distinct character, which may result from factors such as the intensity of development, or the amount and type of vegetation present.

Development of land for future urban activities should avoid damage to key natural features such as significant stands of indigenous trees and wetlands.

Some ridgelines in settlements such as Kaiteriteri and Wakefield were protected from obtrusive development in the previous district plan. These restrictions will be continued but with a degree of rationalisation and with extension of the provision to other key areas such as Tarakohe.

Many of the District's communities seek to erect "welcome" signs and landscaping at the entrance to their town. Some consistency of design elements rather than ad hoc design is sought to enhance township amenity.

The character of the commercial areas of the District is of buildings one or two storeys high, built up to front and side boundaries with large display windows, some advertising and car parking. To maintain the visual character it is important that building development in the main shopping centres does not exceed two storeys or include expanses of car parking and access across the frontage that disrupts building continuity. Verandahs are a feature of the main shopping areas and provide shelter to pedestrians.

### **6.7.40 Performance Monitoring Indicators**

- 6.7.40.1** Assessed degree of retention of landscape features and design themes that contribute to urban character and amenity, in settlement areas subject to growth.

## 6.8 RICHMOND

### 6.8.1 Issues

The key issues for the future development of Richmond are:

- |                |   |                       |
|----------------|---|-----------------------|
| <b>6.8.1.1</b> | The management of peripheral growth in a manner that enables Council to progressively upgrade services on the western, south-eastern and north-eastern margins of Richmond.           | C10 10/07<br>Op 3/14  |
| <b>6.8.1.2</b> | Industrial and mixed business land located to minimise adverse effects on neighbours, on the Waimea estuary, watercourses and their margins, and on the productive potential of land. |                       |
| <b>6.8.1.3</b> | Enhancement of the setting of Richmond, especially the coastal margin and the hill backdrop.  |                       |
| <b>6.8.1.4</b> | Upgrading of the amenity of the central business area, main highway routes and town entrances.  | C10 10/07<br>Op 3/14  |
| <b>6.8.1.5</b> | Maintaining the Central Business Zone as the central focus for intensive retailing, administration and community interaction, and as the core pedestrian-oriented area.               |                       |
| <b>6.8.1.6</b> | Meeting the demand for a range and choice of residential housing within the Residential Zone in Richmond.   | C66 10/17<br>Op 12/18 |

### 6.8.3 Policies

- |                |  |                     |
|----------------|--|---------------------|
| <b>6.8.3.1</b> | To provide serviced residential and rural-residential land on the less versatile land on the north-east fringe of Richmond and to establish higher performance standards for the use of on-site disposal of domestic wastewater systems in the Richmond Foothills Special Domestic Wastewater Disposal Area.   | C20 8/10<br>Op 8/12 |
| <b>6.8.3.2</b> | To extend business zoning on Gladstone Road south-west of the existing Commercial Zone from Lower Queen Street to the northern end of Jubilee Park.  |                     |
| <b>6.8.3.4</b> | To develop a reserve network along the coastal margin where practicable to protect the wetlands and high conservation values of the Waimea Inlet and to provide reserve linkages between the coastline and the Richmond hills.   |                     |
| <b>6.8.3.5</b> | In the north-east Richmond Residential and Rural Residential Serviced zones, to utilise as far as practicable natural watercourses in an unenclosed and natural state for stormwater disposal.   | C20 8/10<br>Op 8/12 |
| <b>6.8.3.6</b> | To enable the expansion to the south of Richmond, limited by the spur ridges between Hart Road and White Road, while ensuring: <ul style="list-style-type: none"> <li>(a) a range of housing densities with high amenity levels is encouraged;</li> <li>(b) the efficient use of land and infrastructure; and</li> <li>(c) the provision of high levels of amenity and public access within the area; and</li> <li>(d) the reverse sensitivity of existing rural activities to residential development arising from adverse cross-boundary effects and amenity values across the interface of urban and rural areas is addressed.</li> </ul> | C5 3/06<br>Op 10/10 |
| <b>6.8.3.7</b> | To retain a rural environment on the spur ridge hill land between Hart Road and White Road but to consider appropriate provision for future residential development to some degree on the land, following structure planning and the provision of an appropriate level of infrastructural servicing.   |                     |

<b>6.8.3.8</b>	To require residential development in the Richmond South, Richmond West and Richmond East development areas to occur in a staged manner based on the provision of infrastructure, including water, wastewater and stormwater, and so defer development until these services can be provided or upgraded to the Council's satisfaction.	C5 3/06 Op 10/10 C10 10/07 Op 3/14 C20 8/10 Op 8/12
<b>6.8.3.9</b>	To establish in the Richmond South Development Area a linked open space network with public access, integrated with: <ul style="list-style-type: none"> <li>(a) walkways and cycleways; and</li> <li>(b) waterway networks to ensure effective stormwater management.</li> </ul>	C5 3/06 Op 10/10
<b>Urban Expansion</b>		C10 10/07 Op 3/14
<b>6.8.3.10</b>	To provide for the expansion and intensification of the Richmond urban area over a 20-year timeframe from 2006 to 2026 within a contained footprint and clearly identified urban boundaries in the following localities: <p><b>Richmond South</b> Limited southward residential expansion between State Highway 6 north of Hope and Hill Street, and a local commercial node, with Stage 1 being defined by Spur Ridges between Hart Road and Whites Road.</p> <p><b>Central Richmond</b> Residential and business intensification of central Richmond.</p> <p>The Richmond Intensive Development Area provides for residential intensification through a combination of infill and redevelopment in the existing central residential area close to the town centre.</p> <p><b>Richmond East</b> Limited residential intensification in suitable locations in Richmond east, including land south of Champion Road and east of Hill Street, where this is not limited by identified natural hazards. Limited serviced rural residential expansion in Richmond east on the south east hill slope fringe of Richmond, where this is not limited by identified natural hazards.</p> <p><b>Richmond West</b> Limited urban expansion in Richmond west in the Lower Queen Street area northwest of State Highway 6 to accommodate residential, business and industrial land, with the exception of industrial development which is to occur north of McShane Road and west of Lower Queen Street, and north of Headingly Lane and east of Lower Queen Street.</p>	C66 10/17 Op 12/18
<b>6.8.3.11</b>	To provide for the extension of the Richmond urban area beyond 2026 in the following localities: <p><b>Hope</b> Limited expansion in Hope to accommodate residential and business development.</p> <p><b>Richmond West</b> Limited expansion in Richmond West to McShane Road as the town edge and boundary between urban and rural land uses, with the exception of a light industrial park to be located outside the town boundary opposite the MDF plant.</p>	C10 10/07 Op 3/14 C20 8/10 Op 8/12
<b>6.8.3.12</b>	To provide for development in a planned way and ensure that the pattern of development being set to 2026 serves the town over the longer term: 2026 to 2051.	C10 10/07 Op 3/14

- 6.8.3.13** In the Richmond West Development Area to ensure a choice and a regular supply of land through:
- (a) planning development in stages that integrate servicing and economic development efficiencies;
  - (b) providing for a sufficient long term land bank;
  - (c) providing for a Mixed Business Zone that complements the Richmond Central Business and Commercial zones.

#### **Mixed Business Activities – Zone**

- 6.8.3.14** To provide for a mixed use business environment that accommodates a range of business opportunities for commercial activities, large format retail, trade-related supply and small-scale light industrial activities where:
- (a) adverse environmental effects within and beyond the zone boundary can be avoided, remedied and mitigated;
  - (b) a high quality, high amenity business environment can be maintained;
  - (c) the scale, nature and intensity of activities are compatible with maintaining a high quality, high amenity business environment;
  - (d) the role of the existing Richmond town centre (Central Business Zone) is not undermined as the central focus for intensive retail and administrative activity, community interaction and the core pedestrian-oriented area for Richmond.
- 6.8.3.15** To provide for large format retail ‘only’ activities along the frontage of Lower Queen Street in a Retail Precinct.
- 6.8.3.16** To promote an attractive appearance of the mixed business environment when viewed from Lower Queen Street, the residential environment, Borck Creek and other local purpose reserves, and the Open Space environment, through the planting and retention of street trees, riparian vegetation, landscaped areas, building setbacks from boundaries, and sensitive building design.
- 6.8.3.18** To manage existing industrial activities in the Beach Road area that do not meet the Mixed Business Zone objectives for clean industry by:
- (a) providing for their continuation for a limited period of time consistent with the uplifting of the deferment on industrial zoned land in the Richmond West Development Area; or
  - (b) requiring a reduction in contaminant discharges to air to a level acceptable in the zone;
  - (c) requiring a higher level of performance for the management of contaminant discharges to water, and storage and use of hazardous substances.
- 6.8.3.19** To provide a network of urban open space and amenity reserves, through the subdivision consent process, within residential and business environments to serve the needs of local residents and employees.

#### **Industry**

- 6.8.3.20** To provide for a light industrial park opposite Nelson Pine Industries (MDF Plant) and the co-location of activities with similar effects.

- 6.8.3.21** To provide a buffer around the perimeter of the industrial park to assist with noise attenuation at the interface of the rural zone and to reduce visual impacts of large buildings when viewed from Lower Queen Street, McShane Road and the rural zone.
- 6.8.3.22** To manage the cumulative effects of contaminated stormwater runoff from hard-surfaced areas and potential hazardous substance spills from adversely affecting the Waimea Inlet through the establishment of dedicated stormwater treatment areas and provision of on-site interceptor traps.
- 6.8.3.23** To provide a future location for the expansion of industrial land within the Richmond West Development Area to avoid adverse effects on the coastline and the Waimea Inlet, productive land and sensitive activities.

#### **Open Space and Reserve Network**

- 6.8.3.24** To establish an open space network that links the hills to the sea and creates a perimeter pedestrian and cycleway network linking the residential environments of Richmond East, West and South with one another.
- 6.8.3.25** To promote multi-purpose use of open space for recreation, non-motorized transport networks, ecological corridors, and stormwater management. C10 10/07  
Op 3/14
- 6.8.3.26** To define the urban and rural edge of the Richmond West Development Area through the use of a planted amenity setback at McShane Road and at the interface of the Light Industrial and Rural 1 zones to protect rural land from urban encroachment and to mitigate adverse visual effects of built development.

#### **Residential Activities – Zone**

- 6.8.3.27** To provide for community activities and facilities within the Residential Zone where the nature, scale and intensity of the development is compatible with the residential environment, and adverse effects on visual amenity, noise and traffic safety can be avoided, remedied or mitigated.

#### **Residential Density**

C66 10/17  
Op 12/18

- 6.8.3.27A** To provide for a range of housing choices in the Residential Zone in Richmond in specified locations.

#### **Residential Intensification**

- 6.8.3.27B** To provide for medium density residential housing in the Residential Zone in Richmond as follows:
- (a) In the Richmond South and Richmond West development areas, in the form of compact density development.
  - (b) In the Richmond Intensive Development Area, in the form of intensive development.
  - (c) In the Residential Zone outside of the Richmond South, Richmond West and the Richmond Intensive development areas, in the form of comprehensive development.

## Richmond Intensive Development Area

**6.8.3.27C** In the Richmond Intensive Development Area:

- (a) to provide for medium density residential development in the form of intensive housing.
- (b) to encourage and promote intensive housing with a high standard of amenity 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.
- (c) to manage development so that stormwater does not cause flooding or contribute to any damage caused by flooding.

### Electricity Transmission Corridor

C10 10/07  
Op 3/14

**6.8.3.28** In the Richmond West and Richmond East development areas, to ensure that the national grid for electricity transmission is taken into account in all resource management decision-making, and that any incompatible use or activity affecting the grid is avoided, remedied or mitigated.

C20 8/10  
Op 3/12

## 6.8.20 Methods of Implementation

### 6.8.20.1 Regulatory

- (a) Provision of a serviced Rural Residential Zone.
- (b) Deferred Residential Zone north west of Hill Street.

### 6.8.20.2 Investigations and Monitoring

- (a) Investigate opportunities for industrial and business development through the Coastal Tasman Area Strategic Development Review.

### 6.8.20.3 Works and Services

- (a) Develop a riparian and coastal reserves network for Richmond.

## 6.8.30 Principal Reasons and Explanation

*[First paragraph deleted (re further growth to the south east of Wensley Road and east of Hill Street (North))]*

C66 10/17  
Op 12/18

Options for the growth and development of Richmond were first identified and discussed in the Richmond Development Study (2003). Denser growth and development was identified by Council as part of a package of options, which included outward expansion onto new greenfield land and intensification of existing urban areas.

C66 10/17  
Op 12/18

The Study identified more compact forms of urban growth as important for the following reasons:

- Encroachment onto rural productive land is reduced.
- The extent of adverse effects associated with urban development can be better managed.
- Services such as water, wastewater, and stormwater can be provided more efficiently.
- Better energy efficiency can be achieved, particularly where associated with urban transportation.

An aging population and reduced household sizes are resulting in an increased demand for small and compact properties.

Greenfield expansion was provided for in Richmond South, Richmond West and Richmond East Plan Changes (through Plan Changes 5, 10 and 20). A framework for more compact density development was introduced into the Plan for the South and West Richmond greenfield locations. Development standards, assessment matters and an Urban Design Guide enable and support denser development in the new Residential zones.

Since the consideration of the long-term growth needs for Richmond, commencing with the Richmond Development Study in 2003, ongoing investigation into the future demand and supply for business land has centred on the Richmond West Development Area. Because of its urban proximity and infrastructure features compared with all other undeveloped regional locations, this area has a permanent regional significance for business land, including industrial and commercial needs.

C10 10/07  
Op 3/14

Adoption of an approximate 50-year time horizon for a land bank for business development secures the long-term value of the Richmond West location in the context of the regional need, and seeks to achieve over time the policy objectives of: (i) integrated servicing efficiencies; (ii) economic or business development efficiencies, and (iii) complementary business development between the Richmond CBD and Richmond West Development Area.

Integrated servicing and economic or business development efficiencies are intended to be achieved through the method of zone deferrals 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 very long term.

Soil and topography limitations in the Special Domestic Wastewater Disposal Area result in increased risks of adverse effects from on-site disposal systems.

Watercourses on the north-east side of Richmond in an area of rural-residential development have been identified as a landscape feature that could enhance future subdivision. Where practicable, these should be utilised for stormwater disposal in an unenclosed and natural state.

The Richmond coastline has inherent conservation values that could be enhanced. Reserves linking the coast with the Richmond hills will continue to be developed to enhance the town's character and recreational opportunities.

The Richmond Intensive Development Area provides for more intensive residential development through a combination of infill in and redevelopment of the existing Residential Zone close to the town centre. In acknowledging an aging population, incorporation of universal design principles in the initial design of dwellings in the Richmond Intensive Development Area is encouraged in the Urban Design Guide (Part II, Appendix 2).

C66 10/17  
Op 12/18  
C75 9/22  
(D 6/23)  
C76 9/22

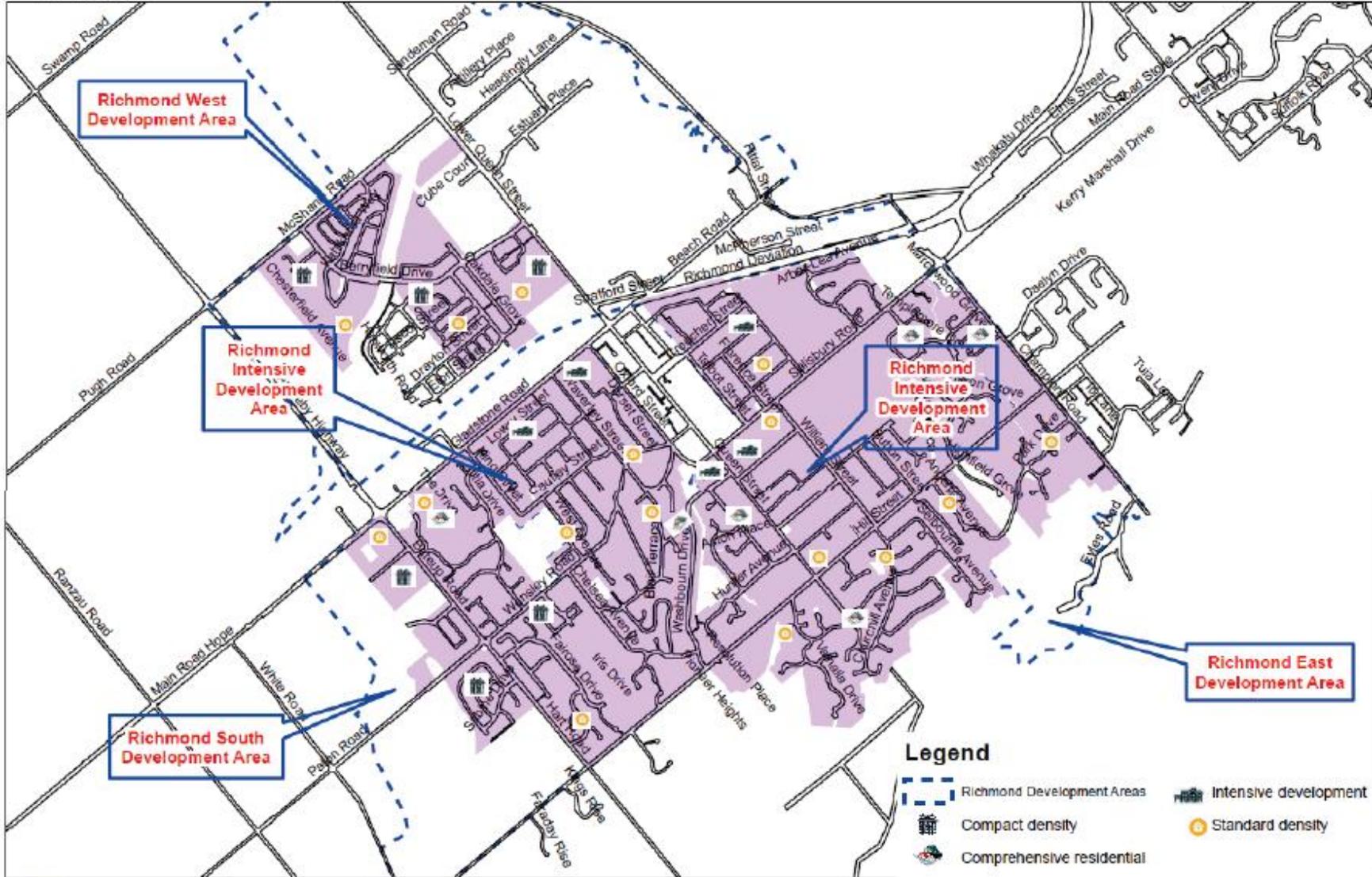
Figures 6.8A and Figure 6.8B show how the range of housing choices are provided for in the Richmond residential area. Figure 6.8A also shows the range of housing choices that are provided for in specified development areas elsewhere in the District.

Figure 6.8A: **Richmond** Residential Housing Choices

C66 10/17  
Op 12/18  
C75 9/22  
(D 6/23)  
C76 9/22

Type of Residential Development	District: Everywhere except 'development areas' and exceptions	Development areas: Richmond South, Richmond West, Richmond East, <b>Brightwater, Wakefield</b> , Motueka West, and Mapua Development Areas, Mapua Special Development Area and Motueka West Compact Density Area	Richmond Intensive Development Area
<b>Standard</b> - Average density - 3 or 4 bedroom house (220 m <sup>2</sup> ) on a 350m <sup>2</sup> - 600m <sup>2</sup> site.	✓	✓	✓
<b>Comprehensive</b> - Three or more dwellings on a site - Building coverage – 40% - Minimum site size = 280m <sup>2</sup> in Richmond and Motueka and 350m <sup>2</sup> elsewhere	✓	<b>X</b> Except for Richmond East below Hill Street and Mapua Development Area where allowed	<b>X</b>
<b>Compact</b> - One or more dwellings on a site - All consents (subdivision, and building) applied for together - No minimum lot size	<b>X</b>	✓ Except for Richmond East; Motueka West Development Area outside of the Motueka Compact Area; and Mapua Development Area outside of the Mapua Special Development Area	<b>X</b>
<b>Intensive</b> - One or more dwellings on a site - Minimum lot size 200m <sup>2</sup>	<b>X</b>	<b>X</b>	✓

Figure 6.8B



### Range of Housing Choices in Richmond Residential Areas



**Note:**  
This is not a planning map. The purpose of this diagram is to show the range of housing choices provided for in the Richmond Residential areas.



## 6.9 MOTUEKA

### 6.9.1 Issues

The key issues for future development in Motueka are:

- |                |  |                     |
|----------------|--|---------------------|
| <b>6.9.1.1</b> | Availability of suitable land for future residential, commercial and industrial growth in Motueka, providing for a range of housing opportunities to meet the different socio-economic needs of the urban community.   |                     |
| <b>6.9.1.2</b> | Much of the land that Motueka could expand onto is a versatile and productive resource of prime quality land. Consolidation of the urban form of Motueka between the existing arms of development between Pah Street and King Edward Street is the preferred alternative to extending the town lengthways or developing unconnected satellite areas. | C43 4/13<br>Op 1/15 |
| <b>6.9.1.3</b> | The existence of drainage problems in parts of Motueka, including low-lying parts of Motueka West near High Street and the potential effects of sea-level rise on low-lying land east of Thorp Street.   | C43 4/13<br>Op 1/15 |
| <b>6.9.1.4</b> | The effect of demand for rural-residential sites on the retention of land of high productive value.  |                     |
| <b>6.9.1.5</b> | Poor traffic management, access, parking and amenity in the central commercial area.   |                     |
| <b>6.9.1.6</b> | Opportunity for business and employment growth that supports, rather than competes, with the existing town centre.   | C43 4/13<br>Op 1/15 |
| <b>6.9.1.7</b> | Opportunities for recreation and conservation on coastal and river margins with appropriate linkage to existing and new urban areas.   | C43 4/13<br>Op 1/15 |
| <b>6.9.1.8</b> | Recognition of the risk of overtopping and scouring of the Motueka River stopbanks and the need to retain secondary flowpaths.   | C43 4/13<br>Op 1/15 |
| <b>6.9.1.9</b> | Potential for contamination of the Motueka groundwater resource from poorly sited or managed urban land uses.  |                     |

### 6.9.3 Policies

- |                |   |                     |
|----------------|---|---------------------|
| <b>6.9.3.1</b> | To provide opportunities for consolidated urban growth away from areas of versatile and productive land, where practicable.   |                     |
| <b>6.9.3.2</b> | To provide for the extension of residential development east of Woodlands Avenue, south of Fearon Street, south of Parker Street on both sides of Wilkie Street and north of Courtney Street East, subject to minimum floor height requirements and adequate stormwater disposal. |                     |
| <b>6.9.3.3</b> | To enable further residential development west of Grey Street and south of Whakarewa Street with opportunities for a higher density of development on sites within walking distance of the Motueka town centre.   | C43 4/13<br>Op 1/15 |
| <b>6.9.3.4</b> | To encourage larger allotments with appropriate frontage and depth requirements fronting Thorp Street and Motueka Quay to assist in maintaining the semi-rural amenity of the area.   |                     |
| <b>6.9.3.5</b> | To provide for future residential zoning in parts of the Thorp Street Rural Residential Zone, subject to an overall stormwater and drainage plan that takes account of potential sea-level rise.  |                     |

<b>6.9.3.6</b>	To avoid further commercial ribbon development on High Street, development opportunities are provided in depth in Tudor Street, Wallace Street and Greenwood Street, and in a large format retail precinct north of King Edward Street.	C43 4/13 Op 1/15
<b>6.9.3.7</b>	To ensure rear servicing access and off-street parking are provided to enhance the development of the central section of High Street as a shopping street of high pedestrian amenity.	
<b>6.9.3.8</b>	To locate appropriately zoned land for a wide range of industrial activities within a business park between Queen Victoria Street and King Edward Street and provide a green buffer to minimise adverse effects on neighbours.	C43 4/13 Op 1/15
<b>6.9.3.9</b>	To avoid the adverse effects of industrial and commercial activities on the Riwaka/Motueka groundwater resource.	
<b>6.9.3.10</b>	To allow for the development and the extension of the marae as a focal point for the tangata whenua of the district.	C43 4/13 Op 1/15
<b>6.9.3.11</b>	To provide for a range of activities in marae areas, while ensuring that activities do not adversely affect and are not adversely affected by adjoining activities.	
<b>6.9.3.12</b>	To control land use in areas subject to risk of flooding.	
<b>6.9.3.13</b>	To direct new areas for residential development away from Motueka Aerodrome.	
<b>6.9.3.14</b>	To ensure the Motueka Aerodrome retains airspace free of obstacles in the vicinity of the runway so that aircraft can manoeuvre safely at low altitude.	C43 4/13 Op 1/15
<b>6.9.3.15</b>	To protect a future road alignment as indicated on Zone Map 119 for an access road between Courtney Street and King Edward Street that will: <ul style="list-style-type: none"> <li>(a) primarily have a property access function; and</li> <li>(b) incorporate traffic calming and control devices and signage to discourage the use of the road by traffic generated from non-residential activities; and</li> <li>(c) not be formed to complete the link until the King Edward Street/High Street intersection has been upgraded.</li> </ul>	C43 4/13 Op 1/15

## **6.9.20 Methods of Implementation**

### **6.9.20.1 Regulatory**

- |     |   |                     |
|-----|---|---------------------|
| (a) | Rules relating to: <ul style="list-style-type: none"> <li>(i) flood hazard special area and minimum floor height of buildings (under the Building Act);</li> <li>(ii) hazardous substances;</li> <li>(iii) obstacle limitation surfaces in proximity to Motueka aerodrome.</li> </ul> | C43 4/13<br>Op 1/15 |
| (b) | Zoning for marae and associated activities (Papakainga Zone).   |                     |
| (c) | Zoning for Rural Residential land at Thorp Street and on the foothills.   |                     |
| (d) | Industrial zoning extension – King Edward Street and Queen Victoria Street.   | C43 4/13<br>Op 1/15 |
| (e) | Residential zoning extensions – away from aerodrome.  |                     |
| (f) | Commercial zoning – containment High Street.  |                     |

**6.9.20.2 Monitoring**

- (a) Monitoring of discharges and water permits.
- (b) Monitoring of groundwater quality.

**6.9.20.3 Works and Services**

- (a) Acquisition of land for service lanes and car parking.

**6.9.30 Principal Reasons and Explanation**

A number of factors have influenced Motueka's development. Most of the urban area of Motueka apart from the Thorp Street area is located on fertile Riwaka silt and sandy loam which supports intensive horticulture that contributes to the economic and social well-being of the District. Its use for urban and rural residential purposes will be discouraged where there are other options. Land for rural residential purposes has been zoned at Pangatotara and Thorp Street. A significant proportion of the land in the town is in leasehold tenure but recent progress has been made in freeholding residential land.

Motueka is a relatively low-lying area. Parts of the town have problems with the disposal of stormwater owing to inadequacies in the existing drainage systems. These factors have made it difficult to provide for future growth of the urban area in the most desirable manner, that is: avoiding land with high quality and versatility for farming, and keeping a compact urban area. Historic ribbon development of housing along arterial routes has further distorted a desirable compact urban area. However, major improvements undertaken in the Lower Thorp Drain area have eased drainage constraints somewhat and are allowing development of residential land east of Woodlands Avenue, and alleviating other flooding problems affecting parts of the Thorp Drain catchment.

Residential zoning on the east side of Thorp Street has been reconsidered but development will be deferred until an overall stormwater and drainage plan is approved by Council.

The Motueka aerodrome is a major transport asset in the Motueka area that contributes to the economic base of the region. It is also an educational and recreational facility. Detailed management of the aerodrome is provided through the Motueka Aerodrome Management Plan. To minimise conflict in areas close to the aerodrome there is some restriction on further residential development for noise and safety reasons. An obstacle limitation surface limits the height of trees and buildings in the vicinity of the aerodrome runway.

C43 4/13  
Op 1/15

Additional land provision for industrial activities was not proceeded with in the last review of the Motueka Plan. Industrial development has been in scattered locations on the north and south sides of the town. The closure of some major industries previously used for primary produce processing has resulted in some large industrial buildings and sites being occupied by many small-scale industries. Some expansion of the industrial area is proposed between Queen Victoria Street and King Edward Street.

Motueka's water supply comes from a large number of wells that tap the Motueka Gravel Aquifer beneath the town. It is intended to provide a fully reticulated water supply because the shallow parts of the aquifer are vulnerable to spillages and contamination from overlying land uses which can affect downstream wells. Two major greenway stormwater features will bisect Motueka West and provide new recreational opportunities for walking and cycling.

Improved amenities, parking and service lane provision is required to enhance the future development of the central commercial area. Some intersection improvements on High Street and new linkages from King Edward Street to Whakarewa Street and from Green Lane to High Street have been planned to relieve congestion on High Street and facilitate development at Motueka West.

Some additional land for commercial activities is likely to be required and the Tudor Street area is considered suitable because of its proximity to existing commercial activities and the possibility of providing more public car parking in this area. Further land for large format retailing of large and bulky goods has been made available to the north of the existing Industrial Zone in King Edward Street.

C43 4/13  
Op 1/15

Although the marae may be located on fertile land, the social advantages to the tangata whenua outweigh the need to protect a relatively small amount of fertile land.

While a range of activities and an extended land area is provided for in the Papakainga Zone, performance standards have been set to ensure that cross-boundary effects do not occur.

C43 4/13  
Op 1/15

## 6.10 TAKAKA

### 6.10.1 Issues

The key issues for future development in Takaka are:

- 6.10.1.1 Recognition of flood hazard in Takaka.
- 6.10.1.2 Provision of land for light industrial activities.
- 6.10.1.3 The need to separate the adverse effects of activities associated with the dairy factory site from other activities.
- 6.10.1.4 Improved opportunities for adequate amenities (including open space), car parking and access to service a compact central commercial area.

### 6.10.3 Policies

*Refer to Policy set 13.1.*

- 6.10.3.1 To ensure that land that is made available for residential settlement is either not subject to flood risk, or the flood risk can be mitigated.

C8 7/07  
Op 10/10

*[Policy 6.10.3.2 deleted]*

- 6.10.3.3 To rezone part of the Commercial Zone in Motupipi Street for light industrial activities.
- 6.10.3.4 To provide a buffer area of rural land around the Takaka dairy factory site.
- 6.10.3.5 To ensure service lane access and off-street parking are provided to enhance development of the Takaka central commercial area.
- 6.10.3.6 To avoid, remedy or mitigate the adverse effects of on-street parking, loading and unloading in the commercial area of Takaka.

### 6.10.20 Methods of Implementation

#### 6.10.20.1 Investigations

- (a) Investigate possible heavy traffic bypass for Takaka using Motupipi and Meihana streets.
- (b) Complete investigation of service lanes and car parking and implement recommendations
- (c) Investigate possible opportunities for residential and rural residential development at Central Takaka.

### 6.10.30 Principal Reasons and Explanation

The supply of residential land in Takaka is limited by regular flooding, and peripheral urban expansion has not been allowed apart from an addition of land located between Te Kakau Stream and Commercial Street, and on an area of land at Meihana Street. It is intended to provide opportunities for new residential growth at other locations such as at Pohara. Future expansion of the dairy factory will result in more industrial land being required. This needs to be as far away as possible from Residential zones because of possible noise effects. Further provision is needed for light industrial activities in Takaka.

Recent studies have indicated there is a problem with inadequate service lanes and car parking, causing congestion in the town centre on Commercial Street. There is a need to formalise and improve some existing commercial accesses and to provide new pedestrian accessways on the east side of Commercial Street. Additional amenities such as seating and tree planting could enhance Takaka's role as the key commercial area in Golden Bay.

## 6.11 TAKAKA-EASTERN GOLDEN BAY

*Refer to Policy set 10.1.*

### 6.11.1 Issues

C8 7/07  
Op 10/10

The Takaka-Eastern Golden Bay Area is defined as the Takaka Valley lowland area from Tata Beach in the east to Rangihaeata in the west, and south to Upper Takaka at the base of the Takaka Hill. It includes the settlement areas of Ligar Bay, Pohara, Motupipi and Takaka.

Key issues for residential settlement planning in the Takaka-Eastern Golden Bay Area are:

- |                 |   |                     |
|-----------------|---|---------------------|
| <b>6.11.1.1</b> | How to ensure that land of high productive value <u>is</u> retained for current or future use in rural production.                | C60 1/16<br>Op 5/19 |
| <b>6.11.1.2</b> | How to discourage dispersed settlement and ribbon development along roads (including State Highway 60) and/or the coastline.      | C8 7/07<br>Op 10/10 |
| <b>6.11.1.3</b> | How to avoid risks associated with development in areas that are flood prone or low lying.  | C8 7/07<br>Op 10/10 |
| <b>6.11.1.4</b> | How to make sure that coastal values, including natural, landscape and heritage values, are not adversely affected by settlement. | C8 7/07<br>Op 10/10 |
| <b>6.11.1.5</b> | How to protect rural open space, green space areas and rural landscapes from expanding settlement.                                | C8 7/07<br>Op 10/10 |

The key issues specifically for Pohara and environs, which has experienced rapid growth in recent years, are:

- |                  |  |
|------------------|--|
| <b>6.11.1.6</b>  | The need for a coherent pattern of development that includes additional land for residential and rural residential purposes and that is adequately separated from the effects of industrial development. |
| <b>6.11.1.7</b>  | Provision for commercial activities within the development pattern.  |
| <b>6.11.1.8</b>  | Recognition of high quality landscape setting and the protection of special features.  |
| <b>6.11.1.9</b>  | Rationalisation of industrial activities at Tarakohe and enhanced amenity.   |
| <b>6.11.1.10</b> | The need to improve services, including formation of a comprehensive roading pattern between Pohara and Ligar Bay.   |

### 6.11.3 Policies

- |                 |  |                     |
|-----------------|--|---------------------|
| <b>6.11.3.1</b> | In the Takaka-Eastern Golden Bay Area, to ensure:  | C8 7/07<br>Op 10/10 |
|                 | (a) the community has a variety of different residential settlement locations to choose from;  |                     |
|                 | (b) residential settlement opportunities are provided for in coastal and inland locations;   |                     |
|                 | (c) choices in development density and character in appropriate locations have been provided for, including low density residential development and more compact forms of residential development;   |                     |
|                 | (d) local communities and landowners are involved in structure planning for locations identified in Policy 6.11.3.2, prior to the zoning of that land for residential or rural-residential purposes. |                     |

- 6.11.3.2** In the Takaka-Eastern Golden Bay Area, to:
- C8 7/07**  
**Op 10/10**
- (a) provide for denser residential development at Rangihaeata, subject to appropriate wastewater management, management of airfield cross-boundary effects, and an assessment of coastal landscape and natural heritage values, and protection of them from inappropriate subdivision and residential development, and the effects on State Highway 60;
  - (b) provide for a residential settlement area centered at the existing Park Avenue location, subject to: particular consideration of appropriate residential development standards; safe car, pedestrian and cycleway access to Takaka; low impact design solutions; infrastructure services provision (including that of State Highway 60); community amenities; and possible future commercial development opportunity;
  - (c) provide for some more development opportunity in the Pohara area, subject to an assessment of natural heritage, character and amenity values; infrastructure servicing requirements (including that of State Highway 60); access and roads; commercial development; parks and reserves; and the identification and appropriate protection of coastal landscape values;
  - (d) provide for more development opportunity in Ligar Bay and Tata Beach areas (including the coastal catchments), subject to an assessment of natural heritage, character and amenity values; infrastructure servicing requirements (including that of State Highway 60); access and roads; commercial development; parks and reserves; and the identification and appropriate protection of coastal landscape values;
  - (e) consider low impact building design, low-density rural-residential development at the Motupipi Hill location, subject to the assessment, identification, long-term protection and restoration of coastal values, especially sensitive estuarine margins; public access opportunities; the assessment, identification and protection of significant landforms; and appropriate infrastructure services (including that of State Highway 60), including suitable access;
  - (f) provide for mixed use development opportunities at Tarakohe, subject to: particular consideration of the proximity of Port Tarakohe; potential for adverse cross-boundary effects; the protection and enhancement of landscape values; and appropriate infrastructure servicing;
  - (g) consider low-density residential development of the eastern flank of the Rototai Hill – Hambrook road landform, subject to particular consideration of: landscape values; ridgeline protection; and the management of karst terrain.
- 6.11.3.3** To allow for a range of urban land uses at Pohara and Ligar Bay, including additional land for residential and rural residential purposes.
- 6.11.3.4** To allow for commercial activities at Pohara.
- 6.11.3.5** To promote a coherent pattern of development by encouraging extension of the existing roading network between Pohara and Ligar Bay in the general alignment identified on the planning maps.
- 6.11.3.6** To promote the protection of significant landscape features including indigenous vegetation remnants and rock outcrops at Pohara, Tarakohe and Ligar Bay/Tata from inappropriate subdivision, use and development.
- 6.11.3.7** To reduce the extent of industrial zoning at Tarakohe but to retain land to service the port at Tarakohe.
- 6.11.3.8** To enhance the amenity and safety of the remaining Tarakohe industrial area through a programme of works including amenity planting, removal of waste material and equipment, and demolition and removal of redundant structures.

## 6.11.20 Methods of Implementation

### 6.11.20.1 Regulatory

- (a) Rules limiting subdivision at Tata Headland and preventing subdivision at Tata Heights.
- (b) Rules controlling the removal of indigenous forest.
- (c) Rules to require developers to construct roading infrastructure in general accord with the indicative roading pattern on the planning maps.
- (d) Rules requiring landscaping of industrial subdivisions.

### 6.11.20.2 Advocacy

- (a) Advocating for the protection of natural features through covenants or reservation.

### 6.11.20.3 Works and Services

- (a) Identify an indicative roading corridor between Pohara, Pohara Valley and Ligar Bay.

## 6.11.30 Principal Reasons and Explanation

In the Takaka-Eastern Golden Bay Area, requiring that settlement take place in defined locations can prevent dispersed and inappropriate development. This can help in avoiding adverse effects on rural values, coastal values and productive land resources, as well as establishing settlements that are more cost-effective to service and less dependent on private vehicles for transport.

C8 7/07  
Op 10/10

A range of locations and different densities of development can ensure that the lifestyle demands of different people can be met, and can help to ensure that more affordable locations are provided for.

Settlement patterns are guided by the objectives and policies of this section.

Promotion of urban development in a defined area at Pohara/Tarakohe/Ligar Bay is an alternative to development elsewhere where adverse effects on the natural character of the coastal environment are regarded as inappropriate and unacceptable. Pohara/Ligar Bay has been and will continue to be a growth centre in Golden Bay. It is an attractive area for future development as it has good recreational facilities and is close to extensive, safe and sandy beaches and a deep water port. It is proposed that future development should consolidate around the existing settlement and provide for some commercial or tourist activities, with compatible industrial activities at Tarakohe. Some essential services such as water supply and roading need upgrading.

Coherent growth of the Pohara/Tarakohe/Ligar Bay area depends on improvements to the local roading network, to provide an alternative link between Pohara and Ligar Bay. An investigation has identified appropriate corridors that will lead to an integrated roading pattern with minimal adverse effects on the environment.

Since the closure of the Golden Bay Cement Works in 1988, site-clearing works have proceeded slowly. The extent of industrial zoning on the attractive limestone formations between Ligar Bay and Tarakohe, and Pohara and Tarakohe, has been reduced in recognition of their high landscape and ecological values and inappropriateness for industrial development. However, Port Tarakohe is expected to have a significant role as the principal port in Golden Bay, servicing marine farming and tourist industries. Some industrial land is being retained at Tarakohe to provide for new port-related industries and other light industries. Where feasible and safe, worked over areas of the former quarry will be developed for utilisation by new industry.

At Tata Heights and on the Tata tombolo, subdivision is limited to prevent adverse effects on indigenous vegetation remnants and geological features in the coastal environment.

## **6.12 COLLINGWOOD**

*Refer to Policy sets 8.1, 8.2, 13.1.*

### **6.12.1 Issues**

The main issues in Collingwood are:

- 6.12.1.1** A need to upgrade services, including roading, and ensure the provision of a public water supply and a stormwater system to cope with the proposed pattern of development.
- 6.12.1.2** Ensuring any boating facilities in the Ruataniwha Inlet are integrated with appropriate onshore facilities and the natural character of the inlet.
- 6.12.1.3** Recognition of natural hazards such as flooding, coastal erosion and slope instability.
- 6.12.1.4** The need for the maintenance and enhancement of the character of Collingwood - including protecting natural values of the hill backdrop to the town, the coastal margin of the inlet, and the sandspit.
- 6.12.1.5** Protection of Collingwood's heritage values and enhanced urban design of Tasman Street.
- 6.12.1.6** The appropriate direction of future development in Collingwood.

### **6.12.3 Policies**

- 6.12.3.1** To progressively upgrade the urban roading network and provide an alternative emergency route for State Highway 60 and stop inappropriate paper roads that have no practical or safe access function.
- 6.12.3.2** To enhance proposed mooring facilities in the Aorere estuary with appropriate onshore facilities such as parking and amenities such as landscaping.
- 6.12.3.3** To promote the concept of an amenity plan for the rear yards of Tasman Street, Collingwood properties which adjoin the Ruataniwha Inlet to enhance public use of the adjoining estuarine margin.
- 6.12.3.4** To avoid, remedy or mitigate the adverse effects of locating development on natural hazard areas.
- 6.12.3.5** To encourage any future development for residential and rural residential purposes to locate behind the existing developed area and to avoid its spread along the coastline or into areas that are highly visible or have high natural values.
- 6.12.3.6** To protect and enhance Collingwood's heritage values and improve the appearance of the main street.
- 6.12.3.7** To protect bush remnants on the coastal scarps at Collingwood.

### **6.12.20 Methods of Implementation**

#### **6.12.20.1 Regulatory**

- (a) Rules limiting development in the Slope Instability Risk Area.
- (b) Rules limiting alteration of heritage buildings.
- (c) Consent required to remove indigenous forest in the Coastal Environment Area.

**6.12.20.2 Works and Services**

- (a) Concept plan for inlet foreshore and main street.

**6.12.20.3 Investigations**

- (a) Investigate opportunities for public access along unformed legal roads, particularly as routes for public walkways, and consider safety at public road interfaces.

**6.12.30 Principal Reasons and Explanation**

The roading pattern for Collingwood was laid out last century and it bears little relationship to the topographical constraints that exist. However, before any road is closed, opportunities for pedestrian access will be investigated as visitors and residents are seeking access to and along the coast. The investigations will include the consideration of safety at interfaces with the formed road network. The walkway routes shown in the Collingwood Strategic Plan will be used as a guide. An alternative route is needed to the one existing access to Collingwood around the Aorere estuary as it is prone to flooding and this risk is likely to increase with predicted sea-level rise. The continued growth in recreational fishing has resulted in a demand for further facilities in and adjoining the Aorere estuary. Adequate parking is required in close proximity to the boat ramp and mooring area and the commercial wharf.

The coastal scarps which separate the upper and lower parts of Collingwood are unstable and have not been zoned urban. They also add to the character of the town in their vegetated and unbuilt state. The end of the Collingwood sandspit is a mobile feature that is unsuitable for permanent structures. The long-term development of Collingwood should be directed away from sensitive locations.

## **6.13 SETTLEMENTS IN OR ADJOINING NATIONAL PARKS**

*Refer to Policy sets 8.1, 8.2, 10.1.*

### **6.13.1 Issues**

There are a number of settlements in the District which are located inside or close to national park boundaries. The main locational issues are:

- 6.13.1.1** The extent, type and location of additional development at Marahau - consolidation at Marahau township or scattered development near the national park boundary.
- 6.13.1.2** The extent, type and location of additional development at St Arnaud (including Tophouse/Wairau Saddle) and Lake Rotoroa – provision for alternative growth areas that minimises the adverse effects on Nelson Lakes National Park. The main effects are likely to be loss of indigenous vegetation and inappropriate buildings.
- 6.13.1.3** The extent and type of development at Awaroa - consolidation of existing urban activities.
- 6.13.1.4** The density and extent of development at Torrent Bay.

### **6.13.3 Policies**

- 6.13.3.1** To provide additional land at Marahau for residential and business development, consolidating between the existing arms of development, and for recreational and tourist development at the beachfront, in keeping with the special rural and coastal character of the area.
- 6.13.3.2** To support and encourage an appropriate coastal management process in conjunction with beachfront tourist and recreational development at Marahau.
- 6.13.3.3** To protect a future road alignment generally as indicated on Zone Map 82 for an access road (as defined in Schedule 16.2D) at Marahau that will:
  - (i) primarily serve land to the rear of the Marahau settlement which is zoned for future residential development;
  - (ii) primarily have a property access function;
  - (iii) incorporate traffic calming and control features to discourage use of the road by traffic generated from non-residential activities.
- 6.13.3.4** To provide a small area of additional land for residential opportunities at Lake Rotoroa.
- 6.13.3.5** To protect ecosystems, indigenous vegetation and other outstanding natural features adjoining and within Marahau, Rotoroa, Awaroa and St Arnaud townships to enhance their settings close to a national park.
- 6.13.3.6** To enable a limited amount of new residential growth at St Arnaud adjacent to Borlase Avenue and in depth on the north side of State Highway 63 behind existing development, subject to the implementation of wastewater measures designed to avoid contamination of Lake Rotoiti or any stream draining to the lake, and to retention of the natural character of the margins of the lake and the national park.
- 6.13.3.7** To provide an alternative growth area for St Arnaud in the form of two rural-residential areas in the Tophouse locality.
- 6.13.3.8** To retain a clear rural character which avoids ribbon development between Tophouse junction and St Arnaud.

- 6.13.3.9** To maintain a residential lot size at St Arnaud township sufficient to retain the area's natural character.
- 6.13.3.10** Resubdivision of existing residentially-zoned allotments crossed by the Alpine Fault in Robert Street, Holland Street and Borlase Avenue at St Arnaud will not be permitted.
- 6.13.3.11** To promote consolidation of commercial development and tourist accommodation near the centre of St Arnaud.
- 6.13.3.11A** To provide for cultural land use activities in St Arnaud within an identified Papakainga Zone. C78 9/22  
Op 3/23
- 6.13.3.12** To avoid adverse visual effects of buildings and site development works on the amenity and character of Marahau, Awaroa, St Arnaud, Rotoroa and Torrent Bay.
- 6.13.3.13** To avoid, remedy or mitigate the adverse effects of tourist activities and of the scale of tourist development at Awaroa, St Arnaud, Rotoroa, Marahau and Torrent Bay.
- 6.13.3.14** To ensure facilities servicing visitors to Marahau and the Abel Tasman National Park are compatible with the natural environment and do not adversely affect public access to the foreshore.
- 6.13.3.15** To establish higher performance standards for the use of on-site disposal of domestic wastewater in the Marahau Special Domestic Wastewater Disposal Area.

## 6.13.20 Methods of Implementation

### 6.13.20.1 Advocacy and Education

- (a) Promotion of information about the effects of cats on indigenous wildlife and discouraging the keeping of cats at St Arnaud and Rotoroa.
- (b) Council to prepare an advisory pamphlet listing trees and shrubs and other vegetation appropriate for the St Arnaud area, consistent with those occurring naturally in the area.

### 6.13.20.2 Works and Services

- (a) Any plants provided by Council to landowners for street frontage enhancement in new urban subdivisions in St Arnaud are appropriate indigenous species.

### 6.13.20.3 Regulatory

- (a) Papakainga zoning in St Arnaud to provide for cultural activities.

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Op 3/23

## 6.13.30 Principal Reasons and Explanation

### Marahau

Many small-scale tourist ventures have established in the small Marahau settlement and its environs near the southern entrance to the Abel Tasman National Park since the Riwaka-Sandy Bay road to the Abel Tasman National Park has been upgraded. More attention to parking, access, coastal management processes and open space provision along the Marahau foreshore area will be necessary as development continues. An indicative road alignment has been shown on Zone Map 82 for Marahau to ensure future integrated development of land to the rear of the Marahau settlement. The purpose of this notation is to protect the future road alignment for an access road (as defined in Schedule 16.2D) to provide a property access function primarily serving land which is zoned for future residential development. Some of the land

which the indicative road will serve is also zoned for future tourist services. It is intended that this road will be developed as a low impact residential access road incorporating constraints to through traffic (making use of traffic calming and control features).

Further ventures will be encouraged to locate in or adjoining the township and so as to avoid the low-lying, flood-prone land in the Marahau Valley and the unstable coastal margin. Marahau settlement has an attractive setting of native bush and coastline. The Council will endeavour to have the bush protected by covenant or reserve.

### **St Arnaud**

St Arnaud services and is the gateway to Nelson Lakes National Park. While it has long been a small summer holiday resort, it is developing facilities to cater for increasing winter recreation at the nearby ski-fields.

The most significant constraints on development are surveyed support for only moderate township growth and environmental matters such as protection of native vegetation and the water quality of Lake Rotoiti.

An alternative growth area has been developing at Tophouse, providing for low density residential allotments. The extent of land zoned Rural Residential at Tophouse/Wairau Saddle is sufficient for those seeking larger lots in an alpine environment without adversely impacting on the national park or the setting of St Arnaud township. St Arnaud is expected to remain the main focus for services and facilities.

It is necessary to restrict development (including subdivision) in the vicinity of the Alpine Fault, an active fault that crosses the township.

Additional commercial zoning is provided in the centre of St Arnaud to serve the Lake Rotoiti area and minimise effects of commercial development on other areas.

Provision for new residential development on land adjacent to Borlase Avenue and to the rear of existing residential development on the north side of the State Highway is subject to the development of an approved reticulated wastewater system. With this, a slightly higher density than some other parts of the township is expected to occur while maintaining the existing character of the area.

There is Papakainga zoning on Massey Street to provide for cultural activities. The Papakainga Zone provides for a range of activities and includes performance standards to ensure that adverse cross-boundary effects do not occur.

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Op 3/23

Soil or geology limitations in the Marahau Special Domestic Wastewater Disposal Area result in increased risks of adverse effects from on-site domestic wastewater systems.

### **Lake Rotoroa**

Rotoroa is a small urban settlement partly surrounded by national park and has a limited capacity to absorb other than moderate growth.

### **Awaroa and Torrent Bay**

Awaroa and Torrent Bay are small settlements surrounded by national park, with limited capacity to absorb environmental effects of further development.

## **6.14 KAITERITERI**

*Refer to Policy sets 8.1, 8.2, 10.1, 13.1.*

### **6.14.1 Issues**

The main issues in Kaiteriteri are:

- 6.14.1.1 Upgrading water supply services to cope with the scale of development.
- 6.14.1.2 Management of effects which cross the boundary between activities occurring on the land and those occurring on the water.
- 6.14.1.3 Recognition of natural hazards such as slope instability, coastal erosion and other hazards such as fire.
- 6.14.1.4 Opportunity for the establishment of land use activities related to the visitor industry.
- 6.14.1.5 Enhanced amenity of the main beachfront, particularly access to it.
- 6.14.1.6 Protection of natural features such as wetlands and native forest remnants and archaeological sites.
- 6.14.1.7 Consolidation of development within existing urban boundaries.

### **6.14.3 Policies**

- 6.14.3.1 To require provision for full servicing of new subdivisions and staging of development between Stephens Bay and Little Kaiteriteri.
- 6.14.3.2 To pursue the provision of car parking at Kaiteriteri, especially in relation to commercial activities, including those which occur on the water.
- 6.14.3.3 To control land use activities and subdivision to avoid any adverse environmental effects in terms of sedimentation, erosion, instability and loss of visual amenity.
- 6.14.3.4 To provide for commercial activities, tourist services and recreation at appropriate locations that minimise adverse effects within Kaiteriteri.
- 6.14.3.5 To redesign the main Kaiteriteri beachfront access to improve parking and visual amenity.
- 6.14.3.6 To provide for reserves and pedestrian access at key locations.
- 6.14.3.7 To encourage the efficient use of land and infrastructure within Kaiteriteri, including the development of a large area of residentially zoned land between Stephens Bay and Little Kaiteriteri.

### **6.14.20 Methods of Implementation**

#### **6.14.20.1 Regulatory**

- (a) Rules requiring
  - connection to services
  - contributions to car parking from commercial activities on land
  - engineering certification of sites and works

#### 6.14.20.2 Works and Services

- (a) Design project for Kaiteriteri beachfront.
- (b) Additional reserves and walkways in the Little Kaiteriteri/Stephens Bay area.

#### 6.14.30 Principal Reasons and Explanation

It is Council policy to provide a reticulated water supply to the whole Kaiteriteri settlement as soon as possible and subdivisions will be expected to be designed accordingly.

The Kaiteriteri beachfront becomes very congested at times and parking is at a premium. It is proposed to redesign the road between the beach camp and the beach and improve parking access and amenities in the current planning period.

To make provision for day-trippers, Council will provide short-term parking spaces adjoining Kaiteriteri, Little Kaiteriteri and Stephens Bay beaches. Long-term parking for boat trailers and national park visitors' vehicles will be provided on the former tip site as an interim use, until such time as the tip site has consolidated and the permanent population justifies some other zoning such as for further commercial land.

Because of Kaiteriteri's scenic quality, limited areas of the beaches and safety considerations, water-related structures such as boat ramps and jetties will need to be located away from the centre of the beach areas. A co-ordinated approach on these matters will be pursued with the Kaiteriteri Recreation Reserve Board and the Department of Conservation.

The natural attractions of the area are its climate, golden sandy beaches, sea views, clear waters, rocky and bushed headlands and pockets of bush, wetlands and estuary. The conservation of these features and provision of access to them is important.

To encourage access both along and to the coast, between and within residential areas and recreational areas, the provision of walking tracks will be an important consideration in the design of future subdivisions. Subdividers will be encouraged to design in such a way that physical access to the coast penetrates deep into the subdivision.

Adequate provision for reserves at key locations at Kaiteriteri is important to help protect views and recreational opportunities. It is intended that reserves provision be made on the headland at the southern end of Little Kaiteriteri and at Dummy Bay.

Much of the land at Kaiteriteri is highly erodible Separation Point Granites that require particular care when earthworks and vegetation removal are undertaken. Developers and builders will be required to carry out erosion mitigation measures. The Kaiteriteri area has a history of Māori settlement, with defended pa sites at Kaka Point, Anawhakau and Pa Point. There are also wāhi tapu sites.

## 6.15 MAPUA/RUBY BAY

*Refer to Policy set 18.1.*

### 6.15.1 Issues

The Mapua/Ruby Bay area is defined as the area east of the Ruby Bay Bypass and Old Coach Road extending to the coastline at Ruby Bay/Te Mamaku, northwards to the Brabant Drive subdivision and southwards to the Waimea Estuary. It is characterised by a diverse mix of lifestyle properties, orchards, cottage industries, low-lying rural land and the village settlements of Mapua and Ruby Bay. It is flanked by the Rural 3 Zone on the hills to the north and south.

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Key issues for settlement planning in Mapua and Ruby Bay are:

- 6.15.1.1** Sustainable management of major coastal hazards of erosion and inundation that takes account of existing coastal protection structures, current projections on sea level rise, land levels and demand for public access.
- 6.15.1.2** Management of the extent of urban development so that the unique character of the area is retained, including the protection of many archaeological sites, natural vegetation features and some orchard land.
- 6.15.1.3** Identification of some suitable areas for more intensive residential development to provide for changing lifestyles and to make more efficient use of land and energy.
- 6.15.1.4** To have well-connected open space in new development areas and adjoining the Waimea Estuary to recognise its natural features.
- 6.15.1.5** Redevelopment of the remediated previously contaminated site adjoining the Tahī Street/Aranui Road intersection with an appropriate mix of well-designed residential, commercial and recreational activities.
- 6.15.1.6** The management of cross boundary effects of buildings on the coastal plain at Ruby Bay.
- 6.15.1.7** Integration of Mapua/Ruby Bay community with adjoining parts of the rural residential community.
- 6.15.1.8** The need for the rate of urban development to be aligned with the servicing provisions in the Long Term Plan.
- 6.15.1.9** Integrated management of stormwater using low impact design solutions, where practicable, and maintaining low-lying flood prone land for ponding during major flood events.

### 6.15.3 Policies

- 6.15.3.1** To maintain and enhance the character of Mapua by accommodating growth within specified limits on the surrounding hill land and in such a way that it retains its village scale, its heritage and natural vegetation and wildlife features.

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Op 1/15

- 6.15.3.2** To accommodate rural residential growth at Ruby Bay on the hill slopes above the Bay to retain a transition between urban and rural landscapes and to avoid exacerbating the risks from coastal erosion, inundation and the loss of archaeological sites on the coastal plain.
- 6.15.3.3** To provide improved management of the cross-boundary effects of buildings and structures on the Ruby Bay flats.
- 6.15.3.4** To maintain Mapua wharf and its historic wharf buildings as a vibrant and active visitor destination, incorporating the eastern part of the ex Fruitgrowers Chemical Company site to provide for a limited extension of visitor attractions that complements the historic and low key maritime atmosphere and enhances public access to and along the foreshore.
- 6.15.3.5** To develop and extend the Mapua commercial area as the retail and community facilities centre and integrate it with the development of the adjoining reserve, particularly in respect of parking, landscaping and ensuring a safe traffic environment on Aranui Road.
- 6.15.3.6** To avoid new buildings on those parts of the coastal margins, Mapua channel entrance, and Ruby Bay/Te Mamaku cliffs which are most at risk from erosion, slips and inundation.
- 6.15.3.7** To identify a Coastal Risk Area between Mapua and Ruby Bay where all subdivision and development will be limited to avoid the long-term adverse effects of coastal erosion and inundation.
- 6.15.3.8** To create a highly connected network of open spaces and local and regional accessways through and around Mapua and Ruby Bay that encourages people to walk and cycle.
- 6.15.3.9** To retain a natural buffer between the edge of the Waimea estuary, the coastal vegetated gullies and scarps and surrounding land use.
- 6.15.3.10** To ensure streets are well connected to reduce travel distances for vehicle, cycle and pedestrian traffic in Mapua and Ruby Bay.
- 6.15.3.11** To encourage heavy industrial activities to locate outside the Mapua township and to enable a modest extension of the Warren Place business area as a light industrial park based on principles of waste minimisation and sustainable energy.
- 6.15.3.12** To minimise stormwater runoff through catchment-wide management and utilize low impact stormwater design, where practicable, that provides for stormwater as well as open space and recreational needs.
- 6.15.3.13** To enable a range of housing types that meet different household needs such as for more energy-efficient housing and for smaller households.
- 6.15.3.14** To develop and maintain high quality, enduring public spaces both at the water's edge and within Mapua.
- 6.15.3.15** To provide specific management of land disturbance at the Mapua waterfront park site, the ex landfill site and adjacent creek, and Tahi Street roadway.
- 6.15.3.16** To defer development in areas where services require upgrading and to indicate an area on the southwest side of Seaton Valley Road where very long-term development beyond 2031 could take place.
- 6.15.3.17** To ensure a high quality visual experience and a gateway environment on the Mapua Drive route from the Ruby Bay bypass (Te Mamaku Drive) to Mapua.

C22 2/11  
Op 1/15

## 6.15.20 Methods of Implementation

### 6.15.20.1 Regulatory

- (a) Setbacks from identified cliffs and the coastline.
- (b) Coastal Risk Area rules limiting permanent buildings close to the coast.
- (c) Rules limiting subdivision at Ruby Bay.
- (d) Rules limiting removal of bush in the Coastal Environment Area.
- (e) Rules limiting the removal of and alteration to archaeological sites prior to gaining archaeological authority and, if required, Council consent. (*See rule 16.13.6.1*).
- (f) Rules allowing smaller residential lots in the Mapua Special Development Area.

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### 6.15.20.2 Investigations

- (a) Concept plan for integration of Aranui Rd/Toru St commercial area, hall and adjoining reserve.
- (b) Concept plan for integrating the waterfront park with the wharf area.

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Op 1/15

### 6.15.20.3 Works and Services

- (a) Indicative walkway network to be implemented with parking where appropriate.
- (b) Maintenance of viewpoints.
- (c) Streetscaping of Aranui Road and landscape plan for Mapua Drive.
- (d) Site Management Plan for Waterfront Park.
- (e) Site Management Plan for ex landfill site.

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Op 1/15

## 6.15.30 Principal Reasons and Explanation

Mapua/Ruby Bay is a popular place to live and visit with its attractive views and access to the sea and surrounding hills. It also provides a service centre for central parts of the Rural 3 Zone nearby.

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Op 1/15

In recent years it has sustained quite a high rate of growth and services, such as water supply, have become stretched at times. Low-lying parts of Mapua and Ruby Bay are susceptible to flooding during high rainfall events.

To keep pace with and ensure sustainable development in the Mapua Ruby Bay area wastewater, stormwater, water supply and roading systems are being upgraded. A programme of works is included in the Council's Long Term Plan. While low impact stormwater systems are encouraged, they may not be appropriate on some areas such as hill or clay soil areas.

Coastal erosion and inundation are significant hazards experienced on the coastal plain extending from McKee Domain to the Mapua Leisure Park. A report prepared for the Council by Professor R M Kirk and Dr J C Allan in November 1998 presented the results of an investigation into coastal erosion and sea water inundation hazards at Ruby Bay. This report found that chronic erosion has occurred at Ruby Bay for at least most of the twentieth century. It states that some 13.2 hectares of land were lost to the sea between 1912 and 1988 at an average coastal retreat rate of 0.48 metres per year. Since the report, coastal erosion and inundation protection structures have been erected along a substantial length of this coastline. Many of these are privately owned, have variable degrees of effectiveness and do not fully prevent inundation. Almost all have affected public access to and along the coast, particularly at the time of high tide. Land adjoining parts of Tahī and Iwa streets is low lying and susceptible to future coastal inundation.

The latest advice from the Intergovernmental Panel on Climate Change and the Ministry for the Environment is that base sea level will continue to rise, to 0.50 metres above the 1980-1999 average

by 2090-2099. Within this timeframe, the consequences of at least a further 0.30 metre sea level rise also need to be considered. On land most at risk from coastal erosion and inundation, further permanent building development will not be permitted and some areas closed to further subdivision. Residential development at Ruby Bay is closed and in parts of Tahī and Iwa streets is limited to further subdivision to minimize the hazard risk to additional dwellings. The Coastal Risk Area, previously based only on long-term erosion rates occurring until 2040 on a natural coastline, has been reassessed and adjusted to account for present works and also for when further planned protection works have been completed. It also takes account of inundation.

On land occupied by the Mapua Leisure Park the coastline is dynamic and subject to coastal erosion and accretion and possible inundation. Existing development is of a relocatable nature and therefore appropriate in this environment. The Tourist Services Zone controls are therefore designed to ensure that future development is also appropriate. This area of the coastline experiences extremes of both erosion and accretion which makes future scenarios difficult to predict. In considering any proposal, the rather transient nature of the coastline must be able to be accommodated within the proposal with minimal risk to the investment.

Mapua wharf and its related historic buildings have redeveloped as a vibrant area for specialist shops and cafes while the adjoining boat ramp provides access to the Mapua Channel. The remediated site nearby provides opportunities for a mix of residential, commercial and recreational developments which complement the wharf area. The western side of the site has been remediated to a sufficient standard to allow residential activities. Because the site is within walking distance of many facilities, it is considered suitable for a slightly higher density of residential development that is less car-dependent. The design of the remediated area should emphasise the creation of a pedestrian-friendly precinct with appropriate development that responds to the coastal setting and historic character and allows pedestrian access from the Mapua Channel frontage across the site to the Waimea estuary frontage.

On the east side of Tahī Street, the site has high potential visual amenity, with views over the channel and towards Rabbit Island/Moturoa. Council wishes to see new development capitalise on this value in activities such as tourism and recreation at a scale that will not compromise adjoining residential areas.

The main commercial area at Aranui Road/Toru Street has the potential to expand and be better integrated with the adjoining hall and reserve land. Future streetscaping is expected to calm traffic and improve the appearance of Aranui Road once pipe services beneath the street have been renewed. A modest expansion of the Warren Place business area is provided for to the west of the Seaton Valley Stream.

C22 2/11  
Op 1/15

Wetlands and pockets of bush (in coastal gullies, on ridges and scarps) contribute to the landscape character of Mapua and Ruby Bay and provide a natural edge to the Waimea estuary, a wetland of international importance. They should be retained wherever possible. The Mapua wetland is a small area of private open space.

There are opportunities to enhance ecological values as new reserves are developed in new subdivisions on the hillsides and near the coast and Seaton Valley Stream, and as existing older reserves are redeveloped. Buffers of varying widths are required on the estuary edge to allow for future restoration planting and sea level rise, to minimise bird disturbance and sedimentation in the estuary and its shellfish beds.

Access to and along the coast is sought by residents and visitors to Mapua/Ruby Bay. Where new access for walkways is formed, it may be necessary to minimise adverse effects on the road network by providing parking in appropriate locations.

## 6.16 BRIGHTWATER

*Refer to Policy set 13.1.*

### 6.16.1 Issues

Brightwater, one of the earliest European settlements on the Waimea Plains, is projected to have a population of 2412 by 2039, and has experienced significant employment growth in recent years. The current issues are:

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**6.16.1.1** Recognition of flood hazard risk on the low-lying land in the vicinity of the Wairoa and Wai-iti rivers and the Pitfure and Mt Heslington streams.

**6.16.1.2** The need to manage urban expansion on land of high productive value.

**6.16.1.2A** The need to provide higher density housing options that achieves a high standard of amenity, and variety of lot sizes on land where urban expansion does occur.

**6.16.1.3** Adverse amenity effects from the dispersed pattern of industrial activities in Brightwater and need for better separation and management of effects.

**6.16.1.4** Providing recreation and community facilities in response to demand projections, existing supply and Council's priorities across the district.

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Op 12/18  
C75 9/22  
(D 6/23)

**6.16.1.5** Improved connectivity between the residential area and the school.

**6.16.1.6** Protection of Brightwater's heritage values and enhanced urban design of Ellis Street and adjoining open space.

**6.16.1.7** Management of road noise received from State Highway 6 within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road.

### 6.16.3 Policies

**6.16.3.1** To manage the effects of the expansion of Brightwater on land of high productive value by providing for future residential areas south east of Snowdens Bush ~~and between Wanderers Avenue and Lord Rutherford Road~~ and for further lots on Watertank Hill, and by ensuring efficient use of land in the Brightwater Development Area (between Pitfure Stream, State Highway 6, and Lord Rutherford Road).

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Op 12/18  
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(D 6/23)

**6.16.3.1A** To require higher density housing options and a variety of lot sizes on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road which achieves a high standard of residential amenity through design in accordance with the Urban Design Guide (Part II, Appendix 2).

**6.16.3.1B** To require higher density housing options and a variety of lot sizes on land within the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road through the use of a mandatory mix of lot sizes and encourage Compact Density Development in this area through the use of a non-notification provision.

**6.16.3.2** To rationalise the provision of industrial land so that the effects of industrial activities are minimised.

**6.16.3.3** To manage subdivision and development of industrial land in Brightwater to avoid significant flood hazard risks on the site or beyond the site.

**6.16.3.3A** To manage subdivision and development of residential land in the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road to avoid significant flood hazard risks on the site and beyond the site.

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(D 6/23)

**6.16.3.4** To ensure suitable land and infrastructure is available in Brightwater for residential and business use, and for active and passive recreation.

**6.16.3.5** To develop access to and along the Wairoa River between the former railway reserve and Bryant Road.

**6.16.3.6** To facilitate additional access from the residential area to the Brightwater school.

**6.16.3.7** To support landscape and streetscape initiatives and the retention of heritage buildings and trees that contribute to the character and amenity of Brightwater.

**6.16.3.8** To manage road noise received from State Highway 6 in the Brightwater Development Area between Pitfure Stream, State Highway 6, and Lord Rutherford Road through mitigation methods at the time of subdivision and building.

## 6.16.20 Methods of Implementation

### 6.16.20.1 Regulatory

- (a) Rezoning land suitable for residential and business use following evaluation of development areas outlined in the Council's growth model.
- (b) Zoning Rural Residential land at Wakefield rather than Brightwater.
- (c) Rules requiring setbacks and noise standards for industrial activities to manage cross-boundary effects on residential land adjoining industrial zones.
- (d) Rules relating to subdivision and building coverage in industrial zones that are subject to flood hazards.

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(e) Rules to require a variety of lot sizes and enable higher density housing options on land within the Brightwater Development Area.

(f) Rules to manage road noise received from State Highway 6 in the Brightwater Development Area

### 6.16.20.2 Monitoring

- (a) Monitoring of noise and other industrial effects.

### 6.16.20.3 Works and Services

- (a) Acquisition and development of land for recreation, open space and cycle/walk ways.
- (b) Heritage grants for owners for approved work on listed heritage buildings.
- (c) Streetscape works in Ellis Street.

C57 11/15  
Op 12/18

## 6.16.30 Principal Reasons and Explanation

Flooding from the Pitfure Stream and Wairoa and Wai-iti Rivers is a limiting factor which constrains future growth at Brightwater. All the land on the east side of Brightwater is subject to flooding. In the vicinity of Pitfure Stream at the north-western end of the township, it is proposed that flood-prone land be retained for rural or recreational purposes where the flood effects cannot be reasonably managed to enable residential use. Additional land for playing fields is sought and a new site northeast of Lord Rutherford Road North will be developed, which avoids residents having to cross the Brightwater Bypass - a proposal in the previous District Plan.

C75 9/22  
(D 6/23)

There is a modest increase in the amount of urban land provided at Brightwater compared with the previous Plan. There has been a rearrangement of the location of new residential land so that some is located northwest of the Brightwater Bypass and an area is being investigated on Watertank Hill. The latter site will require traffic issues, including safe access across the Brightwater Bypass to be addressed.

Some existing scattered industrial activities have the potential to create effects that are incompatible with residential neighbours. While existing use rights protect existing activities, it is intended to change the emphasis to activities more compatible with residential uses.

There has been little demand for the resource processing zone adjoining River Terrace Road so some of this land is proposed for light industry. Compatibility with the adjoining dairy factory will be an important factor and all new activities will be discretionary to ensure this is taken into account.

New playing fields are required to accommodate the needs of organised sport in Brightwater and the adjoining rural area. The relatively young population of Brightwater contrasts with some of the other townships of the District. Access to and alongside the nearby Wairoa River would provide for active and passive recreation.

Flooding from the Pitfure and Mt Heslington streams and the Wairoa and Wai-iti rivers is a limiting factor which constrains future growth at Brightwater. Much of the land on the north, west and east sides of Brightwater is prone to flooding. Close to the Pitfure Stream at the north-western end of the township, the flood-prone land has value for rural or recreational purposes where the flood effects cannot be reasonably managed to enable residential use. Walking and cycling on the Great Taste Cycle Trail are popular activities along the banks of the Wairoa River. The Brightwater Bypass provides an edge on the south side of the town.

C57 11/15  
Op 12/18  
C75 9/22  
(D 6/23)

There is a modest increase in the amount of urban land provided at Brightwater compared with the previous Plan. There has been a rearrangement of the location of new residential land so that some is located south east of Snowdens Bush that takes into account the results of the Council's 2013 flood hazard mapping project.

Some existing scattered industrial activities have the potential to create effects that are incompatible with residential neighbours. While existing use rights protect existing activities, it is intended to consolidate industrial activities south of State Highway 6 on an area of land adjoining River Terrace Road that has been identified as flood free. Flood hazard risk in the industrial zones is recognised by controlling the location and extent of development, and subdivision in specified sites in the zones most at risk.

Some business-zoned land in Charlotte Lane that has been developed for housing has been rezoned to recognise its current use.

New playing fields have been developed at Lord Rutherford Park to accommodate the needs of organised sport in Brightwater and the adjoining rural area. The relatively young population of Brightwater contrasts with some of the other townships of the district. Access to and alongside the nearby Wai-iti and Wairoa rivers provides for active and passive recreation. Several indicative walkways and a reserve extension will integrate new residential developments with the existing residential area, the school, Snowdens Bush and the Lord Rutherford Memorial Reserve, and provide access to Pitfure Stream.

Identified areas of urban expansion are expected to be developed with higher density housing options and a variety of lot sizes so that the rural land is more efficiently utilised for residential purposes. This provides for a more varied neighbourhood of differing types of housing. The Brightwater Development Area is intended to develop in this manner while managing noise from the state highway and the flood flows from Pitfure Stream and Watertank Hill (the Katania Heights area).

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

- i) Seek efficient use of land and infrastructure.
- ii) Encourage medium density housing development of a high standard in suitable locations.
- iii) Seek a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Brightwater 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 in the Residential Zone.

## 6.17 WAKEFIELD

### 6.17.1 Issues

Wakefield, a well-established rural service centre, has experienced rapid growth in recent years. Current issues are:

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- 6.17.1.1 Securing suitable land for future residential and business growth and providing for recreation and community facilities in response to demand projections, existing supply and Council's priorities across the district.
- 6.17.1.2 Addressing flood hazard risk on low-lying land adjacent to the Wai-iti River and the Pitfure and Eighty-Eight Valley streams, and possible dam break hazard in the north-eastern section of the Wakefield Development Area.
- 6.17.1.3 Promoting Wakefield as a destination on Tasman's Great Taste Trail.
- 6.17.1.4 Enhancing the character of the heart of Wakefield around the Village Green.
- 6.17.1.5 Supporting the retention and use of heritage buildings and trees that contribute to the character of the village.
- 6.17.1.6 Facilitating housing choice and affordable housing options on land suitable for residential development.
- 6.17.1.6A Ensuring a variety of housing options, including higher density housing options that achieve a high standard of amenity and make efficient use of land where urban expansion occurs.
- 6.17.1.7 Improving connectivity between the residential area north west of State Highway 6 and the heart of Wakefield.
- 6.17.1.7A Ensuring the provision for emergency vehicle access to the Wakefield Development Area via Higgins Road.
- 6.17.1.8 Accounting for cross-boundary effects between residential and industrial activities in proximity to the Light Industrial Zone on Bird Lane.
- 6.17.1.9 Addressing potential remaining contamination in association with the former Brookside sawmill site on Bird Lane.

C76 9/22

### 6.17.3 Policies

- 6.17.3.1 To ensure suitable land and infrastructure is available in Wakefield for residential and business use, and active and passive recreation needs.
- 6.17.3.2 To avoid flood hazard risk when enabling urban development of land.
- 6.17.3.2A To manage subdivision and development of residential land in the Wakefield Development Area between Pitfure Road, Edward Street, and Higgins Road to avoid significant flood hazard risks on and beyond the site, and to manage dam break hazard risk in the north-eastern corner of the Development Area.
- 6.17.3.3 To support a range of ~~rural~~ residential options on land zoned ~~Rural~~ Residential within the Wakefield Development Area adjacent to the Great Taste Cycle Trail; to ensure access is designed to mitigate conflict with the cycle trail; and to require adequate stormwater mitigation to manage any overflow from uphill dams in an extreme rainfall or other event..
- 6.17.3.4 To support landscape and streetscape initiatives to enhance the heritage character of the heart of Wakefield; and apply good urban design principles to all development in the private and the public domain.
- 6.17.3.5 To monitor the condition of protected trees and manage the schedule in the Plan accordingly.
- 6.17.3.6 To facilitate the maintenance and protection of historic heritage places listed in the Plan.

C58 11/15  
Op 7/17

C76 9/22

C58 11/15  
Op 7/17

C65 10/17  
Op 4/18  
C76 9/22

C58 11/15  
Op 7/17

<b>6.17.3.7</b>	To encourage a diversity of lot sizes and a range of housing forms to facilitate well-designed, lower cost housing development close to the village centre, <u>including within the Wakefield Development Area.</u>	C76 9/22
<b>6.17.3.7A</b>	<u>To require a variety of lot sizes and higher density housing options on land within the Wakefield Development Area between Pitfure Road, Edward Street, and Higgins Road, which achieves a high standard of residential amenity through design in accordance with the Urban Design Guide (Part II, Appendix 2).</u>	
<b>6.17.3.7B</b>	<u>To require a variety of lot sizes and higher density housing options on land within the Wakefield Development Area between Pitfure Road, Edward Street, and Higgins Road, through the use of a mandatory mix of lot sizes and encourage Compact Density Development through the use of a non-notification provision.</u>	
<b>6.17.3.8</b>	To liaise with NZ Transport Agency to upgrade existing crossings on State Highway 6 and create a new crossing close to the Village Green.	C58 11/15 Op 7/17
<b>6.17.3.9</b>	To require larger residential lot sizes adjacent to the boundary of the Light Industrial Zone on Bird Lane, and require a greater setback of dwellings from the Light Industrial Zone boundary.	C58 11/15 Op 7/17 C65 10/17 Op 4/18
	<i>[Policy 6.17.3.10 is deleted]</i>	C65 10/17 Op 4/18
<b>6.17.3.11</b>	To mitigate any adverse effects from stormwater on the state highway and associated infrastructure.	C58 11/15 Op 7/17
<b>6.17.3.12</b>	<u>To manage the effects of the expansion of Wakefield on land of high productive value by providing for future residential development that makes efficient use of land in the Wakefield Development Area.</u>	C76 9/22

## 6.17.20 Methods of Implementation

<b>6.17.20.1</b>	<b>Regulatory</b>	C58 11/15 Op 7/17
(a)	Rezoning land suitable for residential use following evaluation of development areas outlined in Council's growth model.	C76 9/22
(b)	Rules to manage cross-boundary effects on land adjoining the Light Industrial Zone on Bird Lane.	
(c)	Rules to manage flood hazard risk.	
(d)	<u>Rules to require a variety of lot sizes and enable higher density housing options on land within the Wakefield Development Area between Pitfure Road, Edward Street, and Higgins Road.</u>	
<b>6.17.20.2</b>	<b>Advocacy</b>	
(a)	Indicative roads and walkways in undeveloped residential areas to ensure safe and efficient routes are secured in advance.	
(b)	Encourage smaller lots and a range of housing forms in appropriate locations as part of larger subdivision proposals.	

## 6.17.30 Principal Reasons and Explanation

The Wai-iti River, the Eighty-Eight Valley Stream and the Pitfure Stream are prone to flooding. For this reason, development is directed to the upper river terraces, or is required to be suitably designed to manage flood risk. Low-lying land still has value for recreational and rural purposes where the flood effects cannot be reasonably managed to enable residential use.

Council, in 2013, completed a flood hazard mapping project for the area. This information assists Council in assessing the suitability of land for future growth based on demand and capacity for efficient servicing.

There are two irrigation dams located to the north-east of the Wakefield Development Area. In 2017, Council had a Dambreak assessment undertaken to understand the potential flood effects. This information assists in mitigating dam break hazard risk within the Wakefield Development Area.

C58 11/15  
Op 7/17  
C76 9/22

The Wakefield Development Area is required to develop in a manner that manages flood flows from Pitfure Stream and dam break hazard risk from the two irrigation dams located to the north-east.

The residential area north of the bowling club has limited access. The planning maps indicate additional access points to Whitby Road that may be implemented when vacant land is taken up for residential subdivision. Safe access across Whitby Road (State Highway 6) can be improved by upgrading the existing pedestrian refuges.

C58 11/15  
Op 7/17

C65 10/17  
Op 4/18

Wakefield has a growing population of families with young children. There is also a demand for smaller, more affordable properties for older people. In the development of the Wakefield Development Area and of a specified location on Edward Street, close to the heart of Wakefield, it is desirable to create smaller lots and encourage innovative housing forms to cater for single people and couples without children, as well as older people who wish to downsize their house and garden or move back to Wakefield in their later years. In the Wakefield Development Area, higher density housing options will ensure that the rural land is more efficiently utilised for residential purposes, while the variety of housing sizes will provide for a more varied neighbourhood.

C58 11/15  
Op 7/17  
C76 9/22

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,
- Encourage medium density housing development of a high standard in suitable locations,
- Seek 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 in the Residential Zone.

There are opportunities for further residential development between the existing residential area and Bird Lane, provided larger lots and dwelling setbacks are in place to limit cross-boundary effects from the industrial activity. While the Bird Lane industrial site has been partially remediated, and is suitable for continuing industrial use, some of the land between the site and State Highway 6 was previously used for timber storage. Further testing is advised prior to any intensification of residential activity.

The industrial area zoned Heavy Industrial Pigeon Valley Road is at risk of flooding. Closed zone status enables activities to continue on the land but prevents further subdivision of the land.

C58 11/15  
Op 7/17

With all new residential development, advance planning for road and walking/cycling connections ensures optimum access to the heart of Wakefield and around the village. Indicative roads and walkways are shown on the planning maps (both zone maps and area maps). Demand for community facilities is managed through Council's Long Term Plan. This includes the three waters (wastewater, drinking water and stormwater), roads, footpaths, reserves and other community infrastructure, such as pools, halls, public toilets, cemeteries, and playgrounds.

Tasman's Great Taste Cycle Trail arrives in Wakefield along Higgins Road. Some flood-free flat land to the west of Higgins Road is suitable for a range of rural residential options, with adequate stormwater mitigation to manage any overflow from uphill dams in an extreme rainfall or other event. Future owners may take advantage of opportunities for home occupations and visitor accommodation in support of the cycle trail.

C65 10/17  
Op 4/18

## 6.18 MURCHISON

*Refer to Policy set 13.1.*

### 6.18.1 Issues

Murchison is a rural service centre supported mainly by farming, tourism and mining. The main issues are:

- 6.18.1.1 Effect of river erosion on the township.
- 6.18.1.2 Adequacy of parking in commercial area.
- 6.18.1.3 Lack of an integrated stormwater system.

6.18.1.4 A lack of housing options to cater for growth and people at various stages of life, including a lack of residential and rural residential zoned land within the Murchison township and in the wider area.

C77 9/22  
(D 6/23)

### 6.18.3 Policies

- 6.18.3.1 To restrict land uses at the northern end of Fairfax and Grey streets to rural purposes to minimise possible loss of assets in an area at risk from riverbank erosion by the Buller River.
- 6.18.3.2 To provide additional public parking areas for the commercial area of Murchison.

6.18.3.3 To enable a variety of housing options on suitably zoned land.

C77 9/22  
(D 6/23)

### 6.18.20 Methods of Implementation

#### 6.18.20.1 Regulatory

- (a) Rural zoning of land closest to the Buller River at Murchison.
- (b) Residential and Rural Residential zoning in suitable locations.

C77 9/22  
(D 6/23)

#### 6.18.20.2 Works and Services

- (a) Provision of public car parking area in Murchison.

### 6.18.30 Principal Reasons and Explanation

Rapid bank erosion by the powerful Buller River places properties at the ends of Fairfax and Grey streets at some risk. Further urban development is inappropriate in these areas.

There is a need to ensure sufficient Residential and Rural Residential zoned land in Murchison to support the growth of the community and provide housing options to suit people at various stages of life.

C77 9/22  
(D 6/23)

Parking becomes congested along the state highway (State Highway 6) at times. Some additional parking is proposed behind the museum in Fairfax Street.

## **6.19 BEST ISLAND**

### **6.19.1 Issues**

The main issues at the small coastal settlement of Best Island are the provision of adequate access and the extent of development.

### **6.19.3 Policies**

**6.19.3.1** To provide formed legal road access to the Best Island settlement.

**6.19.3.2** To avoid, remedy or mitigate any adverse effects of residential development on the present rural character of Best Island.

### **6.19.20 Methods of Implementation**

#### **6.19.20.1 Regulatory**

- (a) Zoning that limits the extent of residential development on Best Island.
- (b) Indicative roading pattern that will assist the formation of a legal road access to the existing settlement.

### **6.19.30 Principal Reasons and Explanation**

Best Island is not seen as a major growth area.

While a small residential subdivision can be undertaken to assist with solving the lack of formed legal road access within the settlement, major new developments are not provided for.

The island is close to Bell Island regional sewage ponds and has suffered occasional odour problems. Also, some properties are prone to inundation and there is only one causeway road access to the island. There is a possibility the road could be overtopped if sea-level rise occurs.

Some properties on the margin of Best Island are prone to inundation during exceptionally high tides. This problem will increase if predicted sea-level rise occurs.

## **6.20 TAPAWERA**

### **6.20.1 Issues**

Tapawera is a small rural service centre in the Motueka Valley. The surrounding land is of high productive value. The main issues are:

- 6.20.1.1** Recognition of under-utilised buildings in the locality.
- 6.20.1.2** Improved visual amenity of vacant land in the town centre.
- 6.20.1.3** Avoiding inefficient use of the rural land resource in allocating land for urban activities.

### **6.20.3 Policies**

- 6.20.3.1** To avoid, remedy or mitigate the effects of urban expansion on land of high productive value.
- 6.20.3.2** To enable development of the former Forest Service headquarters site for industrial or business activities.
- 6.20.3.3** To encourage suitable landscape and design measures in the Tapawera town centre.

### **6.20.20 Methods of Implementation**

#### **6.20.20.1 Regulatory**

- (a) Reduced extent of urban zoning on Rural 1 land and reduced residential lot sizes.
- (b) Zoning for industry and tourist services on ex Forest Service land.

#### **6.20.20.2 Works and Services**

- (a) Enhancement of the commercial area.

### **6.20.30 Principal Reasons and Explanation**

The uptake of residential land in Tapawera has been slow. There is a generous supply of vacant allotments in the town. To encourage use of these allotments the extent of land zoned on the periphery has been reduced.

Significant usable buildings remain on the former Forest Service headquarters site on the outskirts of Tapawera. The Council wishes to encourage their use for commercial or industrial purposes. While the site is now in private ownership, only part of the buildings on the site are utilised.

The town through changing land uses related to central and local government restructuring has a supply of vacant land. To enhance the visual amenity of unused land in the town centre, further landscaping should be undertaken.

## **6.21 TASMAN**

### **6.21.1 Issues**

Tasman is a small rural service centre surrounded by land of high productive value. The main issue is that the lower part of Tasman is located on poorly drained clay loam which causes severe drainage difficulties, especially for effluent disposal and limits infill development.

The proximity of the main highway has had an adverse effect on Tasman township in terms of speeding and heavy traffic. It is expected that these effects will be addressed during the planning period.

### **6.21.3 Policies**

- 6.21.3.1** To remedy the existing effluent overflow and groundwater contamination problems.
- 6.21.3.2** To avoid, remedy or mitigate the adverse effects of urban development on land of high productive value.
- 6.21.3.3** To contain the effects of urban development of Tasman to the western side of State Highway 60.
- 6.21.3.4** To establish higher performance standards for the use of on-site disposal of domestic wastewater in the Tasman Special Domestic Wastewater Disposal Area.

### **6.21.20 Methods of Implementation**

#### **6.21.20.1 Regulatory**

- (a) Rules relating to on-site wastewater disposal.
- (b) Urban zoning contained to one side of the main highway.

#### **6.21.20.2 Education**

- (a) Information on the care of on-site waste disposal systems.

#### **6.21.20.3 Investigations**

- (a) Investigate reticulated wastewater system for Tasman.

### **6.21.30 Principal Reasons and Explanation**

The existing system of septic tank effluent disposal at Tasman is unsatisfactory and there is a risk of damage to health and contamination of water. Some existing land has been unable to be fully utilised because of the poor effluent disposal conditions in Tasman. A rezoning to permit smaller allotment sizes will be considered if and when a reticulated sewage scheme is available. Containment of urban development enables the continued use of the surrounding productive and versatile land. For traffic safety reasons, it is desirable that urban development at Tasman is contained on the west side of the main highway.

## **6.22 UPPER MOUTERE (SARAU)**

### **6.22.1 Issues**

Upper Moutere is a small rural community with an attractive setting on the rolling Moutere Hills, with views of Mt Arthur from some sites. Surrounding land is versatile and productive. The main issues are:

- 6.22.1.1** There is no reticulated wastewater system and severe problems associated with septic tank failures are common.
- 6.22.1.2** The location of commercial activities on either side of the Moutere Highway creates potentially hazardous traffic effects.
- 6.22.1.3** Protection of the historic and scenic character of Upper Moutere.

### **6.22.3 Policies**

- 6.22.3.1** To establish higher performance standards for the use of on-site disposal of domestic wastewater in the Upper Moutere Special Domestic Wastewater Disposal Area.
- 6.22.3.2** To consolidate new commercial development on the western side of the Moutere Highway and industrial development on the eastern side and within this area to promote traffic safety through control over parking and access and improvements to speed patterns.

### **6.22.20 Methods of Implementation**

#### **6.22.20.1 Regulatory**

- (a) Special rules for wastewater disposal in Upper Moutere Special Domestic Wastewater Disposal Area.
- (b) Location of Commercial zoning in relation to the Moutere Highway.

### **6.22.30 Principal Reasons and Explanation**

Particular attention to appropriate methods of effluent disposal at Upper Moutere is necessary to avoid public health and nuisance problems arising. Consolidation of commercial development on the west side of the Moutere Highway should reduce a potential traffic hazard that exists if commercial zoning is retained on opposite sides of the highway.

## **6.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 6.50.1** Compact and coherent urban form which recognises the need to achieve:
  - (a) sustainable management of versatile and productive land on the urban fringe;
  - (b) protection of property and lives from the effects of known natural hazards;
  - (c) protection of the natural character of the coastal environment, wetlands; lakes, rivers, and their margins;
  - (d) efficiency in the provision of urban infrastructure;
  - (e) adequacy of provision of residential, industrial and commercial land.
- 6.50.2** Retention and enhancement of the particular identity of each urban community in the District.

## CHAPTER 7: RURAL ENVIRONMENT EFFECTS

### 7.0 INTRODUCTION

Tasman District's land resource is largely rural. Rural character, amenity values, and the productive use of rural land underpins the social, economic and cultural well-being of the people of the District. The rural land resource also provides the District's main opportunities to safeguard the life-supporting capacity of water, soil and ecosystems; to preserve and protect the natural character of the coast; to protect outstanding natural features and landscapes; to address the environmental quality and amenity values of the District; and to sustain the land and soil resource to meet the reasonably foreseeable needs of future generations.

This chapter deals with the fragmentation of rural land, the availability of rural land for a range of purposes, protection of rural character and amenity, and reverse sensitivity. C60 1/16  
Op 6/19

The fragmentation of rural land is the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures and roads. Land fragmentation may occur for a variety of reasons. While fragmentation may allow for more intensive use of rural land for soil-based and other rural activities, with resulting social and economic benefits, the principal effect of land fragmentation in the Tasman District has been the cumulative reduction in opportunities for the productive potential of land to be taken up, either within sites or over larger areas. As subdivisional lots become smaller, and as new structures or services are established, the range of soil-based production activities that can be physically or economically undertaken progressively reduces in scope.

As subdivisional lots become smaller, and as new structures or services are established, the range of plant and animal production activities, that can be physically or economically undertaken, progressively reduces in scope. C60 1/16  
Op 6/19

The reduction in productive potential of any land, together with the physical coverage of productive land, may reinforce the demand for further fragmentation. This effect is particularly significant for the relatively small amount of land in the District with high productive value (approximately five percent). This land is a finite resource and its loss through fragmentation is effectively irreversible.

The establishment of dwellings on rural land, without any productive use of the land, has been a significant cause of land fragmentation in the District. The effect is not limited to the residential site.

The prospect of residential development may increase the value of other rural land in the vicinity to the extent that plant and animal production activities are progressively rendered uneconomic. C60 1/16  
Op 6/19

This is a major issue in areas where land has a high productive value. It is occurring predominantly close to the larger settlements, where the demand for rural-residential living is greatest.

A further concern is that the occurrence of residential activities in rural locations may create pressure to limit effects of rural activities: effects that are acceptable in an environment of other rural activities may not be acceptable to residential neighbours and so create reverse sensitivity effects. C60 1/16  
Op 6/19

This may further constrain the practicality or viability of some rural activities.

Changes in the use of rural land can also have an effect on natural drainage characteristics within catchments, especially where there is a change in vegetation cover. This leads to changes in the flow and quality of stormwater, particularly within lower reaches of water catchments. C7 7/07  
Op 10/10

Key rural activities that may have a significant adverse effect on downstream stormwater management include plantation forestry removal and rural-residential development in areas previously used for pastoral farming, forestry or horticulture.

An integrated approach to land and water management is required for the management of stormwater in rural areas. This is particularly because of the cumulative nature of stormwater effects as water flows towards the sea.

Industrial and commercial activities in rural areas also remove land from the potentially productive rural land resource. To date, these activities have not significantly affected the rural land resource. However, their presence can affect rural character and amenity values.

The effect of land fragmentation on productive potential is also significant for less productive land, where soil, climate or other natural characteristics currently present limitations to intensive use.

Industrial, commercial and residential activities inevitably involve buildings and services development. This development brings with it effects which can detract from the environmental quality and rural character of the areas in which they are situated or through which they are serviced. The cumulative effects of such development can be the creeping “urbanisation” of rural areas.

An important aspect of managing rural environmental effects is recognising the qualities and character of rural areas, the legitimacy of existing established activities and a range of potential future activities that involve the productive use of the land resource, particularly those that support the processing and transportation needs of plant and animal production.

C60 1/16  
Op 6/19

The above matters are all extensively addressed in the Tasman Regional Policy Statement, with which this Plan must not be inconsistent.

In addition to production activities, the rural environment provides locations for built development that does not involve or rely on plant and animal production. It has a growing value for residential living and tourism activities and has traditionally supported rural industries or commercial activities in locations that have had a connection with production. Some areas are more under pressure than other areas for any of these activities because of a continuing locational value, such as proximity to settlements, transport routes including the road network, or particular environmental features including the coast or landscapes.

C60 1/16  
Op 6/19

This chapter addresses the management of the District’s rural land resource in terms of three main areas of policy, corresponding to the three aspects set out below. While these are grouped separately in the Plan, they need to be considered together. The separate aspects are:

- managing the effects of land fragmentation on the productive values of land (under Objective 7.1.2);
- providing opportunities for a range of activities in rural areas (under Objective 7.2.2);
- managing the effects of activities in rural areas, including cross boundary and reverse sensitivity effects, and effects on rural character and amenity values (under Objective 7.4.2).

The zone framework within Tasman District’s rural areas is based on the productive capacity of the Tasman District’s land and soil resources. The rural production zones are the Rural 1 and Rural 2 zones, and the Rural 3 Zone where that zone contains land with high productive value. In these zones where that value is high, activities involving plant and animal production are prioritised above opportunities for rural housing, industry or commercial activity unless the activity is a rural industry directly associated with plant and animal production.

C60 1/16  
Op 6/19

The demand for rural-living opportunities is also recognised within the rural zone framework. In the Tasman District, this demand is met by a range of Rural Residential Zone locations that are provided in rural, coastal and peri-urban areas. The Rural 3 Zone also provides for rural living opportunities within the variably productive landscape of the Coastal Tasman Area. Some rural housing opportunities without subdivision are also provided for in the Rural 1 and Rural 2 zones, where the productive value of this land resource is not compromised, and there is no risk of further fragmentation.

## 7.1 CUMULATIVE EFFECTS OF LAND FRAGMENTATION ON PRODUCTIVE OPPORTUNITIES

### 7.1.1 Issues

- |                |   |  |
|----------------|---|--|
| <b>7.1.1.1</b> | Cumulative adverse effects of the subdivision, development, and use of rural land other than for plant and animal production, on:   | C60 1/16<br>Op 6/19                            |
|                | (a) the life-supporting capacity of soil, water and ecosystems in rural areas;  |  |
|                | (b) the availability of land for plant and animal production and other natural resource-based production opportunities for the well-being of present and future generations;  | C60 1/16<br>Op 6/19                            |
|                | (c) service provision including the road network, site amenity, contamination and natural hazard risk, and on heritage and landscape values.  |  |
| <b>7.1.1.2</b> | In the Takaka-Eastern Golden Bay Area, how to avoid the loss of productive value through land fragmentation and inappropriate built development, especially the further fragmentation of land of high productive value. | C8 7/07<br>Op 10/10<br><br>C60 1/16<br>Op 6/19 |

### 7.1.2 Objective

- |                |   |                     |
|----------------|---|---------------------|
|                | Except where rural land is deferred for urban use, avoid the loss of potential for all rural land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value. | C51 1/15<br>Op 9/16 |
| <b>7.1.2.1</b> | Except where rural land is deferred for urban use, avoiding the loss of value for all rural land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.  | C60 1/16<br>Op 6/19 |
| <b>7.1.2.2</b> | Retention and enhancement of opportunities for plant and animal production on land with high productive value in the District, identified as the Rural 1 Zone.  |                     |
| <b>7.1.2.3</b> | Retention of opportunities primarily for plant and animal production or other land-derived production on land that has varying productive value, identified as the Rural 2 Zone.  |                     |

### 7.1.3 Policies

*Refer to Policy sets 5.1, 6.2, 7.2, 7.3, 7.4, 9.1, 9.2, 10.1.  
Refer to Rule sections 16.3, 17.5 – 17.12, 18.1 – 18.13.*

- |                |  |                     |
|----------------|--|---------------------|
| <b>7.1.3.1</b> | To avoid, remedy or mitigate the adverse effects of subdivision of rural land, particularly land of high productive value.                             |                     |
| <b>7.1.3.2</b> | To avoid, remedy or mitigate the effects of activities that reduce the area of land available for plant and animal production purposes in rural areas. | C60 1/16<br>Op 6/19 |
| <b>7.1.3.3</b> | To avoid, remedy or mitigate adverse actual, potential, and cumulative effects on the rural land resource.   |                     |
| <b>7.1.3.4</b> | To avoid, remedy or mitigate the potential for reverse sensitivity on plant and animal production in the Rural 1, Rural 2 and Rural 3 zones.           | C60 1/16<br>Op 6/19 |

<b>7.1.3.5</b>	To require land parcels upon subdivision to be of a size and shape that retains: (a) the land’s productive value, having regard to its actual and potential productive value; and (b) its contribution to ecosystem values and to the management of cross-boundary effects, access, and the availability of servicing.	<b>C60 1/16 Op 6/19</b>
<b>7.1.3.6</b>	To facilitate the amalgamation of land parcels and enable adjustments of the boundaries of land parcels in rural areas where this would enable improved land management or enable a greater range of plant and animal production activities.	
<b>7.1.3.7</b>	To encourage a long-term approach to rural subdivision that reduces further land fragmentation by avoiding the re-subdivision of allotments created by way of an initial subdivision.	
<b>7.1.3.8</b>	To limit further subdivision and residential development of existing small allotments in the Rural 1 and Rural 2 zones to avoid the potential for reverse sensitivity and increasing value of surrounding land that cumulatively adversely affect the potential of that land to be used for plant and animal production.	
<b>7.1.3.9</b>	To protect land of high productive value from residential activity, except for that directly associated with plant and animal production.	
<b>7.1.3.10</b>	To avoid further subdivision and development of existing allotments in the Rural 1 and Rural 2 zones that were created by boundary adjustment or amalgamation.	
<b>7.1.3.11</b>	To discourage commercial, industrial and rural industrial activities in the Rural 1 and Rural 2 zones, except where the activity is directly associated with plant and animal production in the District or is required for a business activity having a significant functional need to locate in the rural area.	
<b>7.1.3.12</b>	To accommodate rural living, commercial and rural industrial activities in the Rural 1 Zone where the activity is wholly undertaken within existing buildings and the effects on plant and animal production are avoided.	
<b>7.1.3.13</b>	To enable rural living opportunities in the Rural 1 and Rural 2 zones where actual or potential productive value of the land is retained and further subdivision opportunities are avoided.	
<b>7.1.3.14</b>	To enable use of land for plant and animal production by providing for associated accessory buildings and activities, including workers’ accommodation.	
<b>7.1.3.15</b>	To protect areas of specific resource value, such as hard rock quarry resources, and to avoid, remedy, or mitigate adverse effects of subdivision and residential development on these areas.	
<b>7.1.3.16</b>	In the Takaka-Eastern Golden Bay Area, to ensure that: (a) subdivision and development for residential purposes of land that is of high productive value is actively discouraged; and (b) opportunities for title amalgamation and boundary adjustment are provided to enable small landholdings on such land to rationalise existing title boundaries around existing dwellings without further fragmenting land of high productive value.	<b>C8 7/07 Op 10/10 C60 1/16 Op 6/19</b>
<b>7.1.3.17</b>	Where rural land is deferred for any urban purpose, policies 7.1.3.1 to 7.1.3.16, as applicable, are subject to policy 6.3.3.4A.	<b>C51 1/15 Op 9/16</b>

## 7.1.20 Methods of Implementation

### 7.1.20.1 Regulatory

- (a) Zones and areas that are delineated on the basis of actual and potential productive capacity of the land, and to which variations in rules apply. The zone framework applies as follows:
- (i) The Rural 1 Zone covers land areas identified as having generally high existing and potential productive value. In the area of this zone, rules for subdivision and development have been developed primarily to protect these qualities on a long-term basis, while allowing for reasonable use and development of the land resource.
  - (ii) The Rural 2 Zone covers land areas which do not have high productive value and which may have varying productive value. Rules in this area recognise the land's potential for a range of plant and animal production activities, generally based on a lower intensity of use and development than in the Rural 1 Zone.
  - (iii) The Rural 3 Zone covers a specific part of the Coastal Tasman Area within the District. This area contains land of high productive value, generally the more coastal land, and also land of lesser productive value, generally the more inland land in the zones. However, the rules for these zones have been specifically developed to accommodate a level of residential development through a framework that provides for restricted discretionary subdivision and controlled residential development, and that recognises and protects the land with more productive value. In this way, much of the most potentially productive land in the area within the two zones should be retained and protected, although residential development takes place.
  - (iv) Other rural zones: Rural Residential Zone, Papakainga Zone, Rural Industrial Zone, and the Tourist Services Zone, cover small parts of the wider rural environment. Most of the areas occupied by these zones are of lower productive value and the Plan provisions have not been developed to protect or maintain any such values within the zoned areas.
- (b) Rules relating to:
- size of parcels of rural land in different zones;
  - activities (including dwellings, other structures and services);
  - setbacks, separation distances, and other buffers.
- (c) A list of matters that decision-makers will take into account, in addition to those set out in relevant sections of the Act when considering resource consent applications.

C60 1/16  
Op 6/19

### 7.1.20.2 Investigations and Monitoring

- (a) Monitoring of numbers and sizes of rural land titles, and uses of rural land.

## 7.1.30 Principal Reasons and Explanation

The Council has classified the District's rural land for productive value using an eight-class classification that assesses factors of ground slope, soil depth, drainage, inherent fertility, climate factors of soil temperature, available soil moisture and sunshine. Classes A, B and C are high productive value lands with versatility, or productivity for any particular crop regime. Availability of water is also an important attribute for high productive value.

C60 1/16  
Op 6/19

Only a small proportion of the Tasman District is land that has high productive value. The potential and cumulative adverse effects of land fragmentation include the progressive loss of this land for plant or animal production uses. Similar effects occur with fragmentation of less productive land, but the significance of the loss is likely to be less in terms of the land resource and the potential needs of future generations. In order to maintain an acceptable level of availability of land for productive use, controls are required on subdivision and some rural land uses. These will allow for a range of plant and animal production opportunities to be retained, despite shifts over time in the economic prospects for particular production activities.

C60 1/16  
Op 6/19

The rural zoning pattern is the basis for administration of the objective and policies. The Rural 1 Zone comprises the most inherently productive land in the District and includes about five percent of the total land area. Threshold subdivision standards in this area provide flexibility for a range of productive uses to be made of the soil and land resource, while sustaining its long-term availability. Subdivision below the threshold will be limited to that which supports the objective. The Rural 2 Zone comprises land of more limited productive value, and the subdivision size threshold is thus larger.

Rural Residential zones and other zones within the rural area are generally associated with land of less productive value, although some reflect historical development patterns. These are intended to relieve ongoing pressure for fragmentation of the rural land resource.

C60 1/16  
Op 6/19

The area of the Rural 3 Zone comprises a substantial proportion of land, which has high productive value, generally in the more coastal areas, but it includes dispersed areas of lower value, generally in the more inland parts of the zone. It has a location, topography and specific landscape values, including natural features, which mean that it is attractive for, and has come under pressure for, residential development. This area has been identified as suitable for further development through the provision of specific subdivision and development opportunities, while retaining the land of high productive value. In this area, innovative and sustainable proposals for subdivision that can accommodate additional residential development will be evaluated as restricted discretionary activities and design guidelines will apply.

The Plan recognises that a range of activities (including buildings) can be appropriately accommodated within rural areas, particularly those that support animal and plant production and are efficiently located in rural areas, and that may assist in the wellbeing of rural people and communities.

It is also recognised that other factors such as access, the availability of water, the availability of services, and the types and proximity of other established activities can affect peoples' ability to make effective use of the productive value of the land resource.

Amalgamations and adjustments to boundaries of land parcels that will assist in achieving the objective will be allowed. Boundary adjustments and relocations where no new land parcels are created may actively assist in achieving the objective.

The District's potential hard rock quarry areas are identified by special areas in the Plan, and a specific policy seeks to protect them, along with other rock resources, from the adverse effects of incompatible activities.

#### **7.1.40 Performance Monitoring Indicators**

- 7.1.40.1** Changes in areas of land available for plant and animal production activities and land available for urban or residential activities, particularly in relation to land of high productive value.
- 7.1.40.2** The number and size range of allotments available for plant and animal production purposes.
- 7.1.40.3** On lands of high productive value, the number of titles amalgamated to create larger allotments and the number of boundary adjustments.

C60 1/16  
Op 6/19

## 7.2 PROVISION FOR ACTIVITIES OTHER THAN PLANT AND ANIMAL PRODUCTION

C60 1/16  
Op 6/19

### 7.2.1 Issues

- 7.2.1.1** How to provide for activities other than plant and animal production in rural areas, without diminishing the availability of the productive land resource.

C60 1/16  
Op 6/19

### 7.2.2 Objective

- 7.2.2.1** Retention of opportunities to use rural land for activities other than plant and animal production, including rural living, rural residential, rural industrial, tourist services and papakainga activities in restricted locations, while avoiding the loss of land of high productive value.
- 7.2.2.2** Retention of opportunities for a range of residential living options within rural locations, including coastal and peri-urban areas, in the form of the Rural Residential and Rural 3 zones.
- 7.2.2.3** Retention of opportunities for rural industrial development that is appropriately located in rural areas for production-related industries, in the form of the Rural Industrial Zone.

C60 1/16  
Op 6/19

### 7.2.3 Policies

*Refer to Policy sets 5.1, 6.2, 6.5, 7.1, 7.3, 7.4, 8.2, 9.1, 9.2, 9.3, 11.1, 12.1, 13.1, 14.1 – 14.4.  
Refer to Rule sections 16.3, 17.5 – 17.12, 18.1 – 18.13.*

- 7.2.3.1** To enable activities that are not dependent on plant and animal production to be located on land that is not of high productive value.
- 7.2.3.2** To identify locations for Rural Residential and Rural 3 zones for rural residential activities in rural, coastal and peri-urban areas that are appropriate locations for their variety of qualities and features to allow for rural lifestyle living and which will not adversely affect plant and animal production activities, including potential reverse sensitivity effects.
- 7.2.3.3** To encourage low impact design solutions for subdivision and building development in all rural zones.
- 7.2.3.4** To enable further subdivision and residential development within any existing Rural Residential Zone location where the land:
- (a) is not affected by natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards; and
  - (b) can accommodate the proposed development without adverse effects on landscape or rural, rural residential or coastal character and amenity values and adjacent plant and animal production; and
  - (c) can be adequately serviced for water, wastewater, stormwater and road access and by the road network.
- 7.2.3.5** To enable further subdivision and residential development to urban densities within any existing Rural Residential Zone location where the land:
- (a) is in close proximity to an urban residential area and is appropriate to become part of the urban form of that settlement; and

C60 1/16  
Op 6/19

	(b) is not affected by natural hazards within and beyond the boundaries of the site, including wildfire risk, and coastal, flood, stormwater or geotechnical hazards; and	
	(c) can accommodate built development without adverse effects on character and amenity values; and	
	(d) can be adequately serviced for water, wastewater, stormwater and road access and by the road network.	
<b>7.2.3.6</b>	To minimise the potential for conflict between rural and residential activities by way of setbacks from boundaries and separation between incompatible uses.	
<b>7.2.3.7</b>	To limit residential activity in rural locations outside the Rural Residential Zone and the Rural 3 Zone, on land having high productive value in the Rural 1 and Rural 2 zones.	C60 1/16 Op 6/19
<b>7.2.3.8</b>	To enable cooperative living opportunities in the Rural 1 and Rural 2 and Rural Residential zones where:	C60 1/16 Op 6/19
	(a) the land is held collectively, wholly or in part, by one or more persons, including by way of unit titles; and	
	(b) the visual effects of building on landscape and rural character and amenity values are minimised; and	
	(c) the potential productive value of the land is maintained in the Rural 1 and 2 zones, particularly land of high productive value; and	
	(d) actual and potential adverse effects on neighbouring properties are minimised; and	
	(e) all standards for stormwater management and road access can be achieved, and	
	(f) the development does not adversely affect the road network.	
<b>7.2.3.9</b>	To enable sites in specific locations to be used primarily for rural industrial, tourist services and papakainga purposes, having regard to:	
	(a) the productive values of the land;	
	(b) natural hazards;	
	(c) outstanding natural features and landscapes, and the coastal environment;	
	(d) cross-boundary effects, including any actual and potential adverse effects and potential reverse sensitivity effects on existing activities from new or future activities;	C60 1/16 Op 6/19
	(e) servicing availability;	
	(ea) in relation to rural-industrial development, the efficient location of the activity in association with sources of plant and animal production, existing development capacity, and the transportation network;	C60 1/16 Op 6/19
	(f) the availability of specific productive natural resources, such as aggregates or other mineral sources;	
	(g) transport access and effects;	
	(h) potential for cumulative adverse effects from further land fragmentation;	
	(i) maintaining variety of allotment size;	
	(j) efficient use of the rural land resource;	
	(k) cultural relationship of Māori to their land.	

- |                 |   |                     |
|-----------------|---|---------------------|
| <b>7.2.3.10</b> | To use a whole-catchment approach to the management of stormwater, and to apply low impact design to address the stormwater effects and changes in drainage patterns arising from rural land development.   | C7 7/07<br>Op 10/10 |
| <b>7.2.3.11</b> | To enable the subdivision of land, including by way of boundary adjustment, or amalgamation of land parcels for the preservation of: <ul style="list-style-type: none"> <li>(a) significant natural values, including natural character, features, landscape, habitats and ecosystems;</li> <li>(b) heritage and cultural values;</li> </ul> where preservation is assured through some statutory instrument and statutory manager. | C60 1/16<br>Op 6/19 |
| <b>7.2.3.12</b> | To ensure that activities which are not involved or associated with plant and animal production do not locate where they may adversely affect or be adversely affected by such activities.  | C60 1/16<br>Op 6/19 |

## **7.2.20 Methods of Implementation**

### **7.2.20.1 Regulatory**

- (a) Zones which have been established to manage effects of specific types of activities or built development within the rural area, and which incorporate rules to provide for these activities. The zone framework applies as follows:

- (i) The Rural Residential Zone covers a wide range of types of rural areas. The provision of these zones has largely been demand-driven over many years and the range of Rural Residential Zone locations incorporated in the Plan meets many lifestyle needs. The specific rules for each zoned area take into account rural character and amenity, availability of servicing, landscaping, access, potential visual and ecological impacts of development, development history and other matters that may be particularly relevant to particular parts of the zone.

The specific rules for each zoned area take into account rural character and amenity, availability of servicing and effects on the road network, landscaping, access, potential visual and ecological impacts of development, development history and other matters that may be particularly relevant to particular parts of the zone.

C60 1/16  
Op 6/19

- (ii) The Rural Industrial Zone covers a limited range of locations, largely as a result of historical development or on the basis of analysis of the need for specific new or growing types of industrial activities in a rural context. Limiting effects on rural amenities and surrounding activities is a key consideration in the provision of these zones.
- (iii) The Tourist Services Zone covers locations that are generally small in scale and often environmentally sensitive. Suitable locations for this type of zone have been determined on the basis of special characteristics of the zoned area or its environment, or the area's suitability to provide support services for tourism over a wider area.
- (iv) The Papakainga Zone covers limited areas which have been identified in consultation with location is so zoned.
- (v) The Rural 3 Zone has been introduced to the Plan to meet the demand for residential living in a rural context in an area close to main urban centres, transport routes and the coast. Lying within the Coastal Tasman Area, development in the area is subject to specific policies, and is intended to absorb and thus reduce pressure for rural residential and residential subdivision in other rural parts of the District, particularly Rural 1 areas and other areas of high landscape and rural character values.

- (b) Rules that:
- identify subdivision and development opportunities and requirements in the different rural zones, including the rural residential, rural industrial, tourist services and papakainga zones; C60 1/16 Op 6/19
  - govern lot size;
  - establish on-site and site-to-site amenity standards, including servicing requirements;
  - limit development in relation to natural hazards;
  - define access and effects on the road network; C60 1/16 Op 6/19
  - protect natural and heritage values, including allowing subdivision for conservation purposes;
- (c) Design guidance for subdivision and development in specified zones.
- (d) A list of matters that decision-makers will take into account in addition to those set out in relevant sections of the Act when considering resource consent applications.

### 7.2.20.2 Education and Advocacy

- (a) Promoting awareness of natural, cultural and heritage values, and means of protecting those values.
- (b) Promoting awareness of natural hazards and options in relation to them.
- (c) Promoting self-management of on-site effects of rural activities.
- (d) Encouraging early liaison between Council staff and developers on innovative and appropriate subdivision and development within zones where design guides apply.
- (e) Promote good design through the provision of design guidance. C60 1/16 Op 6/19

## 7.2.30 Principal Reasons and Explanation

People and communities value rural locations for purposes other than plant and animal production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them. This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users. C60 1/16 Op 6/19

This objective, and associated policies, establishes a framework within which Plan provisions such as rules and zones are developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users.

Opportunities for lifestyle and housing choice in rural areas are provided for in the District. There is demand for living in rural areas in different locations and for different forms of housing. Providing for the Rural Residential Zone is one of the ways in which this demand is addressed. Some opportunities for additional housing in the Rural 1 and Rural 2 zones on a small scale (by way of a minor dwelling as an alternative to a second housekeeping unit within the principal dwelling) are provided. Cooperative living is another form of rural living provided for as a rural lifestyle option. C60 1/16 Op 6/19

Cooperative living opportunities in the Rural 1 and Rural 2 zones can provide for lifestyle and productive land use choices in rural areas. Council supports innovative cooperative solutions to living and working on the land provided that landscape, rural character and amenity, productive potential, cross-boundary effects and effects on servicing, including effects on the road network, can all be adequately managed.

Opportunities for rural industry, which supports plant and animal production, are provided for in the District, including for new development in appropriate locations with growing demand for processing and distribution.

Conservation and ecosystem values may be ranked equivalent to, or higher than, production values, and subdivision or amalgamation for protection purposes is enabled.

Where a land use is proposed that may significantly change the existing land cover, particular attention to the effects of changes in stormwater run-off rates, flows and quality may be required.

C7 7/07  
Op 10/10

A whole-catchment approach to stormwater drainage and for addressing stormwater effects is encouraged to ensure that activities occurring both above and below the proposed land use are taken into account when considering the potential adverse effects of an activity on drainage patterns, stormwater flows and surface water quality.

C7 7/07  
Op 10/10

A whole of catchment approach is also relevant to a change in use of rural land from plant and animal production to rural residential, commercial or industrial activity.

C60 1/16  
Op 6/19

Where there is potential for adverse stormwater effects, a Low Impact Design approach to managing those effects should be taken. This approach requires that natural drainage features of the site are maintained or enhanced where possible to avoid, remedy or mitigate the potential adverse effects of stormwater run-off.

C7 7/07  
Op 10/10

Tangata whenua seek opportunities to establish forms of development such as papakainga that meet their particular needs on ancestral land, and communal living is also a lifestyle choice in the District.

Identification of specific areas zoned for industry and tourist services in rural areas and rural-residential use should allow more sustainable management of land with high productive or natural values, with fewer cross-boundary conflict incidents and minimal investment in areas subject to natural hazards.

Policies and thresholds allow for the consideration of activities and effects which are not otherwise provided for in rural zones.

Complementary to the Rural 1 and 2 zones, the Plan includes Rural Residential, Rural Industrial, Tourist Services and Papakainga zones. These zoned areas have been identified on the basis of existing development, traditional or cultural considerations in the case of papakainga, or the appropriateness of the land for the type and intensity of effects associated with the development provided for within the zone. Where new areas of land have been incorporated in these zonings in the Plan, this has taken into account the other objectives in this chapter.

The Rural 3 Zone applies to an area where there is a desire to live near the coast or with coastal views. The zoning is seen to be an opportunity for innovative residential development, while retaining the overall rural amenity values and character of the area, including natural character, and ongoing opportunities to utilise land of high productive value. In this area, residential development proposals will be evaluated through consent processes in terms of their effects on landscape and productive, amenity and other values, including natural and cultural values; the availability of appropriate infrastructure and services, including the road network; and cumulative effects. The Coastal Tasman Area Subdivision and Development Design Guide provides criteria for the evaluation of specific proposals.

C60 1/16  
Op 6/19

The different Rural Residential Zone areas have different threshold subdivision sizes that take into account the character and attributes of the land (including servicing capability). Along with smaller parcels of land already existing in the Rural 1 and 2 zones, these areas enable a range of rural living opportunities. Rural Industrial Zone locations are widely found throughout the area and provide a land resource with associated effects, which enable a range of rural industrial activities. Tourist Services Zone locations provide for relatively intensive tourist and visitor service activities in areas where such uses have been traditionally established, or where they can be accommodated with minimal impact on the natural qualities and characteristics of the nearby rural areas and are accessible without generating adverse effects on the road network. Other activities in rural areas that are not directly provided for in any of the rural zones will be addressed through the resource consent or plan change process.

C60 1/16  
Op 6/19

Generally, the identification of areas suitable for specific zones within the wider rural environment seeks to achieve objective 7.2.2 without conflicting with the other objectives in this chapter or elsewhere in the Plan. However, not all demands or needs for land for activities other than plant and animal production in the rural environment will necessarily be able to be met over the life of the Plan within zoned areas. The Council will consider these needs over time or assess consent applications or Plan changes proposed by others.

C60 1/16  
Op 6/19

#### 7.2.40 Performance Monitoring Indicators

- 7.2.40.1** Area of land taken up for urban and rural residential purposes, rural industrial, rural tourist facilities, particularly in relation to land of high productive value, including allotments created through amalgamation or the use of the subdivision averaging provisions.
- 7.2.40.2** The number and size range of allotments in rural zones available for plant and animal production purposes, including allotments created through amalgamation or the use of the subdivision averaging provisions.
- 7.2.40.3** The number and size range of allotments subdivided for production activities other than plant and animal production, including allotments created through amalgamation or the use of the subdivision averaging provisions.
- 7.2.40.4** Number of subdivision consents approved because of natural, historic and cultural preservation.
- 7.2.40.5** Number of complaints associated with plant and animal production activities and activities other than plant and animal production.

C60 1/16  
Op 6/19

### 7.3 RURAL RESIDENTIAL DEVELOPMENT IN COASTAL TASMAN AREA

#### 7.3.1 Issues

There is a desire in the community for residential development opportunities within a rural part of the District, used productively and having some existing rural residential development. Managing the pressure for and cumulative effects of residential development in the Coastal Tasman Area which is a rural area close to the coast, to the District's main urban centres, and to major transport routes, while protecting the productive value of the rural land resource, coastal and rural character, and amenity values.

#### 7.3.3 Policies

*Refer to Policy sets 5.1 – 5.5, 6.4, 7.1, 7.2, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 11.1, 11.2, 13.1, 14.1 – 14.4.  
Refer to Rule sections 16.2, 16.3, 16.4, 17.5 – 17.12, 18.1 – 18.13.*

- 7.3.3.1** To identify an area (Rural 3 Zone) within the Coastal Tasman Area within which rural residential and residential development is enabled while avoiding, remedying and mitigating adverse effects on the environment.
- 7.3.3.2** To identify areas (Rural 1 locations) within the Coastal Tasman Area where the potential adverse effects of further subdivision and development for residential or rural residential purposes are of such significance that further development is discouraged.

- 7.3.3.3** To ensure that the valued qualities of the Coastal Tasman Area, in particular rural and coastal character, rural and coastal landscape, productive value of the land, and the coastal edge and margins of rivers, streams and wetlands are identified and protected from inappropriate subdivision and development. C60 1/16  
Op 6/19
- 7.3.3.4** To define within the land made available for residential and rural residential development within the Coastal Tasman Area, areas in which different rules provide for different types and intensities of subdivision and development.
- 7.3.3.5** To protect land of high productive value within the Coastal Tasman Area. C60 1/16 Op 6/19
- 7.3.3.6** To protect rural and coastal character, including landscape and natural character, and productive land and amenity values from development pressures in parts of the Coastal Tasman Area outside the areas where development is specifically provided for, including Kina Peninsula and the land to the west of the Moutere Inlet.
- 7.3.3.7** To enable residential and rural residential development to take place from December 2003 over at least a 20-year period in the Rural 3 Zone and the Waimea Inlet Rural Residential Zone that generally reflects a ratio of 25 percent developed area to 75 percent open space or unbuilt area across the total area of both zones.
- 7.3.3.8** To avoid, remedy or mitigate adverse effects of development on land, surface and ground water resources, and the coastal marine area.
- 7.3.3.9** To ensure that residential and rural residential development within the Coastal Tasman Area is able to connect to reticulated water supply services provided by the Council within two decades.
- 7.3.3.10** To ensure that adverse effects arising from servicing of subdivision and residential development are avoided, whether by way of on-site management, or provision of off-site reticulation.
- 7.3.3.11** To improve access and progressively upgrade the road network throughout the Coastal Tasman Area in accordance with development, while avoiding or mitigating adverse effects on landscape, natural character and amenity. C60 1/16  
Op 6/19
- 7.3.3.12** To progressively develop a network of interconnected pedestrian, cycle and equestrian routes, and reserves within the Coastal Tasman Area, including to and along the coast.
- 7.3.3.13** To mitigate adverse effects on rural landscape and character by evaluating subdivision, development and wastewater discharge proposals together, when providing for further residential and rural residential development in the Coastal Tasman Wastewater Management Area.
- 7.3.3.14** To take into account, and avoid or mitigate potential cumulative adverse effects on rural character, rural landscapes and amenity values, including the potential impact that complaints from new residential activities can have on existing plant and animal production activities, arising from adverse cross-boundary effects, when assessing the effects of subdivision and development in the Coastal Tasman Area. C60 1/16  
Op 6/19
- 7.3.3.15** To support proposals to restore, enhance or protect natural features and areas such as wetlands and coastal indigenous vegetation, with weed control and indigenous plantings appropriate to the area, as part of subdivision and development design in the Coastal Tasman Area.
- 7.3.3.16** To protect from further subdivision and development, land that has been retained as open space either within any allotment or as an allotment, in an approved subdivision in the Rural 3 Zone, for its productive, rural or coastal character, landscape, amenity, or wastewater discharge management value.

- 7.3.3.17** To avoid or mitigate exposure of subdivision and development to road noise, including from State Highway 60 and the designated Ruby Bay Bypass.
- 7.3.3.18** To enable additional development in the Mapua Rural Residential Zone, subject to servicing requirements, and evaluation of the effects of specific proposals in accordance with the ‘Coastal Tasman Area Subdivision and Development Design Guide’. C6 7/07  
Op 10/10
- 7.3.3.19** To allow for limited development beyond that provided for as a controlled activity within the Waimea Inlet Rural Residential Zone, subject to availability of services and evaluation of the effects of specific proposals, in accordance with the ‘Coastal Tasman Area Subdivision and Development Design Guide’ C6 7/07  
Op 10/10
- 7.3.3.20** To avoid potential effects of past land contamination on future residential and rural residential activities.
- 7.3.3.21** To provide for the servicing of the Rural Residential Zone locations in the vicinity of Permin Road in the longer (post 15-year) term. C60 1/16  
Op 6/19
- 7.3.3.22** To avoid adverse off-site effects, including cumulative effects and water contamination effects, resulting from the disposal of domestic wastewater to land arising from inappropriate scale, design, or location of subdivision and development of land for residential purposes in the Wastewater Management Area.

## 7.3.20 Methods of Implementation

### 7.3.20.1 Regulatory

- (a) Zones that are delineated on the basis of appropriateness for the uptake of development opportunities defined by rules and through consent processes including zones where little or no future development is anticipated.

The zone framework within the Coastal Tasman Area applies as follows:

- (i) The Rural 1 and Rural 2 zones are as described under 7.1.20.1(a).
- (ii) The Rural 3 Zone is an area where development is expected to take place within the years 2004 to 2024.
- (iii) A range of Rural Residential Zones as described under 7.2.20.1(a), where opportunities for more intensive development in a small number of specified zones will be assessed through the ‘Coastal Tasman Area Subdivision and Development Design Guide’ (Part II, Appendix 3). C6 7/07  
Op 10/10
- (b) Rules, including rules that:
- allow or limit activities;
  - provide opportunities for development;
  - require subdivision and development to be considered together;
  - address effects on the environment through a range of requirements;
  - require payment of a financial contribution for the provision of reticulated services, roading and reserves and community services.
- (c) A list of matters which decision-makers will take into account when considering resource consent applications.
- (d) Consideration of consistency of applications with the ‘Coastal Tasman Area Subdivision and Development Design Guide’ (Part II, Appendix 3). C6 7/07  
Op 10/10

### 7.3.20.2 Education and Advocacy

- (a) Promoting design and location of development that is appropriate to its rural and coastal location within the District.
- (b) Encouraging early liaison between Council staff and developers on innovative and appropriate subdivision and development within zones where design guides apply.
- (c) Promoting self-management of on-site effects, and consultation, as means of avoiding, remedying and mitigating cross-boundary effects associated with rural activities.
- (d) Providing advisory information with resource consents and land information memoranda, and for public information generally, about the potential cross-boundary effects from plant and animal production activities likely to be experienced in the rural area, and means of avoiding or mitigating exposure to such effects, in addition to existing activities' ongoing compliance with Plan rules or consent conditions.

C60 1/16  
Op 6/19

### 7.3.20.3 Works and Services

- (a) Provision of reticulated water supply and wastewater systems by the Council to a specific timetable to be set out in the Long Term Plan.
- (b) Progressive upgrading of the roading system within parts of the area, to a specific timetable to be set out in the Long Term Plan.
- (c) Provision of reserves, including esplanade reserve and strips, and a walkway, cycleway and equestrian network, over time, within the area.

## 7.3.30 Principal Reasons and Explanation

The Coastal Tasman Area lies between the Moutere River and the northern edge of the Waimea Plain. It includes Kina Peninsula and all the land inland to the upper boundary of the coastal catchments draining to the sea. The whole of the area is within the coastal environment and has strong rural and coastal characteristics. These characteristics include natural areas such as small areas of remnant coastal vegetation, streams and wetlands, natural features and landscape values. Much of the area has high productive value. Inland areas in particular have less productive value. Where the productive value is high, the land is quite fragmented, whereas the land with less productive value is generally in larger lots, much of which is, or has recently been, in pine plantation.

C60 1/16  
Op 6/19

Settlement patterns within the Coastal Tasman Area are varied. The urban settlements of Mapua/Ruby Bay and Tasman are within the Coastal Tasman Area, but are the subject of separate settlement policies in Chapter 6. A number of Rural Residential Zone locations were created within the area in the 1990s and these have been largely developed to the lot size standards set out in the Plan.

The proximity of the Coastal Tasman Area to Nelson, Richmond and Motueka, and completed state highway improvements have resulted in pressure for further residential and rural residential development in this area.

The area was subject to detailed planning and infrastructure studies between 2001 and 2003, and extensive community consultation as to its future.

A long term planning framework for the Coastal Tasman Area is provided by the policies for the area, within the broader framework of objectives and policies in the Plan. A range of methods, including zones, areas, rules and other provisions in the Plan, a works and service programme, along with the 'Coastal Tasman Area Subdivision and Development Design Guide', for the parts of the area where additional development is enabled, will be used to implement the policies.

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Op 10/10

Together these provisions are intended to provide for a significant number of new dwellings in the area (in addition to further development in Mapua and Tasman); to guide development to the areas where it is able to be accommodated with limited adverse effects on the environment; and to encourage forms of low impact subdivision and development through design objectives and guidelines set out in the ‘Coastal Tasman Area Subdivision and Development Design Guide’. It is expected that there will be little change in those areas in the Coastal Tasman Area that retain Rural 1, Rural 2 and Rural Residential zonings.

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An important element of development in the area is provision of a reticulated, restricted, community water supply service and a programme of road upgrading by the Council. Council is requiring development to provide permanent on-site wastewater and stormwater services. Council is open to receiving proposals concerning off-site wastewater disposal. These services will assist in avoiding potential adverse effects in the area. In the period prior to reticulated services being available, applications for subdivision and development will be thoroughly assessed in terms of the adequacy of their transitional servicing provisions.

The Council recognises that there are risks associated with the on-site disposal of domestic wastewater in the Wastewater Management Area that applies to the Rural 3 and adjacent Rural Residential zones. This is because of the low permeability and shallow nature of the soils, steep slopes, high groundwater tables in some areas, and proximity to sensitive water bodies, including the Moutere, Mapua and Waimea Inlets.

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The Council also recognises a relationship between landscape and amenity effects from subdivision and development and associated wastewater service provision. However, the Council considers that on-site wastewater disposal can be appropriately and sustainably managed, provided a well-managed and integrated approach to development takes into account the potential adverse effects, including cumulative effects.

#### **7.3.40 Performance Monitoring Indicators**

- 7.3.40.1 Numbers of allotments subdivided for residential and rural residential purposes in all zones within the Coastal Tasman Area.
- 7.3.40.2 Extent of land retained as unbuilt or green space in the Rural and Rural Residential zones in the Coastal Tasman Area.
- 7.3.40.3 Quality of subdivision design and development within all areas to which design guide provisions apply, and consistency with design guide objectives.
- 7.3.40.4 Provision of services to development in the Rural 3 Zone.

### **7.4 RURAL CHARACTER AND AMENITY VALUES**

#### **7.4.1 Issues**

- 7.4.1.1 An appropriate level of protection of rural character, ecosystems and amenity values.
- 7.4.1.2 How to ensure that plant and animal production activities are able to continue to operate without undue constraints in rural areas, including those due to reverse sensitivity.

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#### **7.4.2 Objective**

Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

### 7.4.3 Policies

*Refer to Policy sets 5.1, 5.2, 5.3, 5.5, 6.2, 7.1, 7.2, 7.3, 8.2, 9.1, 9.2, 11.2, 14.1 – 14.3.*

*Refer to Rule sections 16.1 - 16.3, 17.5 – 17.12, 18.1 – 18.13.*

- |                 |  |                     |
|-----------------|--|---------------------|
| <b>7.4.3.1</b>  | To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.   |                     |
| <b>7.4.3.2</b>  | To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.                        |                     |
| <b>7.4.3.3</b>  | To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.   |                     |
| <b>7.4.3.4</b>  | To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.                                    |                     |
| <b>7.4.3.5</b>  | To exclude from rural-residential areas, uses or activities which would have adverse effects on rural-residential activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.  |                     |
| <b>7.4.3.6</b>  | To discourage continuing subdivision of small allotments in the Rural 1 and Rural 2 zones where this may contribute to the cumulative loss of rural character and amenity values.  | C60 1/16<br>Op 6/19 |
| <b>7.4.3.7</b>  | To avoid further subdivision of large allotments created by way of an average allotment size subdivision.  |                     |
| <b>7.4.3.8</b>  | To discourage dwelling development on existing small allotments, where this may cumulatively adversely affect rural character and amenity value.   |                     |
| <b>7.4.3.9</b>  | To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised. |                     |
| <b>7.4.3.10</b> | To facilitate the amalgamation of land parcels as a means of avoiding, remedying or mitigating adverse effects of use or development on rural character or amenity values.   |                     |
| <b>7.4.3.11</b> | To enable the subdivision of land for conservation or protection of features or resources that particularly contribute to the rural character of the area.   |                     |
| <b>7.4.3.12</b> | To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access and impacts on the road network, water availability and wastewater disposal.  | C60 1/16<br>Op 6/19 |
| <b>7.4.3.13</b> | To ensure the maintenance or enhancement of natural drainage features within rural catchments, and to avoid, remedy, or mitigate any adverse effects of stormwater run-off.  | C7 7/07<br>Op 10/10 |
| <b>7.4.3.14</b> | To limit the adverse amenity effect of noise from frost protection methods, notwithstanding any other policy.  | C14 5/09<br>Op 8/12 |

## 7.4.20 Methods of Implementation

### 7.4.20.1 Regulatory

- (a) Zones that are delineated on the basis of the actual and potential effects of the use and to which different standards and conditions apply. The zone framework applies as follows:
- (i) The Rural 1 Zone covers areas of high existing or potential productive value. The rules in this zone provide for an intensity of use and development that is commensurate with the land's productive value, but also provide for management of effects, including potential cross-boundary and reverse sensitivity effects. At the same time, these rules enable the zone to maintain a recognisable rural character as well as rural amenity values. C60 1/16  
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- (ii) The Rural 2 Zone covers areas that are generally of lower productive value, but which often have particularly important rural character and amenity values, resulting from a low intensity of use and development and consequently a more open and distinctive rural landscape. In these areas, rules addressing management of detailed effects through the imposition of standards, such as those relating to noise and air quality, are generally similar to those in the Rural 1 Zone, but rural character, general amenity and landscape is maintained through the absence of rules allowing for close subdivision and intensive development.
- (iii) The Rural 3 Zone covers parts of the Coastal Tasman Area. Land in these zones is close to population centres and has been identified as being not only attractive to residential development but also with a rural landscape character and qualities which are able to absorb a level of such development more readily than most other rural parts of the District.
- (iv) The other rural zonings: Rural Residential, Papakainga, Rural Industrial, and Tourist Services zones, cover areas where they can be accommodated without undermining the essential rural character of the District's rural areas, or having significant adverse effects on nearby areas.
- (b) Rules that:
- address the actual and potential effects of uses and activities, including noise, traffic generation, and discharges to air and water;
  - address some aspects of rural character and amenity, and intensity of building and servicing;
  - protect natural and heritage values.
- (c) Design guidance for subdivision and development in the Rural 3 Zone.
- (d) A list of matters which decision-makers will take into account, in addition to those in the relevant sections of the Act, when considering resource consent applications.

### 7.4.20.2 Education and Advocacy

- (a) Promoting awareness of the natural and physical qualities and characteristics of the rural environment, including the rights and responsibilities of rural landowners engaged in productive land management.
- (b) Promoting self-management of on-site effects, and consultation as a means of avoiding, remedying and mitigating cross-boundary effects associated with rural activities.
- (c) Providing a process to encourage early liaison between developers and Council staff on innovative and appropriate residential development within the Rural 3 Zone.

### 7.4.30 Principal Reasons and Explanation

Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the consent application process.

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Subdivision and servicing availability, and the effects of land development and standards associated with these activities, also need to be taken into account when some types of activities are proposed in rural areas.

The Rural 1, Rural 2, and Rural 3 zones include threshold rules, standards and conditions which enable a wide range of activities in rural areas. The rules and standards for subdivision and development (including servicing) also avoid or mitigate cross-boundary effects and provide for maintenance of rural character. Effects management in rural zones is also addressed by other methods besides rules.

Recognition and appreciation of the character and amenity of rural areas and the overall value that these add to the District's economic, social and cultural attributes, is a relatively recent phenomenon. The District's diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent. Because of the variety of rural character and landscape types in the District's rural areas, derived from natural features overlain by decades of cultural change, effects on rural character and amenity landscape values beyond those provided for by the Plan's rules, need to be assessed on a case-by-case basis in a local or sometimes regional context. As a result of zoning and decision-making on specific applications, all parts of both the Rural 1 and 2 zones are expected to largely retain their current rural character and amenity landscape values, while the character and landscapes of the Rural 3 Zone is expected to undergo a degree of transformation as a result of increased residential use and development, but no net loss of values. The other zones in the rural area will result in reduced rural character within the zoned areas, but only minor reductions in rural character beyond the zoned area. The amenity values of all rural zones are expected to be maintained, enhanced or protected to a reasonable level by the application of the rules and other management methods in the Plan.

Coastal rural areas have particular values and these are identified and managed through other provisions in the Plan.

### 7.4.40 Performance Monitoring Indicators

**7.4.40.1** Changes in the types of rural land uses.

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**7.4.40.2** Number of complaints associated with plant and animal production activities and activities other than plant and animal production.

## 7.50 ENVIRONMENTAL RESULTS ANTICIPATED

- |               |  |                                   |
|---------------|--|-----------------------------------|
| <b>7.50.1</b> | Minimal cumulative loss of availability of rural land for plant and animal production purposes, and maintenance of a sustainable level of availability of land of high actual or potential productive value. | <b>C60 1/16</b><br><b>Op 6/19</b> |
| <b>7.50.2</b> | Limited or no increase in conflicts between rural-residential development and adjacent activities, hazard or contamination risks, amenity or natural heritage values.  |                                   |
| <b>7.50.3</b> | The continuing availability and accessibility of particular rural resources, such as quarry resources, to meet present and future needs.   |                                   |
| <b>7.50.4</b> | Maintenance of rural character and rural amenity values throughout the District’s rural areas.   |                                   |
| <b>7.50.5</b> | The accommodation of additional residential development with limited adverse effects on productive values, rural character, amenity values and landscape values, in the Rural 3 Zone.                        |                                   |
| <b>7.50.6</b> | The provision of services to all new and most existing dwellings in the Rural 3 Zone, and to Mapua and Waimea Inlet Rural Residential Zones.   |                                   |
| <b>7.50.7</b> | Forms and styles of residential and rural residential development that are consistent with the ‘Coastal Tasman Area Subdivision and Development Design Guide’.   | <b>C6 7/07</b><br><b>Op 10/10</b> |

## CHAPTER 8: MARGINS OF RIVERS, LAKES, WETLANDS AND THE COAST

### 8.0 INTRODUCTION

Protection of the natural character of lakes, rivers, wetlands and their margins, and the coastal environment, from inappropriate subdivision, use and development, and the maintenance and enhancement of public access to and along these water bodies, are matters of national importance in promoting the sustainable management of natural and physical resources. The Act also requires regard to be given to intrinsic values of ecosystems; maintenance and enhancement of amenity values; efficient use and management (and any finite characteristics) of resources; and protection of the habitat of trout and salmon.

There are extensive areas of riparian and coastal land in the District and a wide range of sometimes conflicting values associated with such land, where these directives should be applied. There can be conflict between protection of conservation values and public access, recreational values and production values. There can be conflict between the provision of public access to and along water bodies, and private land ownership and production values. The flood mitigation functions of riparian and coastal land resources must also be acknowledged. Because of the extensive nature of the riparian and coastal land resource and the lack of detailed knowledge on the entire resource, priorities have not yet been assigned for the protection of riparian and coastal margins. For this reason too, a cautious approach will be adopted in making decisions on resource allocation and use that affect these areas.

The values of the margins of lakes, rivers, wetlands and the coast include:

- (a) their natural values as habitat for indigenous vegetation and indigenous fauna (including fish), which in some cases are poorly represented;
- (b) their importance for protecting water quality and maintaining and enhancing aquatic habitats;
- (c) their potential as corridors for the movement of indigenous wildlife;
- (d) their contribution to the District's natural character;
- (e) mitigating natural hazards;
- (f) enabling public access and recreational use; and
- (g) their production value.

When considering applications for subdivision and land use consents in areas adjacent to lakes, rivers, wetlands or the coast, Council is required to have regard to natural values as matters of national importance identified in Section 6 of the Act, and to other often conflicting values.

Effective riparian management, including the planting and fencing of riparian margins, can protect natural aquatic ecosystems and the habitat of indigenous fauna. Good water quality is important for promoting and enhancing recreational opportunities which rivers and streams provide, for example for whitebaiting and trout fishing.

Widespread clearance of riparian vegetation has led to changes in freshwater habitat conditions and water quality. Protecting remaining riparian vegetation is a high priority to maintain the biological diversity of the District's terrestrial and aquatic ecosystems and to preserve the natural character of the margins of lakes, rivers, wetlands and the coast.

Different sections of lakes, rivers, wetlands and the coastline have different values and therefore need different management responses. For instance, the lower reaches of some rivers are important to residents and visitors for recreational opportunities and should be managed for access purposes. Other sections of river margins, particularly middle and upper reaches, should be managed to protect the habitats of both indigenous aquatic fauna and exotic fauna such as trout and salmon. Prioritising rivers for habitat and access management will be carried out in consultation with the community and landowners.

## **8.1 PUBLIC ACCESS**

### **8.1.1 Issue**

Provision and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, for current and future needs of residents and visitors to the District.

### **8.1.2 Objective**

The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.

### **8.1.3 Policies**

*Refer to Policy sets 5.1 – 5.4, 6.1, 6.3, 6.4, 14.1 – 14.4.*

*Refer to Rule sections 16.1, 16.2, 16.3, 16.4, 17.1, 17.2, 17.5 - 17.8.*

- 8.1.3.1** To maintain and enhance public access to and along the margins of water bodies and the coast while avoiding, remedying or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security and infrastructure; cultural values; and use of adjoining private land.
- 8.1.3.2** Notwithstanding Policy 8.1.3.1, public access by way of esplanade requirements will not be sought in areas where risks to public health and safety cannot be avoided, remedied or mitigated; or in areas where it is necessary to maintain security, consistent with the purpose of any resource consent, such as operational port areas.
- 8.1.3.3** To avoid, remedy, or mitigate the adverse effects on public access caused by structures, buildings, and activities in or adjoining water bodies or the coastal marine area.
- 8.1.3.4** To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority for public access.
- 8.1.3.5** To seek public access linkages between reserves and public access adjoining water bodies or the coastal marine area in the vicinity.
- 8.1.3.6** To retain the public access resource provided by unformed legal roads where there is a need for public access to or along water bodies or the coast, converting those unformed roads to reserves where vehicle access is inappropriate or cannot meet the standards prescribed in the Plan and where agreement is reached with the adjoining land occupier.
- 8.1.3.7** To ensure that adequate public access is available to outstanding natural features and landscapes in the coastal environment or the margins of lakes, rivers or wetlands, except where the impact of such access is incompatible with the duty to protect these areas or access across private land cannot be negotiated.

### **8.1.20 Methods of Implementation**

#### **8.1.20.1 Regulatory**

- (a) Rules requiring setback of structures in riparian and coastal areas to preserve the option of access either now or in the future.
- (b) Rules requiring a 20-metre wide esplanade reserve, esplanade strip or access strip to be set aside or created on all subdivisions adjoining lakes, rivers, or the coastal marine area, in locations identified as priorities for public access, with criteria to determine when a greater or lesser width will be required.

- (c) Rules requiring compliance with design and location standards for access to and from the road network, where access to riparian land or coastal margins is by vehicle.

#### **8.1.20.2 Education and Advocacy**

- (a) The use of discussion, workshops, pamphlets and other means to promote opportunities for public access to and along the margins of water bodies and the coastal marine area.

#### **8.1.20.3 Investigations and Monitoring**

- (a) Compilation of an inventory of existing public access to riparian land and coastal margins, updated at five-yearly intervals, to be publicly available.
- (b) Preparation of a Riparian Land Management Strategy through consultation with affected parties that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes:
  - (i) public access;
  - (ii) recreation;
  - (iii) conservation of natural ecosystems;
  - (iv) maintenance and enhancement of water quality;
  - (v) protection of landscape values;
  - (vi) protection of heritage sites;
  - (vii) mitigation of flooding or river erosion mitigation.

This Strategy is to be prepared within three years of the Plan becoming operative.

#### **8.1.20.4 Works and Services**

- (a) Removal of pest plants and undertaking of physical works to improve public access.
- (b) Acquisition or purchase of esplanade reserves and negotiation of esplanade strip and access strip agreements in agreed priority areas or circumstances.

### **8.1.30 Principal Reasons and Explanation**

The maintenance and enhancement of public access to and along lakes, rivers and the coast is a matter of national importance. Public access is not readily available in all localities of the District, and an increasing population is likely to require greater provision for access along water areas. In promoting public access, consideration needs to be given to: disturbance or destruction of habitats; degradation of the values of cultural heritage; public safety and security; and the use of private property.

The Act gives limited opportunity to obtain public access without compensation to landowners. A strategy which identifies priorities for public access will ensure that limited opportunities and funds are used to the best advantage. Acquisition or purchase of reserves, which are the principal means of protecting and extending public access opportunities, are not limited to Council. Other public bodies such as the Department of Conservation can also acquire and provide land for public access purposes. This option would fall under the “other means ... which ... may be used in achieving the purpose of this Act” of Section 32.

Council has made some preliminary assessment of access needs through community consultation. However, further study needs to be undertaken of all streams, rivers, lakes and coastal areas of significant value to determine their values for conservation, for recreation and for public access. Some existing structures impede access to and enjoyment of water margins and may need to be relocated. Limiting the erection of new structures on riparian reserves can also assist in ensuring adequate future access.

Part X of the Act sets out circumstances where an esplanade reserve is to be vested in Council on the subdivision of land, without compensation to the owner, and circumstances where compensation is due. Provision of public access could also be a condition of a land use consent, but in that case would be contestable. In all other cases, public access over private land could not be achieved without the negotiated agreement of the landowner.

Similarly, physical works or services could be required as a contestable condition of a resource consent; otherwise by negotiation between Council and landowner (unless required under other legislation).

#### **8.1.40 Performance Monitoring Indicators**

- 8.1.40.1** Number and types of complaints about lack of access, or impacts of access.
- 8.1.40.2** Changes in the extent of riparian and coastal land available for public access.
- 8.1.40.3** The provision of information such as signs and pamphlets about public access opportunities in the District.

### **8.2 NATURAL CHARACTER**

#### **8.2.1 Issue**

[8.2 Proposed]

The coastline of the District and the margins of its lakes, rivers and wetlands are finite resources. They are characterised by a diversity of landforms, vegetation, habitats and degrees of modification resulting from people's activities. These environments are highly regarded by residents and visitors for their recreation, landscape/seascape, tourism, residential, historic and cultural values. Substantial sections of the coastline in particular are widely considered to have high landscape/seascape values.

##### **Proposed as at 1 November 2008**

The natural character and natural values of the margins of lakes, rivers and wetlands, and the coastal environment, have been adversely affected by people's activities. They continue to be affected by run-off from horticultural and agricultural land, clearance of vegetation (including plantation forests), and by earthworks and built development following subdivision. The introduction and spread of plant and animal pests, coastal and river bank protection works, increased density of people's living environments, provision and maintenance of roading and other community infrastructure including port development, also affect these values. Preserving natural character and natural values, including aquatic habitats and water quality, requires effective management of riparian margins and the coastal environment.

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Activities such as the draining, infilling or grazing of wetlands and estuary margins, and the stopbanking of rivers and coastal margins, can and have altered the natural character and natural processes associated with these locations and resources. The coastal environment in particular has been regarded as a convenient location for industry and for the disposal of much of the waste and effluent generated in the District.

#### **8.2.2 Objective**

Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.

## 8.2.3 Policies

*Refer to Policy sets 5.1 – 5.4, 6.3, 6.4, 7.2, 7.3, 7.4, 9.1, 9.2, 9.3, 10.1, 14.1, 14.3, 14.4.*

*Refer to Rule sections 16.1 – 16.4, 17.1 – 17.8, 18.1, 18.2, 18.5, 18.6, 18.7, 18.11, 18.12.*

- 8.2.3.1 To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins.
- 8.2.3.2 To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands and the coast.
- 8.2.3.3 To avoid, remedy or mitigate adverse effects of land management practices on the margins of water bodies, including wetlands.

**Proposed as at 1 November 2008**

- 8.2.3.4 To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast.

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- 8.2.3.5 To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority to protect the natural character of those margins.
- 8.2.3.6 To adopt a cautious approach in decisions affecting the margins of lakes, rivers and wetlands, and the coastal environment, when there is uncertainty about the likely effects of an activity.

**Proposed as at 1 November 2008**

- 8.2.3.7 To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands.

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- 8.2.3.8 To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development.
- 8.2.3.9 To ensure that the nationally and internationally significant ecological values of the Waimea Inlet are protected by avoiding, remedying or mitigating adverse effects, including cumulative effects, of subdivision, use or development in the Coastal Tasman Area.
- 8.2.3.10 To ensure that where subdivision, use or development are limited in order to maintain the open space or natural character of coastal land, complementary limits are applied to the use or development of adjoining foreshore and sea.
- 8.2.3.11 To maintain or acquire reserves of at least 20 metres width along the coastline of the District, for natural character, ecological or public access purposes, particularly along estuary margins, dunes, sandspits and cliffs.
- 8.2.3.12 To enable the maintenance of physical resources for the well-being of the community, where those resources are located in riparian or coastal margins, subject to the avoidance, remedying or mitigation of adverse effects on the environment.
- 8.2.3.13 To avoid, where practicable, facilities for the storage of hazardous substances within 200 metres of the mean high water springs, or of any lake, river or wetland.
- 8.2.3.14 To avoid the disposal of refuse within 200 metres of the mean high water springs, or of any lake, river or wetland.

- 8.2.3.15** To limit the potential for the spread of fire in or to areas of natural character in the coastal environment and on the margins of lakes, rivers and wetlands.
- 8.2.3.16** To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes.
- 8.2.3.17** To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities.
- 8.2.3.18** To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise.
- 8.2.3.19** To avoid, remedy or mitigate adverse effects of vehicle access on foreshore, beaches and estuary margins.
- 8.2.3.20** To ensure that where erosion protection works are deemed to be necessary to protect existing settlements or structures that these are designed as much as possible to harmonise with the natural character of the coastline, river bank or lake shore.
- 8.2.3.21** To protect historic and cultural sites in riparian margins and the coastal environment.
- 8.2.3.22** To avoid the loss of extent of natural inland wetlands, to protect their values, and promote their restoration, except where: NPS-FM  
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- (a) the loss of extent or values arises from any of the following:
    - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori;
    - (ii) restoration activities;
    - (iii) scientific research;
    - (iv) the sustainable harvest of sphagnum moss;
    - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
    - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
    - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
  - (b) the regional council is satisfied that:
    - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
    - (ii) the specified infrastructure will provide significant national or regional benefits; and
    - (iii) there is a functional need for the specified infrastructure in that location; and
    - (iv) the effects of the activity are managed through applying the effects management hierarchy.
- 8.2.3.23** To avoid the loss of river extent and values, unless the Council is satisfied that:
- (a) there is a functional need for the activity in that location; and
  - (b) the effects of the activity are managed by applying the effects management hierarchy.

## 8.2.20 Methods of Implementation

### 8.2.20.1 Regulatory

- (a) Identification of an Open Space or Conservation Zone on water margins with natural values, in public ownership.

Proposed as at 1 November 2008

- (b) Rules requiring consent for earthworks and the removal of indigenous vegetation along water margins and in the Coastal Environment Area.

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- (c) Rules requiring setback of buildings from water margins.
- (d) Rules that avoid, remedy, or mitigate effects of activities in the Coastal Environment and Coastal Risk areas.
- (e) Defined areas on planning maps showing the extent of coastal settlements.
- (f) Rules requiring the creation of esplanade reserves or esplanade strips when land adjoining lakes, rivers or the sea is subdivided, in accord with the powers and restrictions of Section 230 of the Act.
- (g) Rules to prevent adverse effects in the coastal environment from refuse disposal or hazardous substances.
- (h) Rules to limit the risk of fire spreading to areas of high ecological value in coastal and riparian margins, including the use of setbacks, fire-breaks, fire-resistant species, or other boundary management methods.
- (i) Rules requiring setback of horticultural plantings and provision of fire-breaks adjoining areas of high ecological value and areas of settlement.
- (j) Rules to control the effects of the location and bulk of buildings within 200 metres of the coast, including industrial buildings.
- (k) Rules requiring resource consent for erosion protection structures.
- (l) Rules to control the use of vehicles on foreshore, beaches and estuary margins.
- (m) Rules limiting effects of discharges of contaminants to the coastal marine area and water bodies.

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### 8.2.20.2 Investigations and Monitoring

- (a) Monitoring of location, quality and quantity of riparian and coastal vegetation.
- (b) Monitoring of water quality attributable to different riparian vegetation regimes.
- (c) Monitoring of extent and quality of indigenous coastal vegetation, rate of subdivision along coastline and number and type of enhancement projects.
- (d) Preparation of a Riparian Land Management Strategy, through consultation with affected parties, that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes:
- (i) public access;
  - (ii) recreation;
  - (iii) conservation of natural ecosystems;
  - (iv) maintenance and enhancement of water quality;
  - (v) protection of landscape values;
  - (vi) protection of heritage sites;
  - (vii) mitigation of flooding or river erosion mitigation.

### 8.2.20.3 Works and Services

- (a) Programmes to remove noxious weeds from water margins.

- (b) Restoration and enhancement of projects on coastal and riparian reserves and other public land, using local indigenous species.
- (c) Purchase of land for reserves, establishment of esplanade strips or access strips, or other means of protecting the natural character of land adjoining lakes, rivers or the sea, where appropriate, through negotiation with landowners.

#### **8.2.20.4 Advocacy and Education**

- (a) Advice on land management practices that do not adversely affect water bodies, their margins or the coastal environment, particularly practices which reduce erosion, prevent the destruction of riparian vegetation, and maintain or enhance water quality.
- (b) Promotion of planting of fire-resistant species in coastal environment.
- (c) Preparation of a design guide for buildings in the coastal environment area.
- (d) Encouragement of the planting of local indigenous species on private land in coastal and riparian margins.
- (e) Information to the public about the adverse effects of vehicles on the foreshore, and estuary margins.
- (f) Promotion of land use practices that do not generate the discharge of contaminants to water bodies and the coastal marine area.

#### **8.2.20.5 Financial Methods**

- (a) Financial incentives to encourage protection of water bodies, their margins and the coast.
- (b) Negotiation with landowners where it is appropriate to seek a coastal reserve with a landward boundary that moves in conjunction with changes in the position of mean high water springs.

### **8.2.30 Principal Reasons and Explanation**

Management of water margins needs to emphasise the maintenance and enhancement of their natural character. This will include maintaining vegetation, particularly indigenous vegetation, removing noxious weeds, and encouraging the replanting of water margins that have been degraded. Maintenance and enhancement of vegetation along riparian margins are also expected to enhance the natural ecological functioning of adjoining water for aquatic life.

Where coastal or riparian land is subdivided, esplanade reserves or esplanade strips will be created in locations identified as priorities for the protection of natural values. The Act specifies circumstances where those instruments can be created without compensation to the landowner. In other circumstances those instruments, and access strips, can only be created through negotiation with landowners.

Setbacks or consent requirements have been imposed on activities that may detract from the natural values of riparian and coastal margins. This is in order that those impacts may be addressed either through conditions to manage the adverse effects, or by refusing consent if it is not practicable for the effects to be managed.

However, some buildings or structures need to be located in or on the beds of water bodies or their margins, and effects of those structures need to be managed.

The reason for the precautionary approach is that the coastline is a finite and often highly sensitive resource that cannot be replicated, and development that is inappropriately located such as in erosion-prone areas, can cause costly problems that are difficult to remedy.

However, there are other areas of the coastal environment that are already subject to intensive building activities. It is preferable that development consolidates on existing settlements where existing infrastructure such as roads and public services can be used and visual impacts minimised. It is recognised

that locations isolated from existing settlements may be preferred by the operators and clients of some developments such as tourist and recreational activities.

The removal of natural vegetation buffers along coastal margins can impact adversely on the natural functioning of coastal areas such as estuaries, which are dependent on the maintenance of a vegetation sequence for ecological stability. Buffers of at least 20 metres width will be established to help protect the coast from the adverse effects of land use activities and natural physical processes. They may sometimes be used to enhance degraded sections of the coast. Community groups may wish to undertake or assist with restoration work.

Spillages and leaching of hazardous substances can pose a threat to the marine environment when refuse disposal facilities and other activities using hazardous substances occur in the coastal environment rather than on sites more distant from the coastline. Uncontrolled refuse disposal in the coastal environment has now ceased and monitoring of former sites continues. Council will carefully control the storage and use of toxic substances in the coastal environment.

Fire is a major threat to landscape and ecological values and human safety, especially around the Abel Tasman National Park and Kaiteriteri. Planting of the less flammable native species will be encouraged, and fire-breaks and setbacks required, in high fire-risk situations.

Wide coastal setbacks provide space for coastal processes to occur, for coastal vegetation and habitat to be retained, and for recreation to be undertaken in appropriate locations without overlooking or being overlooked by other activities. A low height limit minimises the visual effects of buildings in the coastal environment. Ridgeline height controls have a similar purpose.

Buildings and structures will be controlled so that they are not located in sensitive areas or their design and appearance is modified to blend with the local landscape when location options are limited. There are a number of industrial zones in the coastal environment. The mitigation of the effects of industrial development should pay attention to colour, design and landscaping with appropriate species.

The Waimea Inlet is adjacent to Mapua and the Rural 3 Zone in the Coastal Tasman Area and is a large barrier enclosed estuary of national and international significance for its wading shorebird communities, including Pied and Variable Oystercatchers, Wrybill, Bar-tailed Godwit, Caspian Tern, Banded Rail, and other nationally rare bird species. Subdivision and development may pose cumulative ecological risks to these values through contaminant movement, particularly nitrogen, in the Inlet. Avoidance of development-led leakage of contaminants into waterways draining into the Inlet, as well as protection and enhancement of saltmarsh and other coastal vegetation, are important in order to maintain these values.

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## **8.2.40 Performance Monitoring Indicators**

- 8.2.40.1** Areas of new indigenous riparian and coastal vegetation and associated animal habitats protected.
- 8.2.40.2** Number and types of complaints about indigenous vegetation removal in coastal and riparian margins.
- 8.2.40.3** Changes in area and quality of indigenous coastal vegetation
- 8.2.40.4** Changes in number of lots subdivided and building consents issued in the coastal environment.

## **8.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 8.50.1** Enhancement and rehabilitation of water margins as ecological and amenity assets.
- 8.50.2** Buildings setback from water margins except buildings for which a site in or adjoining a water body is necessary or appropriate.

- 8.50.3** Land use activities and subdivision carefully integrated into the coastal environment.
- 8.50.4** Urban development contained to existing settlements or areas where the effect on natural character is minor.
- 8.50.5** Provision of reserves of minimum 20 metres width on all the most sensitive areas of the coastline.
- 8.50.6** Hazardous facilities limited in the coastal environment.
- 8.50.7** Minimise number of fire events damaging areas of ecological value and/or built development.
- 8.50.8** Compatible structures including erosion control structures and building designs that harmonise with the adjoining coastal environment.
- 8.50.9** Reduction in the number of degraded localities in the coastal environment.
- 8.50.10** Reduction in the number of historic and cultural sites damaged in the coastal environment.

## CHAPTER 9: LANDSCAPE

### 9.0 INTRODUCTION

Tasman District is renowned for its diversity and quality of landscape and spectacular views. Mountain landscapes are protected in the Nelson Lakes and Kahurangi national parks. Coastal landscape is partly protected in the Abel Tasman National Park.

The river and floodplain landscapes, apart from those in National Parks, are working landscapes largely maintained by the rural community. While the urban environment is a significant part of the District, important landscapes are those mainly related to the non-urban environment and the coastal urban environment. The District's landscapes and views are comprised of different combinations of landforms – some striking, like the rock formations of the northwest coast and the Takaka Hill, water bodies like Lakes Rotoiti and Rotoroa, indigenous and exotic vegetation, and land uses that form part of the aesthetic and cultural landscape of the District.

Landscapes are also a valuable economic asset capitalised on by the District's growing tourist industry. However care is needed to ensure that the effects of supporting facilities do not encroach on the landscape values in an adverse way.

The Act places increased importance on the protection of landscape values, with Sections 6(a) and (b) identifying a number of landscape matters of national importance which must be provided for. The New Zealand Coastal Policy Statement emphasises landscape as an essential part of the natural character of the coastal environment. Amenity values are also recognised by the Act.

A Council study (Works Consultancy Services Ltd 1995) has identified landscapes and natural features outside the conservation estate that are outstanding or of regional significance on the basis of their character, quality and visibility. Some of these areas are shown on the planning maps and are subject to special development controls. An assessment of likely development pressures was carried out and recommendations for future management were made. The principal landscape issue is to decide what is appropriate subdivision, use and development of land in relation to the protection of the outstanding landscapes, natural features, natural character and amenity of the District.

### 9.1 OUTSTANDING LANDSCAPES AND NATURAL FEATURES

#### 9.1.1 Issues

Landscape issues are:

- 9.1.1.1** Identification and protection of outstanding natural features and landscapes outside and adjoining the conservation estate.
- 9.1.1.2** Managing the effects of subdivision and development, especially urban, in the rural and coastal landscapes. Haphazard expansion of settlements and rural residential areas can change the existing landscape and reduce its quality. The location and type of activity can affect landscape quality especially in areas such as the St Arnaud locality.
- 9.1.1.3** The District has a number of sensitive and important landscape features which could be degraded by inappropriate development and plantings. For example, St Arnaud and the Upper Buller Valley have glacial and indigenous vegetation features that form part of their landscape character. Similarly the karst landscape and vegetation of the Takaka Hill has a very high landscape value because it is unusual and highly visible.

## 9.1.2 Objective

Protection of the District's outstanding landscapes and features from the adverse effects of subdivision, use or development of land and management of other land, especially in the rural area and along the coast to mitigate adverse visual effects.

## 9.1.3 Policies

*Refer to Policy sets 5.1, 6.4 – 6.7, 7.1, 7.2, 7.3, 7.4, 8.2, 10.1, 11.2, 12.1, 14.1 – 14.4.*

*Refer to Rule sections 16.1 - 16.4, 16.6, 16.10, 17.2 - 17.7 – 17.12, 18.1, 18.2, 18.5 - 18.7, 18.11, 18.12.*

**9.1.3.1** To encourage broadscale land uses and land use changes such as plantation forestry and land disturbance to be managed in a way that avoids or mitigates the adverse effects on natural landform, surrounding natural features and on visual amenity values.

**9.1.3.2** To require that aerial structures be co-sited if this is technically feasible and satisfactory agreements can be reached between collocating operators and landowners.

**9.1.3.3** To ensure that structures do not adversely affect:

- (a) visual interfaces such as skylines, ridgelines and the shorelines of lakes, rivers and the sea;
- (b) unity of landform, vegetation cover and views.

**9.1.3.4** To discourage subdivision developments and activities which would significantly alter the visual character of land in outstanding landscapes (including adjoining Abel Tasman, Nelson Lakes and Kahurangi national parks).

**9.1.3.5** To promote awareness and protection of landscape (including seascape) values.

**9.1.3.6** To manage activities which may cause adverse visual impacts in the general rural area.

**Proposed as at 1 November 2008**

**9.1.3.7** To ensure that land disturbance, including vegetation removal and earthworks, does not adversely affect landscape character and rural amenity value in the Coastal Environment Area in locations of public visibility, particularly where there are distinctive natural landforms.

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**9.1.3.8** To encourage innovative roading and footpath design which uses carriageway width, alignment, and surface material to enhance the quality of design and visual appearance in the St Arnaud Landscape Priority Area.

**9.1.3.9** In the Takaka-Eastern Golden Bay Area, to ensure that all coastal margins are assessed for landscape values, namely visual amenity, outstanding landforms and natural heritage values, prior to the rezoning of land for residential purposes.

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Op 10/10

## 9.1.20 Methods of Implementation

### 9.1.20.1 Regulatory

- (a) Rules regulating the adverse effects of:
  - buildings and plantings in landscape priority areas at St Arnaud and on the Takaka Hill;
  - buildings on identified ridgelines and in the coastal environment.

- (b) Visual assessment criteria in the Plan for consents for tracking on steeplands, mineral extraction, erection of high structures, modification of significant natural areas and clearance of indigenous vegetation.

#### **9.1.20.2 Investigation and Monitoring**

- (a) Undertaking of further investigation in conjunction with landowners and other interested parties on the location of outstanding landscapes and natural features and of the areas and rules necessary for the appropriate protection of such landscapes and features by 2002.
- (b) Photographic monitoring programme in the Upper Buller Valley of key landscape features.

#### **9.1.20.3 Education and Advocacy**

- (a) Production of Council or industry-developed landscape guidelines.
- (b) Education through provision of information in Council publications.

#### **9.1.20.4 Financial Incentives**

- (a) Land purchase where land has outstanding landscape values and other methods are inappropriate.
- (b) Financial incentives (such as rates relief) for the protection of valued landscapes and features on private land.

### **9.1.30 Principal Reasons and Explanation**

While the Act encourages a focus on protecting outstanding or special landscapes, it is also necessary to recognise and protect visual values in the general rural landscape, as these are important to the community. Some activities, including tracking on steep slopes, mineral extraction, and the erection of high structures such as towers and aerials, create visual effects that justify specific management in the rural area.

Some landscapes (including seascapes) are more vulnerable to change than others. The natural landscape often has highlights and significant features. The coasts are particularly well endowed with them. They may include wetlands, lookouts, peaks, tors, cliffs and steep faces. In the context of protecting Landscape Priority Areas and natural features such as the open river terraces and roche moutonnees of the Upper Buller Valley from inappropriate subdivision, use and development, the main activities with visual effects are:

#### **9.1.30.1 Change in Vegetation Cover**

While establishment and removal of shelter belts and amenity trees may have a localised visual impact, the scale of logging and establishment of plantation forestry and removal of indigenous forest is likely to significantly affect the visual character of a landscape. This is especially so in coastal landscapes and landscapes with distinctive landforms such as the St Arnaud and Takaka Hill landscape and on identified ridgelines and skylines in the District.

#### **9.1.30.2 Land Disturbance**

Land disturbance from mining, quarrying, building excavation, road works and tracking can result in stark and unnatural changes in colour and form in the landscape, especially when displayed on hilly landscapes and along coastal and river margins.

#### **9.1.30.3 Structures**

Structures, especially in the coastal environment, on identified ridgelines and skylines, and adjoining national parks, have the potential to impact adversely on landscape character through inappropriate location, size, shape and colour. Many of these effects can be mitigated through careful design and use of colour and tree planting. Golden Bay has many sensitive skylines and ridgelines which are generally not built on.

Clustering of masts on one hilltop is a preferable visual outcome to having structures on several prominent hilltops. It is realised that there are some situations where this is technically impractical.

#### 9.1.30.4 Subdivision

Ad hoc subdivision changes the open space character of the landscape by introducing new lines of fencing and plantings.

### 9.1.40 Performance Monitoring Indicators

**9.1.40.1** Changes in the assessed landscape values of significant landscapes resulting from specified subdivision and land use activities.

**9.1.40.2** Results of community perception study on the quality of visual change in rural areas.

## 9.2 RURAL LANDSCAPE VALUES

### 9.2.1 Issues

**9.2.1.1** Opportunities for landscape design and enhancement of visual amenities.

**9.2.1.2** The need for recognition of local as well as wider landscape character and values as a basis for evaluating the acceptability of proposals for subdivision and development.

**9.2.1.3** Urbanisation of rural landscapes through reduced setback distances, urban fencing styles and planting in rural areas. The overall effect has been a loss of open character.

### 9.2.2 Objective

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Op 10/10

Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.

### 9.2.3 Policies

*Refer to Policy sets 5.1, 6.3 – 6.6, 7.2 – 7.4, 8.2, 10.1, 11.2, 12.1, 14.1 – 14.4.*

*Refer to Rule sections 16.1 - 16.4, 16.6, 16.10, 17.4 - 17.8, 17.10 - 17.13, 18.1, 18.2, 18.5, 18.6, 18.7, 18.12.*

**9.2.3.1** To integrate consideration of rural landscape values into any evaluation of proposals for more intensive subdivision and development than the Plan permits.

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*[Policy 9.2.3.2 deleted]*

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**9.2.3.3** To retain the rural characteristics of the landscape within rural areas.

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**9.2.3.4** To encourage landscape enhancement and mitigation of changes through landscape analysis, subdivision design, planting proposals, careful siting of structures and other methods, throughout rural areas.

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**9.2.3.5** To evaluate, and to avoid, remedy or mitigate cumulative adverse effects of development on landscape values within rural areas.

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- 9.2.3.6** In the Takaka Eastern Golden Bay Area, to ensure that:
- (a) rural amenity values, rural landscapes and un-built green-space areas, including open space between neighbouring settlement areas, are protected from inappropriate residential development;
  - (b) any new development consolidates within and around areas where there is already an enclave of residential development and community amenities such as schools, churches, playing fields or clubrooms;
  - (c) greenbelts and open-space areas in between every settlement area are protected from inappropriate built development;
  - (d) highly visible rural landscapes, especially ridgelines and hilltops, are protected from inappropriate residential development;
  - (e) low impact building design solutions are required for any built development on highly visible rural landscapes;
  - (f) the adverse effects of high density development on karst terrain are avoided;
  - (g) the adverse effects of development on outstanding karst land formations are avoided;
  - (h) alternative solutions to continued expansion onto rural landscapes is considered, such as eco-village concepts and more compact forms of low-impact design for the construction of housing and other buildings.

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## 9.2.20 Methods of Implementation

### 9.2.20.1 Regulatory

- (a) Rules for subdivision and development as permitted or controlled activities in rural zones at an intensity that ensures protection of rural landscape character and qualities.
- (b) The application of landscape based design guidelines for subdivision and development in rural areas which have been identified as having potential for further residential development, as criteria for the consideration of applications for more intensive residential and rural residential subdivision and development.
- (c) The ability to consent to more intensive subdivision and development proposals that are consistent with the design guidelines.
- (d) In the Rural 3 Zone, the ability to consent to more intensive subdivision and development proposals that are consistent with the ‘Coastal Tasman Area Subdivision and Development Design Guide’.

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### 9.2.20.2 Education and Advocacy

- (a) Encouragement for potential subdividers and developers of more intensive residential proposals in rural areas to liaise at an early stage with Council officers, and to obtain adequate visual/landscaping advice in putting together proposals.
- (b) Encouragement of a high standard of design in accordance with existing visual and landscape character for subdivision and development in rural areas.
- (c) Encouragement of a high standard of design within any subdivision and land use proposal in the Coastal Tasman Area by the promotion of the ‘Coastal Tasman Area Subdivision and Development Design Guide’.

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### 9.2.30 Principal Reasons and Explanation

The District's rural landscapes are a valued resource with social and cultural meaning, and with economic value in terms of tourism and recreation, in addition to production from the land.

Rural landscapes in some parts of the district are large and expansive. In other areas they are small and localised. Both scales of landscape may have significant values, with the small intimate landscape in valleys and secluded coastal and inland areas being particularly vulnerable to major change. Larger, highly visible, landscape units may also be vulnerable to change, especially where visually prominent land forms are affected.

The rural landscape changes seasonally and in the longer term as patterns of use change. Land fragmentation and development of structures, roads and utility services can have a major impact on the rural landscape, particularly over time as cumulative effects of more intensive use and development begin to emerge. Subdivision is usually a precursor to development, so it is important to take potential effects on landscape values into account at the time that subdivision consents are sought.

### 9.2.40 Performance Monitoring Indicators

**9.2.40.1** Changes in the assessed landscape values of rural landscapes across the District's rural areas.

**9.2.40.2** Results of community perception study on the extent and quality of visual change in rural areas.

## 9.3 VIEWS FROM KEY VIEWPOINTS

### 9.3.1 Issues

**9.3.1.1** Protection of views from public viewpoints.

### 9.3.2 Objective

Protection and enhancement of views from public viewpoints.

### 9.3.3 Policies

*Refer to Policy sets 5.3, 7.3, 14.4.*

*Refer to Rule sections 16.1 - 16.4, 16.6, 16.10, 17.2, 17.3, 17.5 - 17.11, 17.13, 18.1, 18.2, 18.5 - 18.7, 18.12.*

**9.3.3.1** To protect and enhance significant views from key viewpoints on tourist routes within the District.

### 9.3.20 Methods of Implementation

#### 9.3.20.1 Regulatory

- (a) Rules relating to structures and plantings near specific viewpoints identified on the planning maps.

#### 9.3.20.2 Works and Services

- (a) Physical works (such as low indigenous planting, seating, weed clearance) at viewpoints.

### **9.3.30 Principal Reasons and Explanation**

There are a number of vantage points located along the state highway network and on Council roads where visitors and the community can obtain panoramic views of priority and other landscapes. These views are an amenity of the District. Some of these viewpoints in the Takaka Hill priority landscape area are proposed to be upgraded by New Zealand Transport Agency, and others may be upgraded as part of the Top of the South Heritage Highway project. Such viewpoints need active management to prevent plantings and structures interfering with views.

### **9.3.40 Performance Monitoring Indicators**

**9.3.40.1** Assessed changes in quality of views from sampled viewpoints.

## **9.50 ENVIRONMENTAL RESULTS ANTICIPATED**

**9.50.1** Protection of outstanding landscapes from visual degradation.

**9.50.2** Protection and enhancement of views from key viewpoints.

**9.50.3** Minimisation of adverse visual effects in the rural and coastal areas.

**9.50.4** Increased protection of natural features.

**9.50.5** The maintenance of rural landscape values and character in the Rural 1, 2 and 3 zones.

**9.50.6** In the Rural 3 Zone, maintenance of a rural landscape based on an overall ratio of 25 percent developed area and 75 percent of the zone area retained in open or green space for productive, conservation, or amenity purposes.



# CHAPTER 10: SIGNIFICANT NATURAL VALUES AND HISTORIC HERITAGE

C16 9/09  
Op 8/12

## 10.0 INTRODUCTION

Tasman District's combination of natural and cultural features is unique. Much of its distinctive character is derived from these features.

The Act requires the Council to have regard to the intrinsic value of ecosystems, the recognition and protection of heritage values of sites, buildings, places or areas, and the maintenance and enhancement of amenity values. There is a duty to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding natural features.

Many significant habitats, particularly within the District's lowland areas, have been extensively modified over the years through human activity involving vegetation clearance, and weed and pest infestation. The protection of remaining sites from such threats is important in terms of safeguarding the life-supporting capacity of the District's indigenous ecosystems. There is further discussion on the character and values of the margins of the coast, rivers and lakes in Chapter 8 and land disturbance in Chapter 12.

Heritage buildings, places and objects are also valued components of the District's identity. Archaeological sites, including sites of significance to Māori (wāhi tapu) also form part of the cultural heritage of the District. However there is generally little visible evidence of these sites, many of which are along the coast.

For sites of significance to Māori, the Act requires that particular attention be paid to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga. Also relevant is the general obligation under the Act to take into account the principles of the Treaty of Waitangi.

The Heritage New Zealand Pouhere Taonga Act 2014 empowers Heritage New Zealand Pouhere Taonga to register heritage resources. The purpose of the New Zealand Heritage List is to inform the public generally, and notify landowners in particular, of the nature of heritage resources; and to assist such resources to be protected under the Resource Management Act 1991. In respect of archaeological sites (including those sites of significance to Māori), the Heritage New Zealand Pouhere Taonga Act 2014 provides for the protection of sites associated with human activity before 1900, and includes a process whereby application must be made to destroy, damage or modify an archaeological site.

Heritage in Tasman District has been separated into buildings and structures, natural areas, protected trees, archaeological sites, and sites of significance to Māori - most of which may be archaeological sites.

## 10.1 BIODIVERSITY AND INDIGENOUS ECOSYSTEMS

### 10.1.1 Issues

The key issues are:

- 10.1.1.1** Unmodified indigenous habitat outside National Parks is now limited in the District. The indigenous species that live in these habitats are finite and susceptible to decline through:
- predation and competition with introduced species
  - hybridisation with introduced species.

Such habitat is vulnerable to removal, damage or deterioration through continued land development and invasion by weeds especially when habitat is fragmented. On the other hand some areas of previously farmed land is now regenerating. To enable the survival of these

plant and wildlife areas the Council seeks a cooperative approach between the Council, other agencies, landowners and the wider community and will assist with fencing and pest control where appropriate. Some types of natural habitat are poorly represented in the National Parks of the district.

Studies by the former Wildlife Service and the Department of Conservation indicate priorities for the protection of habitat should include:

- (a) alluvial coastal forest sites
- (b) all other remnants of coastal forest (eg Sandhills Creek) and alluvial lowland forest
- (c) all forest on special geological formations (eg Tarakohe limestone)
- (d) all freshwater wetlands that have some indigenous vegetation
- (e) margins of swamps and estuaries and lowland springfed creeks
- (f) natural dune and shrub communities
- (g) herb fields on coastal bluffs
- (h) corridor areas to connect larger areas of forest (eg Tophouse and Takaka Hill)
- (i) vegetation islands that can be restored to become sanctuaries
- (j) habitats of threatened or rare species.

These priorities will form the basis of further investigation and assessment to determine sites of significant natural value.

### 10.1.2 Objective

Protection and enhancement of indigenous biological diversity and integrity of terrestrial, freshwater and coastal ecosystems, communities and species.

### 10.1.3 Policies

*Refer to Policy set 8.2.*

*Refer to Rule sections 17.5 – 17.8, 18.1, 18.2, 18.5, 18.6.*

- 10.1.3.1** To recognise and protect indigenous vegetation and habitats and individual trees which are of significant scientific, wildlife and botanical value assessed according to criteria in Schedules 10B and 10C.
- 10.1.3.2** To safeguard the life-supporting capacity of the District's indigenous ecosystems, including significant natural areas, from the adverse effects of subdivision, use and development of land.
- 10.1.3.3** To foster community responsibility for the protection of the indigenous habitat values of the district.
- 10.1.3.4** To encourage the long term protection of indigenous ecosystems by assisting in the provision of information to the community, landowners and managers on the location and appropriateness of land management practices.
- 10.1.3.5** In the Takaka Eastern Golden Bay Area, to ensure that:
  - (a) settlement patterns and land use activities do not adversely affect natural heritage values;
  - (b) areas that have high natural heritage values are protected from inappropriate development;

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- (c) new housing development is located within suitable areas, specifically defined for the purpose of settlement, that will not result in adverse effects on natural heritage;
- (d) residential development opportunities are considered where there may be net gains for the environment, such as permanent land covenants, legal protection notices, esplanade reserves and indigenous vegetation restoration programmes;
- (e) the natural character of the coastal environment, wetlands, and lakes and rivers and their margins are assessed as part of any structure planning exercise, and maintained or enhanced through the rezoning of land for residential or rural-residential purposes;
- (f) opportunities for the enhancement of natural heritage values within any subdivision or development are pursued.

## **10.1.20 Methods of Implementation**

### **10.1.20.1 Regulatory**

- (a) Identifying and listing protected trees and significant natural areas by reference to criteria in Schedules 10B and 10C.
- (b) Rules relating to the alteration of significant natural areas and protected trees.
- (c) Rules relating to the destruction or removal of indigenous forest and indigenous vegetation.
- (d) Information requirements on habitat values in resource consent applications.
- (e) Rules requiring special building setbacks adjoining Conservation, Recreation and Open Space Zones.
- (f) Rules regulating the diversion and take of water from wetlands.

### **10.1.20.2 Investigations**

- (a) Investigate the ecological values including biological diversity, representativeness and other attributes of remnant natural areas, assess the significance of areas, and develop and maintain an information base, in consultation with affected landowners and other interested parties.
- (b) Develop in consultation with landowners, community and environmental interests, government agencies and expert advisers, a collaborative process to develop priorities and methods for the protection of significant natural values.
- (c) Initiate appropriate amendments to the Plan as a result of investigations, assessments, and the development of priorities and methods under methods (a) and (b), within three years following the operative status of this chapter in the Plan.

### **10.1.20.3 Education and Advocacy**

- (a) Implement a programme of public education and advocate for the protection of significant natural values of the district.
- (b) Provision of free or subsidised technical advice from Council staff on specimen trees and the restoration of significant natural values.
- (c) Community awards for preservation activities or protection of sites.

### **10.1.20.4 Works and Services**

- (a) Acquisition of reserves.
- (b) Land exchanges.
- (c) Implementation of the Regional Pest Management Strategy.
- (d) Arboricultural services for Category A and B protected trees.

**10.1.20.5 Financial Incentives**

- (a) Consideration of financial assistance to projects that protect or enhance significant natural features.
- (b) Consideration of rates relief on covenanted land.
- (c) Consideration of bonds to ensure development on sites near significant habitats avoids damage and if damage occurs funds to remedy.

**10.1.30 Principal Reasons and Explanation**

The District has a diverse range of habitats particularly within the three National Parks in the District. However some habitats are poorly represented in protected areas and these have been discussed in Issue 10.1.1.1. The Council has a responsibility to recognise and provide for the protection of significant habitats and the assistance of landowners and other interested parties will be required to ensure such areas may be enjoyed by future generations. It is acknowledged that some further work is required on the representativeness of the habitats that remain today. Schedule 10C gives the criteria used to determine significant natural areas listed in the Plan.

Specimen trees have also been listed in the Plan. The criteria used for assessment are given in Schedule 10B. Trees listed under Schedule 16.13B have been classified on a points system devised and recognised by the Royal New Zealand Institute of Horticulture. Category A trees are the best examples of their kind and the most significant in the District.

Wherever possible the Council will try to avoid the need to remove, fell or destroy listed trees. To this end, incentives will be available to landowners on a case-by-case basis to encourage the retention of listed trees. Free qualified advice is offered to any listed tree owner and subsidised assistance for arboricultural and maintenance work is available to Category A and B tree owners.

**10.1.40 Performance Monitoring Indicators**

- 10.1.40.1** Number of specimen trees or significant natural areas damaged or destroyed.
- 10.1.40.2** Number and outcome of resource consents for modification to significant natural areas and indigenous forest.
- 10.1.40.3** Changes in vegetation cover over time via satellite imagery and geographic information systems.
- 10.1.40.4** Number of properties granted rates relief or assistance with physical management.
- 10.1.40.5** Number and extent of areas of indigenous vegetation or habitat acquired as reserves or protected through covenants or other private land agreements.
- 10.1.40.6** Number of sustainable forest management plans or permits.

**10.2 HISTORIC HERITAGE**C16 9/09  
Op 8/12**10.2.1 Issues**

- 10.2.1.1** Historic resources are finite. Buildings are other structures that are vulnerable to removal, damage or deterioration. Special techniques are needed to protect them for the present and the future inhabitants of the District, while allowing communities to grow and change. Archaeological sites are particularly sensitive to damage from activity that

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modifies the existing ground level or subsoil in any way. Activities such as building development, land clearance, excavation, levelling or the formation of roads and tracks may irreversibly damage or destroy archaeological sites.

**10.2.1.2** Historic heritage sites include archaeological sites, and sites of significance to the cultural values of manawhenua iwi, including wāhi tapu and wāhi tapu areas. Development activity, such as buildings or land disturbance on or near cultural heritage sites or within areas that are known to be highly likely to contain such sites, can result in the modification, damage or destruction of sites of cultural heritage significance. Development activities on or near any wāhi tapu may have an adverse effect on the wairua, or other cultural or spiritual values held by iwi for the wāhi tapu.

**10.2.1.3** There is a degree of uncertainty with the information about many listed cultural heritage sites (including accuracy of location, extent and potential significance), and also about the location and extent of potential sites that are currently uninvestigated and their archaeological significance largely unknown to landowners, iwi, Heritage New Zealand Pouhere Taonga, and the Council.

A significant upgrading of the information about known sites has been carried out by Council over the past several years, and an electronic database of categories of known sites has been developed for public and Council use. However, some uncertainties remain, and the process of improvement is ongoing. There will be amended Plan provisions for cultural heritage management as new information is processed in the database.

Schedule 16.13C includes all those cultural heritage sites which are afforded protection through Plan provisions. These sites are also shown in the planning maps in a separate series of Special Maps. (Volume 2 of the Plan.)

**10.2.1.4** Under the Resource Management Act, Council has the statutory responsibility to recognise and provide for the protection of cultural heritage from inappropriate subdivision, use and development. As matters of national importance, Council must also ensure the relationship of Maori and their culture and traditions with their ancestral links, water, sites, wahi tapu and other taonga. Heritage New Zealand Pouhere Taonga has the statutory responsibility for the identification, protection, preservation and conservation of historical and cultural heritage of New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. This includes managing any destruction, damage or modification of archaeological sites under the archaeological authority process.

## **10.2.2 Objective**

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Appropriate protection, management and enhancement of historic heritage, including cultural heritage sites, heritage buildings and structures, and protected trees, for their contribution to the character, identity, wairua, and visual amenity of the District.

## **10.2.3 Policies**

*Refer to Rule sections 16.3, 18.1.*

**10.2.3.1** To recognise and protect those buildings, objects and places situated in the District that are of historic, architectural or landmark value to the community, assessed according to the criteria in Schedule 10A.

**10.2.3.2** To reduce the risk of modification, damage or destruction of cultural heritage sites arising from subdivision, use and development activities.

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- |                  |   |                                   |
|------------------|---|-----------------------------------|
| <b>10.2.3.3</b>  | To encourage that where an activity may modify, damage or destroy a cultural heritage site that is an archaeological site, an authority to do this has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014.  | <b>C16 9/09</b><br><b>Op 8/12</b> |
| <b>10.2.3.4</b>  | To ensure that where an activity that requires a resource consent will have an adverse effect on the wairua or other cultural or spiritual values associated with a wāhi tapu, that activity has been approved by manawhenua iwi as an affected party.  |                                   |
| <b>10.2.3.5</b>  | To encourage alternative use of heritage buildings and structures where that will assist their preservation and maintenance.  |                                   |
| <b>10.2.3.6</b>  | To foster community responsibility for the cultural heritage values of the District.  |                                   |
| <b>10.2.3.7</b>  | In the Takaka Eastern Golden Bay Area, to ensure that: <ul style="list-style-type: none"> <li>(a) settlement patterns and land use activities do not adversely affect cultural heritage values, including sites that have archaeological significance to both Maori and Pakeha occupation;</li> <li>(b) areas that have cultural heritage values are physically and legally protected from inappropriate subdivision and land use development;</li> <li>(c) opportunities for the legal and physical protection of cultural sites of significance within any subdivision or development are pursued.</li> </ul> | <b>C8 7/07</b><br><b>Op 10/10</b> |
| <b>10.2.3.8</b>  | To be responsive and collaborative in the generation, sharing and management of information about cultural heritage sites that have archaeological significance or other cultural heritage value, and accordingly to work with manawhenua iwi, Heritage New Zealand Pouhere Taonga, the New Zealand Archaeological Association, Department of Conservation and landowners in managing cultural heritage site information.   | <b>C16 9/09</b><br><b>Op 8/12</b> |
| <b>10.2.3.9</b>  | To work with manawhenua iwi in the sharing and management of information about cultural heritage sites that are of Maori origin, including wāhi tapu.   |                                   |
| <b>10.2.3.10</b> | To take into account uncertainties associated with the accuracy and quality of information, in the verification, storage, listing and map representation of cultural heritage sites, and the appropriate use of that information in the management and protection of those sites.   |                                   |
| <b>10.2.3.11</b> | To design and implement appropriate processes, tools and methods for the verification, storage, listing and map representation of cultural heritage sites that are responsive to the discovery of new cultural heritage sites and new information about already known sites.  |                                   |
| <b>10.2.3.12</b> | To ensure that information about listed cultural heritage sites is publicly accessible.   |                                   |
| <b>10.2.3.13</b> | To raise community awareness about the values associated with cultural heritage sites and the need to avoid, remedy or mitigate the effects of activities that might result in the modification, damage or destruction of such sites.   |                                   |
| <b>10.2.3.14</b> | To exercise Council's statutory responsibilities by facilitating effective communication between landowners, manawhenua iwi, Heritage New Zealand Pouhere Taonga and the New Zealand Archaeological Association, over the management of activities that have the potential to have an adverse effect on cultural heritage sites, for the purpose of appropriately protecting, managing and enhancing cultural heritage values.  |                                   |
| <b>10.2.3.15</b> | To account for the values of manawhenua iwi by acknowledging the manawhenua iwi as kaitiaki in relation to cultural heritage sites of significance to Maori in the District.  |                                   |

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|------------------|---|-----------------------------|
| <b>10.2.3.16</b> | To facilitate the protection and enhancement of cultural heritage values by encouraging the maintenance and repair of listed cultural heritage sites.                         | <b>C16 9/09<br/>Op 8/12</b> |
| <b>10.2.3.17</b> | To support landowners and developers in the management of accidental discovery of archaeological artefacts and the Heritage New Zealand Pouhere Taonga authority process.     |                             |
| <b>10.2.3.18</b> | To identify cultural heritage precincts, where there is a high incidence of cultural heritage sites and high risk of discovery of previously unknown archaeological evidence. |                             |
| <b>10.2.3.19</b> | To ensure that highly significant cultural heritage sites are maintained, protected or enhanced.  |                             |
| <b>10.2.3.20</b> | To recognise and protect those archaeological sites or sites of significance to Maori that are included in the New Zealand Heritage List.                                     |                             |

## **10.2.20 Methods of Implementation [10.1.20 Proposed]**

### **10.2.20.1 Regulatory**

- |     |   |                             |
|-----|---|-----------------------------|
| (a) | Identifying and listing heritage buildings and structures, by reference to the criteria in Schedule 10A.  |                             |
| (b) | Rules relating to the major and minor alteration or removal of listed heritage buildings and structures.  |                             |
| (c) | Rules that encourage the applicant to obtain an authority from Heritage New Zealand Pouhere Taonga where the proposed activity may modify, damage, or destroy a cultural heritage site.   | <b>C16 9/09<br/>Op 8/12</b> |
| (d) | Rules which make provision for the setting aside of esplanade reserves or creating esplanade strips as a means of protecting archaeological sites, or sites of significance to Māori.   |                             |
| (e) | Rules that require a resource consent to be obtained for development activities that may have an adverse effect on a listed cultural heritage site or precinct that is a wāhi tapu site or area.  | <b>C16 9/09<br/>Op 8/12</b> |
| (f) | Rules that enable the exercise of matauranga and kaitiakitanga of manawhenua iwi over listed cultural heritage sites that are wāhi tapu or wāhi tapu area.  |                             |
| (g) | Rules that require information to be submitted with applications for resource consents, which assesses the location and significance of values associated with cultural heritage sites and precincts, where there is a risk of the activity having an adverse effect on cultural heritage values. |                             |
| (h) | Rules that require the effective protection or appropriate management of listed cultural heritage sites or precincts through subdivision processes, where there is co-location of development and cultural heritage sites.  |                             |
| (i) | Ensuring compliance with rules by monitoring activities around listed cultural heritage sites, and taking enforcement action for continued non-compliance or significant offences.  |                             |
| (j) | Require the effective protection or appropriate management of listed cultural heritage sites through pre-zone and zoning Plan change processes, to avoid adverse effects on the future development on cultural heritage sites.  |                             |
| (k) | Encourage protection and enhancement of cultural heritage values by allowing maintenance and repair works associated with any listed cultural heritage site without the requirement for a resource consent.   |                             |

**10.2.20.2 Information Management**C16 9/09  
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- (a) Maintain a publicly available database showing all known cultural heritage sites in the Tasman District.
- (b) Actively pursue improvements to the cultural heritage sites database to enhance the accuracy and location of, and certainty and knowledge about, cultural heritage values in the Tasman District. In particular carry out further investigation into wāhi tapu and wāhi tapu areas; cultural heritage precincts and Maori horticulture sites. Amend Plan provisions, including cultural heritage sites listed under Schedule 16.13C, through a Plan Change process, when new information has been processed.
- (c) Encouraging landowner involvement in the sharing of information about archaeological sites.
- (d) Establishing clear and transparent in-house processes within the Council in the management of cultural heritage sites information and its use in the management of activities that may modify, damage or destroy a listed cultural heritage site.
- (e) Utilising information gathered through consents processes where new information about cultural heritage sites is obtained.

**10.2.20.3 Education and Advocacy**

- (a) Implementation of a programme of public education and advocate for the protection of heritage resources, including their restoration, and including the protection of significant archaeological sites, and sites of significance to Māori.
- (b) Promotion of heritage trails, walks and tours.
- (c) Preparation of pamphlets, design guides, articles on local heritage resources and the role of the Heritage New Zealand Pouhere Taonga Act 2014.
- (d) Provision of free or subsidised technical advice from Council staff regarding archaeological sites, sites of significance to Māori, and other heritage resources, including restoration.
- (e) Establishment of a Council Heritage Committee as a forum for contact with the community. The work of the Committee may involve some of the education and advocacy strategies referred to above and funding allocation (*see (e) below under "Financial"*).
- (f) Community awards for preservation activities or protection of sites.
- (g) Advocacy to statutory agencies such as Heritage New Zealand Pouhere Taonga, the Department of Conservation for funds to assist in the purchase of land and the development of strategies and methods for protecting heritage values.
- (h) Providing and communicating information that clearly outlines the legal requirements, process steps and likely costs associated with the potential modification, damage and destruction of listed cultural heritage sites, and previously unknown sites discovered by accident through any development activity.
- (i) Providing and communicating information about the Council's cultural heritage sites database, including public access to it and how the database information will be maintained, updated and used in the management and protection of cultural heritage sites.
- (j) Facilitating positive communication between landowners, consent holders and other parties, such as manawhenua iwi, Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association, who have an interest in the protection and management of cultural heritage sites.

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- (k) Ensuring that the responsibility and accountability for education and awareness initiatives, about cultural heritage sites information and management initiatives, is clearly defined within Council.
- (l) Recognition and support for the role of iwi monitors in providing information, and facilitating community awareness and education about cultural heritage sites that are wāhi tapu or wāhi tapu areas.

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#### 10.2.20.4 Works and Services

- (a) Acquisition of reserves to protect heritage resources.
- (b) Land exchanges specific to individual cases.

#### 10.2.20.5 Financial Incentives

- (a) Financial assistance to projects that protect or enhance natural and built heritage features and values, archaeological sites, and sites of significance to Māori in the District.
- (b) Establishment of a heritage fund to form a basis for the financial commitment which may be required in the event of a heritage order being imposed and/or to make grants to groups for specific heritage projects.
- (c) Rates relief for heritage resources or sites which are registered either by Heritage New Zealand Pouhere Taonga or in the Plan.

### 10.2.30 Principal Reasons and Explanation

To meet the objective it is necessary to identify all the buildings, objects and sites that have heritage value in the District and define their level of significance. For buildings and structures, this has been done with the assistance of Heritage New Zealand Pouhere Taonga, Department of Conservation, residents and various scientific studies.

Schedule 10A gives the criteria for listing significant built heritage items. Different levels of protection apply to the two categories of heritage items depending on the heritage value and significance of the resource. Category I and Category II heritage buildings and structures are listed in Schedule 16.13A.

New items will be added to the Plan by way of a Plan Change.

It is not possible to accurately identify all archaeological and Māori sites in the District and to include them in a schedule in the Plan. Therefore, only the sites which have been listed by Heritage New Zealand Pouhere Taonga, for which information is available on the location of the site, its nature and significance, are listed in the Plan for protection. The current knowledge of archaeological sites and sites of significance to Māori in the District is incomplete and there is a need to better understand the significance of sites and site risks, to form a basis for any future protection. Provision of an esplanade reserve or an esplanade strip may protect an archaeological site, or site of significance to Māori (in addition to fulfilling one of the purposes of Section 229 of the Resource Management Act 1991).

There is limited funding (both locally and nationally) for protection of heritage items, for example, maintenance or restoration of buildings.

The statutory role of the Council in protecting heritage resources is made easier if the public is supportive and informed. It is preferable that privately owned sites, buildings and structures are voluntarily protected where possible. Owners require finance and specialised knowledge to do this. The Council and other bodies such as corporate entities can provide assistance to owners of heritage items listed in the Plan, acknowledging that there can be extra costs incurred in owning and protecting such items. The assistance can be in the form of financial assistance, services, advice, or in some circumstances, purchase or land exchange.

The Tasman District Cultural Heritage Sites database is based on the records collected and maintained by the New Zealand Archaeological Association. This information is regularly updated. The Cultural Heritage Sites database will be regularly updated taking into account changes to the NZAA records, and the findings of any other relevant research. From time to time Plan changes will be necessary to update information contained within Schedule 16.13C and any relevant planning maps once new information has been processed.

The protection of cultural heritage sites should involve consideration of various forms of protection. Examples include the use of consent notices that ensure sites are identified on land titles, or the use of specific consent conditions that require the indefinite recognition and protection of values. The overall aim is to ensure that building works and land disturbance activities do not adversely affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga, and protect cultural heritage from inappropriate development in order to meet the statutory requirements of Section 6 (e) and (f) of the Resource Management Act.

Sites that are particularly significant are listed within Schedule 16.13C. These sites were identified within 'Heritage Assessment of Archaeological Sites in the Tasman District' (Karen Greig, 2007).

#### 10.2.40 Performance Monitoring Indicators

- 10.2.40.1 Number of archaeological sites or heritage buildings damaged or destroyed.
- 10.2.40.2 Satisfaction of tangata whenua with procedures.

### 10.3 ADVERSE EFFECTS FROM ADJOINING ACTIVITIES

#### 10.3.1 Issue

- 10.3.1.1 Significant natural areas, including those already in formal protection (such as national parks) can be adversely affected by activities on adjoining areas.

#### 10.3.2 Objective

Protection of the relationship a heritage resource or significant habitat may have with adjacent land.

#### 10.3.3 Policies

*Refer to Policy set 5.1.*  
*Refer to Rule section 16.3.*

- 10.3.3.1 To control the subdivision of land containing listed heritage items to prevent the separation of any land that is closely associated with the significance or value of a built heritage resource or that requires retention of special natural features.
- 10.3.3.2 To provide opportunities in association with subdivisions to create special purpose allotments that secure protection of heritage, specimen trees, special habitats or biological corridors.
- 10.3.3.3 To control the subdivision of land to ensure that there is no damage or destruction of archaeological sites, or sites of significance to Māori as part of the subdivision process; and to ensure that these sites are not unnecessarily or unreasonably separated.

### 10.3.20 Methods of Implementation

#### 10.3.20.1 Regulatory

- (a) Rules relating to:
- the subdivision of land with built heritage items
  - the setting aside of esplanade reserves or strips on subdivision of coastal or riparian areas with significant natural values or archaeological or Māori site values.
- (b) Rules relating to individually recognised archaeological sites.

### 10.3.30 Principal Reasons and Explanation

The value and appreciation of a heritage item can be affected by the spaciousness of its surroundings. When considering proposals for development and subdivision in the vicinity of a listed heritage building, special attention will be given to the need to protect its setting and where appropriate, to prevent the subdivision of its surrounding grounds, especially where there are Category I buildings and/or heritage trees on the site. The subdivision process is seen as an opportunity for securing through covenanting or some similar device, the protection of significant heritage items, for example, natural features.

For archaeological sites and sites of significance to Māori, it is important that there is no damage or destruction as a result of the subdivision process. Rules are an important means of ensuring that damage or destruction does not occur. In addition to protecting the resource, it is appropriate to ensure that archaeological sites or sites of significance to Māori are not unnecessarily or unreasonably separated. In some circumstances there is an integral relationship between a number of sites.

### 10.3.40 Performance Monitoring Indicators

- 10.3.40.1 Complaints about the loss of setting of heritage sites or areas as a result of subdivision or building.

## 10.50 ENVIRONMENTAL RESULTS ANTICIPATED

- 10.50.1 Identification and protection of natural and built heritage items, including buildings, habitats and representative examples of trees of value to the community.
- 10.50.2 Protection of those archaeological sites included in the New Zealand Heritage List.
- 10.50.3 Protection of archaeological sites and sites of significance to Māori, where they are located in areas identified as having a clustering of existing sites, or likely to include unknown sites.
- 10.50.4 Raised public awareness of the value of heritage items and owners' responsibility to protect them.
- 10.50.5 Protection of archaeological sites and sites of significance to Māori that are significant components of the heritage of the District.
- 10.50.6 The setting of heritage buildings is retained.
- 10.50.7 Raised public awareness of the value of heritage items and significant natural values to the District and of owners' and other agencies' opportunities to protect them.
- 10.50.8 The relationship between archaeological sites or sites of significance to Māori and the surrounding land, and between interrelated sites, is retained following land subdivision.

**SCHEDULES****Schedule 10A: Criteria for Listing Heritage Buildings and Structures**

Any one or more of the following criteria need to be met for a building or structure to be listed.

**1. Historical Significance**

The building, object or area has a strong association with significant people or events or is important as a reflection of social patterns of its time.

**2. Architectural Significance**

The building, object or area is a notable example of a particular style, architecture, or period, or display, craftsmanship, artistry and technology of intrinsic interest or, by virtue of its design, conforms to a past or present sense of beauty.

**3. Group Significance**

Individual buildings, objects or areas that combine to form an area of community importance, or historical or architectural merit. Items within the group need to be of significance in themselves, but their significance is such that their loss or change would diminish the significance of the group.

**4. Landmark Significance**

The building, object or area makes an important contribution to the identity of the neighbourhood or road in which it is sited by virtue of its situation, silhouette, bulk, colour or texture.

**5. Scientific Significance**

The building, object or place is of archaeological or scientific importance.

**Schedule 10B: Criteria for Listing Protected Trees**

Any one or more of the following criteria need to be met for a tree to be listed.

**Category A**

1. Any tree nationally outstanding for its size (height, diameter or canopy spread).
2. Any rare tree species which is an outstanding example.
3. Any tree which has national value through its unique location.
4. Any tree which has significant association with a place of national interest such that preservation of the tree will aid in protection of the place.
5. Any tree commemorating a nationally important event.
6. Any tree which is an important landmark.
7. Any tree which has historic association with a well-known public figure.

**Category B**

Any tree of lesser importance than those in Category A that has local rather than national importance.

**Category C**

Any trees that warrant retention because of their amenity value, for example: to enhance a subdivision, both for the visual aspect and for environmental purposes.

Protected trees are evaluated in accordance with the Royal New Zealand Institute of Horticulture recognised STEM classification system. There are three classes of protected trees:

- (a) Category A trees which score over 190 points.
- (b) Category B trees which score between 150 – 190 points.
- (c) Category C trees which score between 120 – 149 points.

**Schedule 10C: Criteria for Listing Significant Natural Areas**

Any one or more of the following criteria determines significance.

**1. Rarity**

The area supports an indigenous species which is rare within the ecological district or threatened nationally.

**2. Representativeness**

The area is one of the best examples of an association of species which is typical of its ecological district.

**3. Distinctiveness**

The area has an association of indigenous species which is unusual or rare in its ecological district.

**4. Size**

The area has a long-standing, predominantly indigenous cover of 20 hectares or more.

**5. Intactness**

The area is little modified, comprises a predominantly intact indigenous system, and is not affected in a major way by weed or pest species.

**6. Connectivity**

An area which is connected to, or which with restoration would be connected to, one or more other significant natural areas in a way which makes a major contribution to the overall value or natural functioning of those areas.

**7. Migratory Species**

An area of river, wetland, lake or estuary that is important for migratory species or for vulnerable stages of common indigenous species.

# CHAPTER 11: LAND TRANSPORT EFFECTS

## 11.0 INTRODUCTION

The District's land transport system consists of an extensive network of roads linking over 30 small dispersed settlements and rural areas. The District contains a more limited network of walkways and few cycleways. It provides an access service for a number of transport modes, including private and commercial vehicles, heavy freight vehicles, passenger transport services, cyclists and pedestrians.

The District has no rail service, so it is entirely dependent upon roading for its land transport needs, supported by air and sea links. The land transport system is, therefore, an important utility service within the District, and both the Council and New Zealand Transport Agency fund its maintenance and development. The Council has a Regional Land Transport Strategy implemented jointly with Nelson City Council for the purpose of strategic management of the transport system.

Roading, parking and other traffic infrastructure is provided in the District largely through works, services and financial levies on new development. New development also adds traffic to existing infrastructure. That additional traffic may be within the design and capacity parameters of existing facilities. Where it exceeds them, requiring maintenance or upgrading earlier than otherwise scheduled, it may be appropriate that new development contributes to those costs.

Parking in commercial areas is likely to be an issue if parking is only provided through a levy on new commercial development. Many shops and offices will be able to accept an increase in their volume of business without having to enlarge their premises. Unless businesses voluntarily increase their customer parking, Council will need to look at means other than Plan rules and development levies to avoid adverse effects of inadequate parking.

## 11.1 EFFECTS ON TRANSPORT SAFETY AND EFFICIENCY

### 11.1.1 Issue

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of subdivision and land use activities.

#### Explanation

The dispersed nature of settlements and developments in the District requires an extensive network of state highways and local roads that takes significant cost and effort to maintain and upgrade. Transport needs for a wide range of activities are served by the network, including forestry, horticulture, farming, fishing, commercial, commuter and tourist travel. Future increases in population and primary production transport are predicted at a rapid rate, imposing demands on the physical capabilities of roads, particularly arising from increased heavy traffic volumes. Tourist traffic is also expected to continue increasing. Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations. The form and location of development, such as clustering of development, can help to maintain a relatively safe and efficient use of the road network, with an appropriate rate of road upgrading. Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

### 11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

### 11.1.3 Policies

*Refer to Policy sets 5.1, 6.1, 6.3, 6.5, 6.6, 6.9 - 6.12, 6.14, 6.18, 6.19, 6.21, 7.2, 7.3, 13.1*  
*Refer to Rule sections 16.2, 16.3, 17.1 - 17.12, 18.7, 18.8, 18.9, 19.2*

- 11.1.3.1** To promote the location and form of built development, particularly in urban areas, that:
- (a) avoids, remedies or mitigates adverse effects of traffic generation;
  - (b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
  - (c) avoids an increase in traffic safety risk;
  - (d) allows opportunities for viable passenger transport services to be realised;
  - (e) provides a clear and distinctive transition between the urban and rural environments;
  - (f) segregates roads and land uses sensitive to effects of traffic.
- 11.1.3.2** To ensure that land uses generating significant traffic volume:
- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
  - (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.
- 11.1.3.3** To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District.
- 11.1.3.4** To avoid, remedy or mitigate adverse effects of traffic on amenity values.
- 11.1.3.5** To ensure that all subdivision design, including the position of site boundaries, has the ability to provide each allotment with vehicle access and a vehicle crossing sited to avoid adverse effects on the safety and efficiency of the road network.
- 11.1.3.6** To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.
- 11.1.3.7** To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.
- 11.1.3.8** To avoid, remedy or mitigate adverse effects from the location, design and operation of intersections.
- 11.1.3.9** To ensure rural structures and vegetation do not cause or aggravate:
- (a) restricted visibility at road intersections; or
  - (b) icing on roads.
- 11.1.3.10** To avoid or mitigate likely adverse effects on the integrity of the road network arising from sea-level rise, climatic change and natural hazards.
- 11.1.3.11** To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.
- 11.1.3.12** To facilitate a regional cycle trail.

## 11.1.20 Methods of Implementation

### 11.1.20.1 Regulatory

- (a) Rules and zones limiting the location of residential and rural-residential development to areas in close proximity to established town centres.
- (b) Rules limiting the location and traffic generation effects of rural workplaces.
- (c) Rules defining the form and density of urban subdivision and development.
- (d) Rules that control the potential effects of activities on the environment, including their traffic generation and effects on the safety and efficiency of the roading network.
- (e) Rules limiting the location of certain activities which are not suitable adjoining major roads due to their sensitivity to traffic volumes.
- (f) Rules relating to the size, shape, location and size of lettering, illumination and message on signs.
- (g) Rules regarding the size and design (surfacing) of car parking spaces, loading and manoeuvring areas for each activity, based on the traffic generation and duration of stay of vehicles associated with the site. Such rules to specify requirements for staff, visitors, goods deliveries, customers and residents. NPS-UD  
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- (h) Rules relating to queueing space on site for car parks containing more than 20 spaces.

*[Method (i) deleted]*

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- (j) Rules regarding car parking requirements for people with disabilities.
- (k) Rules requiring the setback of structures and trees from the road boundary in rural areas to ensure that the carriageway can receive full sun between 10.00 am and 2.00 pm on the shortest day.
- (l) Standards of the Nelson Tasman Land Development Manual 2019 that address network layout and design, access, vehicle crossings, intersections and sight distances to ensure the safety, efficiency and effective functioning of the transportation network. C69 6/19  
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### 11.1.20.2 Investigations and Monitoring

- (a) Investigation of and support for layby kiosks for signs.
- (b) Monitoring of accident rates, causes and locations.
- (c) Establish the means to be used in assessing the road maintenance or repair impacts of activities subject to resource consents.
- (d) Develop, in consultation with road users, a procedure for determining fair and reasonable contributions for upgrading roads.

### 11.1.20.3 Education and Advocacy

- (a) Promotion of a sustainable form and sustainable operation of the transport system through means such as the local Agenda 21 initiative, the Healthy Communities programme.

### 11.1.20.4 Works and Services

- (a) Continuing provision of funds and bids for government funding support for the Annual District Land Transport Programme, including maintenance and upgrade of the roading network, safety improvements, monitoring and research, and expenditure on planning, construction and maintenance of the land transport system.

- (b) Continuation of Council’s tourist facility symbol scheme.
- (c) The provision of car parking, service lanes and other traffic management facilities.

### **11.1.30 Principal Reasons and Explanation**

The location and form of built development and other traffic-generating activities is a strong determinant of the form of the transport system, a major physical resource of the District. Compact urban form, with a minimum of ribbon development, enables development of an efficient network for through traffic. There is a legacy of ribbon development in parts of the District, such as at Hope, Wakefield and Ruby Bay. Any more intensive development in such areas will need to avoid adversely affecting traffic safety and efficiency.

Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes. Because access causes a reduction in the carrying capacity of roads and a potential conflict with passing vehicles, the location and detailed design of access is important. Accesses that are too wide or too narrow, at a position of impaired visibility or located too close to intersections, can cause traffic conflict.

Adequate on-site parking is required for activities to prevent the spread of on-street parking, which can interfere with the safe operation of the transport network and property access to the network.

To reduce accident risk on rural roads where traffic speed tends to be higher, clear visibility needs to be maintained and shading which could cause icing problems avoided.

Other hazards, such as a predicted sea-level rise of up to 25 centimetres by the year 2025 indicates a need for prudence in expenditure on road infrastructure in areas such as Ruby Bay, which may be affected most by sea-level rise.

Signs adjacent to roads have the potential to cause driver distraction. Traffic signs should be easily read. To achieve the highest degree of safety, roadside information directed at road users needs to be kept to a minimum, located in positions with adequate visibility and have clear and concise messages that can be rapidly read by road users.

### **11.1.40 Performance Monitoring Indicators**

- 11.1.40.1** Number and severity of accidents on rural and urban roads due to adjacent land uses.

## **11.2 EFFECTS ON THE ENVIRONMENT**

### **11.2.1 Issue**

The adverse effects on the environment from the location, construction and operation of the land transport system.

### **11.2.2 Objective**

The avoidance, remedying, or mitigation of adverse effects on the environment from the location, construction, and operation of the land transport system, including effects on:

- (a) the health and safety of people and communities;
- (b) the amenity of residential areas, workplaces and recreational opportunities;
- (c) air and water quality;

- (d) natural habitats and ecosystems;
- (e) landscapes and natural features;
- (f) aggregate and energy resources;
- (g) the productivity and use of land.

### 11.2.3 Policies

*Refer to Policy sets 5.2, 6.1, 6.5, 6.11, 7.3, 7.4, 9.1.*

*Refer to Rule sections 16.2, 16.3, 17.1 – 17.13, 18.7, 18.8, 18.9, 19.2.*

- 11.2.3.1 To maintain a hierarchy of roads and to classify roads according to their traffic and access functions. C69 6/19  
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- 11.2.3.2 To regulate the effects of traffic generation and traffic speed on the safety and amenity of places of significant pedestrian activity.
- 11.2.3.3 To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:
  - (a) the health and safety of people and communities; in particular, cyclists and pedestrians;
  - (b) amenity values of neighbourhoods and areas of special character;
  - (c) air and water quality;
  - (d) natural habitats and ecosystems;
  - (e) landscapes and natural features;
  - (f) aggregate and energy resources;
  - (g) the productivity of land.
- 11.2.3.4 To ensure that the road network provides continuous routes for the use of over-dimensioned and over-weight vehicles, located, constructed and maintained in a manner that avoids, remedies, or mitigates adverse effects on:
  - (a) street furniture;
  - (b) road surfaces;
  - (c) under-road structures or services.
- 11.2.3.5 To protect future road alignments that ensure that roads can be connected where appropriate.
- 11.2.3.6 To promote choice between using roads, walkways or cycleways for walking or biking.

### 11.2.20 Methods of Implementation

#### 11.2.20.1 Regulatory

- (a) Rules specifying performance standards for road construction, pavement construction, intersection spacing, and street lighting, including provisions that recognise areas of special character or amenity value such as St Arnaud.
- (b) Rules controlling the design of areas set aside for brief stopping on roads by a large number of vehicles, such as near schools.
- (c) Rules for financial contributions to improve the quality of the transport network, including cash-in-lieu of parking requirements, as an option in specified areas.
- (d) Rules which define those facilities required to provide for the loading and unloading of goods service vehicles.

- (e) Rules relating to joint use of parking areas, use of adjacent sites for parking, and recognition of different hours of operation of activities.
- (f) Identifying locations on the planning maps which may be required for possible future roads.
- (g) Rules for financial or other contributions for walkway or cycleway purposes, for transport or amenity reasons.
- (h) Standards of the Nelson Tasman Land Development Manual 2019 that can ensure the design and construction of roads that are safe, effective and efficient.

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#### 11.2.20.2 Investigations and Monitoring

- (a) Investigation of the need for new or altered traffic routes, including walkways and cycleways.
- (b) Investigation in consultation with affected landowners of walkway or cycleway linkages, for example, on road reserves (formed or unformed), along river margins, between national parks and elsewhere, where appropriate.
- (c) In determining road routes, identify habitats of value for indigenous species and wildlife, including areas of potential habitat restoration.

#### 11.2.20.3 Works and Services

- (a) Continuing provision of funds and bids for government funding support for the Annual District Land Transport Programme, including maintenance and upgrade of the roading network, safety improvements, monitoring and research, and expenditure on planning, construction and maintenance of the system.
- (b) Development of networks of routes for over-dimension and over-weight vehicles as part of the Regional Land Transport Strategy, after consultation with industry and other affected parties.
- (c) Construction and maintenance of walkways and cycleways.
- (d) Ensuring that disposal of spoil and debris from road works is environmentally acceptable as well as economically efficient.

### 11.2.30 Principal Reasons and Explanation

The existence of the roading network creates adverse effects on adjacent land uses and the quality of living and other environments. Traffic emits fumes and noise, and can generate dust and other contaminants. Traffic is a potential hazard to people's safety. Reduced amenity in the vicinity of roads results from increased road size and traffic volumes and speeds. Demands for extension or upgrade to the network can put space needs for new road alignments in conflict with existing land uses or it may restrict future opportunities. Land resources such as open space, natural habitats or heritage features may be adversely affected by this space need. Aggregate and water are required for road building; space for roads may permanently remove the option for production or living space. Design of additions to the road network must consider the most efficient and safest way of providing route options for future traffic. In some instances the exact location of a future road alignment may not be known but developers need to be aware of locations where connectivity is required to sustain the network. The generation of traffic at certain locations may require consideration of reciprocal effects of the network and of land use activities.

Council's Land Development Manual sets out mandatory standards and good practice matters that can ensure the effective and efficient design and construction of the region's transportation network where that system will form part of or affect Council's transportation network.

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**11.2.40 Performance Monitoring Indicators**

- 11.2.40.1** Number of traffic accidents resulting from poorly located signs, vegetation or access.
- 11.2.40.2** Changes in traffic volumes on indicator roads.

**11.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 11.50.1** A safe, efficient and accessible land transport system.
- 11.50.2** Predictable and consistent driving conditions.
- 11.50.3** Convenient availability of parking.
- 11.50.4** Improved pedestrian and cyclist safety and accessibility.
- 11.50.5** Construction of new roads, access and parking areas to appropriate use and safety standards.
- 11.50.6** Efficiency in the use of transport energy, through increased use of alternative forms of transport, rather than private cars.
- 11.50.7** Reduced adverse effects on the environment from transport activities.



## CHAPTER 12: LAND DISTURBANCE EFFECTS

### 12.0 INTRODUCTION

This chapter addresses the adverse environmental effects of a range of land use activities that involve disturbance of the land by either vegetation removal or by physical ground disturbance, such as cultivation, intensive stocking, excavation, mining or track construction. The effects of land disturbance may include damage to soil, induced or accelerated erosion or slope instability, sediment generation and deposition in surface and subsurface water bodies. Other effects may include changes to river channels following deposition of sediment, water contamination and adverse effects on aquatic habitats, or cave habitats, adverse visual appearance of disturbed land, and damage or destruction of natural habitats, karst features, or sites or areas of cultural heritage significance.

### 12.1 LAND DISTURBANCE EFFECTS

#### 12.1.1 Issues

Land disturbances for a range of purposes may result in soil loss or damage, instability, sediment deposition and contamination of water, river channel and cave system changes and adverse visual, natural habitat and archaeological site effects.

Land disturbances include:

- (a) destruction or removal of vegetation which may expose bare ground, for example, by logging of forests or clearance of scrub by spraying, burning or mechanical means;
- (b) disturbance of soil but without significant removal of soil or modification of the ground's surface, for example, by cultivation of soil, compaction by intensive stocking, or deep ripping of subsoil;
- (c) earthworks, for example, by excavation or filling of ground in the construction of roads, tracks, building sites, pits or quarries.

Land disturbances may be carried out for a variety of practical or economic purposes, typically access tracks, harvesting of plantations, mineral extraction or building site establishment, or may result from land use practices, for example, pugging from intensive stocking. There is a range of potential adverse environmental effects from land disturbances. These effects include:

- (a) induced or accelerated soil loss through mechanical removal, erosion or slope instability;
- (b) damage to soil such as compaction;
- (c) sedimentation in surface water bodies, with contamination of water and damage to aquatic habitats;
- (d) sedimentation in subsurface water bodies or cave systems, and damage to karst systems and features;
- (e) river or stream channel modifications, induced channel erosion, and aggravated flood risk;
- (f) adverse effects on surface and subsurface drainage;
- (g) visual changes in disturbed areas;
- (h) destruction or damage to remnant indigenous plant or animal habitats;
- (i) adverse effects on intrinsic values of ecosystems;
- (j) destruction or damage to sites of cultural or archaeological significance.

Different terrains in the District vary in their susceptibility to erosion and sediment generation upon disturbance. Generally, flat or low angle slopes are at least risk from these effects. Steep weathered slopes on the Separation Point Granite formation yielding coarse sandy sediment are naturally high risk areas. Karst terrain includes marble and limestone formations in the western uplands and in the Takaka and Aorere catchments and the north-west coast. More than half of the karst terrain is conservation lands managed by the Department of Conservation, and is generally at higher altitudes than the privately-owned karst lands. The indigenous vegetation and animal communities on karst are often distinctive and change at different altitudes. Sediment from land disturbance activities on karst terrain and on adjacent catchments draining into karst, may adversely affect karst water bodies, particularly subsurface streams and springs, and cave systems. Sedimentation may damage caves, destroy cave habitats, bone and mineral deposits, and reduce the quality of water in or from karst drainage systems.

Rivers and streams may be particularly sensitive to accelerated sedimentation or to debris deposition, when freshwater fish, other wildlife and the biological communities they depend on, have significant value. Land disturbance can be successive or cumulative in its soil and water effects, whether on site or off site. Riparian vegetation may be a significant means of mitigating sediment movement and maintaining channel stability. Maintaining and enhancing vegetation within and near sinkholes is one way of reducing sediment movement into karst water bodies.

Visual effects of disturbances may be significant in certain locations or where certain disturbance practices are carried out. Clearance of indigenous vegetation may destroy significant plant and animal habitats. Sites of archaeological or cultural significance can be destroyed in land disturbance operations. Mineral extraction operations also have the potential to damage the soil resource when the soil is removed prior to the extraction of minerals.

Adequate knowledge and understanding of land disturbance effects is essential in their management, and ongoing monitoring and investigations support this need. Knowledge among land users of the adverse effects of land disturbance and of sustainable practices to avoid or mitigate such effects is variable. Advocacy and education concerning sustainable practices in a variety of terrains and situations is necessary.

### **12.1.2 Objective**

The avoidance, remedying, or mitigation of adverse effects of land disturbance, including:

- (a) damage to soil;
- (b) acceleration of the loss of soil;
- (c) sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast;
- (d) damage to river beds, karst features, land, fisheries or wildlife habitats, or structures through deposition, erosion or inundation;
- (e) adverse visual effects;
- (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance;
- (g) adverse effects on indigenous biodiversity or other intrinsic values of ecosystems.

### **12.1.3 Policies**

*Refer to Policy sets 7.2, 9.1, 10.1, 10.2, 13.1, 33.1, 35.1.*

*Refer to Rule sections 16.10, 16.13, 17.5 - 17.11, 18.1, 18.2, 18.5, 18.6, 18.12, 36.2.*

- 12.1.3.1** To promote land use practices that avoid, remedy, or mitigate the adverse effects of land disturbance on the environment, including avoidance of sediment movement through sinkholes into karst systems.

**12.1.3.2** To avoid, remedy, or mitigate the actual or potential soil erosion or damage, sedimentation, and other adverse effects of land disturbance activities consistent with their risks on different terrains in the District, including consideration of:

- (a) natural erosion risk, and erosion risk upon disturbance;
- (b) scale, type, and likelihood of land disturbance;
- (c) sensitivity and significance of water bodies and other natural features in relation to sedimentation or movement of debris;
- (d) Coastal Risk Area. C22 2/11 Op 1/15

**12.1.3.3** To investigate and monitor the actual or potential adverse effects of soil erosion, other soil damage, sedimentation and damage to river beds, subsurface water bodies and caves in karst, aquatic and other natural habitats, arising from land disturbances.

**12.1.3.4** To avoid, remedy, or mitigate the adverse effects of earthworks for the purpose of mineral extraction, on the actual or potential productive values of soil, particularly on land of high productive value.

**12.1.3.5** To avoid the loss of extent of natural inland wetlands, to protect their values, and promote their restoration, except where:

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- (a) the loss of extent or values arises from any of the following:
  - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori;
  - (ii) restoration activities;
  - (iii) scientific research;
  - (iv) the sustainable harvest of sphagnum moss;
  - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
  - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);
  - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the regional council is satisfied that:
  - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
  - (ii) the specified infrastructure will provide significant national or regional benefits; and
  - (iii) there is a functional need for the specified infrastructure in that location; and
  - (iv) the effects of the activity are managed through applying the effects management hierarchy.

## **12.1.20 Methods of Implementation**

### **12.1.20.1 Regulatory**

- (a) Rules that allow or regulate the adverse effects of land disturbances in the District.

### 12.1.20.2 Investigations and Monitoring

- (a) Annual provision for defined programmes of investigations and monitoring.
- (b) Identification and monitoring of representative and indicator sites to assess impacts on soil, water and river resources, including subsurface water bodies in karst, with periodic reporting.
- (c) Investigation of karst features and values, and risks of specific activities in specific areas, in consultation with landowners and land managers.
- (d) Reassessment of land disturbance effects, methods of management and appropriateness of other resource management methods following investigations and monitoring results.
- (e) Assessment of soil movement and stream sedimentation in response to major storm events, and comparison between disturbed and undisturbed sites.

### 12.1.20.3 Education and Advocacy

- (a) Provision of guideline information and advice for appropriate land disturbance practices, particularly in relation to high risk terrains including karst and riparian areas.
- (b) Promotion of the development of codes of practice for land disturbance operations in consultation with landowners and land managers, with commitment to achieve agreed codes of practice, including a code for land disturbance (and other activities such as contaminant discharges) on karst terrain and adjacent catchments, operating within one year following the operative status of this provision. *Refer to Method 33.1.20.2(c).*
- (c) Investigation of the value and practicability of recognising approved operators in achieving and maintaining high standards of land disturbance practices under self-management systems.

### 12.1.20.4 Financial Incentives

- (a) Funding to support plantings and other works for erosion prevention and control in accordance with the following criteria:
  - (i) the erosion risk is resulting from natural erosion risk or from past (discontinued) land use practices that have increased that risk; or
  - (ii) the works provide or assist in providing benefits to off-site (downstream) resources, including river channels.

## 12.1.30 Principal Reasons and Explanation

There are a number of adverse effects on soil, water, aquatic ecosystems, river channels, cave and karst systems, natural habitats, visual appearance of land and archaeological or systems, natural habitats, visual appearance of land, land subject to hazards and archaeological or cultural heritage sites that may be caused by land disturbances, including vegetation removal, disturbance of soil and earthworks.

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Council wishes to ensure that these actual or potential effects are avoided or limited.

There are several methods of managing adverse effects of land disturbances, including education and advocacy concerning sustainable land disturbance methods and practices; financial incentives; regulation of land disturbance consistent with risks; and research into effects and means of managing these effects, and monitoring of land disturbances.

Advocacy of sustainable practices, including self-regulatory systems such as codes of practice or environmental management systems, may over time reduce risks and assist in reducing regulation that might otherwise be necessary.

Incentives may help innocent landowners to reduce natural erosion and related risks, particularly where there are public benefits to downstream resources.

Regulation of land disturbances is based on the degree of erosion and sedimentation risk and risk of damage to soil upon disturbance to soil and water resources and associated natural resources, whether on site or off site,

and the nature of the disturbance operation in relation to these risks. Council seeks to manage risks following land disturbance by regulating in a manner consistent with those risks across the District. Areas of least risk of erosion and sedimentation include flat plains, terraces, valley floors and stable hill country. Most land disturbances are allowed in these areas subject to compliance with specified conditions. In steeper sites or where the risk to off-site resources is significant, greater regulation of the type or scale of operation and specification of the performance standards is necessary to ensure risks are limited.

A variety of terrains and types of land disturbance can be regulated under a common set of requirements, including provisions for specific site situations. Land Disturbance Area 1 rules cover most of the District in this way. A naturally high risk terrain in Area 1 in the District is karst terrain. Careful management of vegetation, soils, pavement surfaces and streams is required. These can be important sources of sediment in water entering subsurface streams. Water bodies and cave systems in karst are vulnerable to sedimentation and other forms of contamination, and adverse effects on cave systems and water quality. The Separation Point Granite terrain also poses special risks from weathered dispersive sandy material, both on site and off site, and needs a special set of requirements to limit these risks. Land Disturbance Area 2 covers this terrain.

There is a significant risk of damage to soils resulting from earthworks for mineral extraction operations, particularly to recent alluvial soils. Soils in the Waimea and Motueka Plains have high productive value, and the risk of damage arising from their disturbance for gravel extraction needs to be limited.

There are gaps in information and understanding of land disturbance effects, particularly on soil and water resources in specific catchment or terrain situations, or in relation to types of land disturbance operations. Investigations into processes and effects of land disturbances and continuing monitoring of activities and their effects is necessary to help refine Council policy for effective management.

#### **12.1.40 Performance Monitoring Indicators**

- 12.1.40.1** Depth of soil at key representative sites.
- 12.1.40.2** Bedload and suspended sediment measurement in selected catchments.
- 12.1.40.3** Surveyed awareness of land users of good practice techniques for land disturbance operations.

#### **12.50 ANTICIPATED ENVIRONMENTAL RESULTS**

- 12.50.1** Reduced risk or incidence of damage or loss of soil, sedimentation and contamination of water bodies, damage to aquatic and other natural habitats, river channels, structures or cultural heritage sites as a result of land disturbance.
- 12.50.2** Increased community awareness of and support for appropriate land disturbance practices.
- 12.50.3** Progressively reduced requirement for resource consents for land disturbances.
- 12.50.4** Improved understanding of the nature and significance of land disturbance effects and of appropriate methods of management.



## CHAPTER 13: NATURAL HAZARDS

### 13.0 INTRODUCTION

Natural hazards have the potential to damage property, infrastructure and ecosystems, and threaten health and safety. Remedying the damage can cost individuals and the community heavily in financial terms and loss of enjoyment of life.

There is a relatively high level of risk from flooding, earthquake, slope instability and river and coastal erosion hazards in Tasman District. The District has experienced moderate to severe levels of seismic activity relative to other parts of New Zealand, including the severe 1929 Murchison earthquake. Earthquakes cause ground shaking, ground rupture or other deformation (including landslides), that may result in major environmental and infrastructural damage, as well as loss of life. Surface fault rupture may be a significant hazard in the St Arnaud area (Alpine Fault), the Richmond foothills (Waimea-Flaxmore Fault system), and the Murchison area (Buller Catchment Faults). While large earthquakes are very damaging, they are less regular in occurrence than slope instability, flooding and coastal erosion hazard in Tasman District. Slope instability is a general hazard affecting a wide area of the Tasman District, especially on slopes greater than 20 degrees, with soil or rock subject to shear failure. Particularly unstable rock types include the Separation Point Granites and Marsden Coal Measures along the Waimea Fault system.

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Most of Tasman District experiences high rainfall intensities. The frequent, high intensity rainfall, combined with generally short, compact catchments, results in short warning times for areas subject to flooding. Flooding is a serious potential problem in valleys of the Aorere, Takaka, Motueka, Riwaka, Moutere, Wai-iti, Waimea, Wairoa and Buller catchments where several of the District's main settlements are located. Flooding causes damage to property and can threaten human safety.

Coastal processes include beach erosion, cliff and shoreline retreat, and inundation of low-lying areas. These processes are most active in Golden Bay and at Mapua/Ruby Bay. Expected global warming and associated sea-level rise could affect many low-lying parts of Tasman, causing inundation, a rise in groundwater levels, impeded drainage and saltwater intrusion into groundwater.

### 13.1 NATURAL HAZARDS

#### 13.1.1 Issues

- 13.1.1.1 Natural hazards can compromise human well-being and safety and cause damage to habitat, amenity values, property and infrastructure.
- 13.1.1.2 Hazards can be aggravated by inappropriate land use management practices and activities.
- 13.1.1.3 Where limited information exists about some natural hazards which could or do affect the District, a precautionary approach is appropriate.

#### 13.1.2 Objectives

- 13.1.2.1 Management of areas subject to natural hazard, particularly flooding, instability, coastal and river erosion, inundation and earthquake hazard, to ensure that development is avoided or mitigated, depending on the degree of risk.
- 13.1.2.2 Land development, including supporting network infrastructure asset services, is resilient against natural hazards.

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### 13.1.3 Policies

*Refer to Policy sets 5.1, 6.2, 6.4, 6.9, 6.10, 6.12, 6.14 – 6.18, 7.2, 7.3, 8.2, 11.1, 12.1, 21.4, 23.1.*

*Refer to Rule sections 16.2 – 16.4, 16.9, 16.10, 17.1, 17.5 – 17.8, 17.12, 18.5, 18.9, 18.11 – 18.13, 19.2.*

- |                  |   |                                   |
|------------------|---|-----------------------------------|
| <b>13.1.3.1</b>  | To avoid the effects of natural hazards on land use activities in areas or on sites that have a significant risk of instability, earthquake shaking, fault rupture, flooding, erosion or inundation, or in areas with high groundwater levels.  | <b>C21 8/10</b><br><b>Op 1/15</b> |
| <b>13.1.3.2</b>  | When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those sites for which coastal protection works are likely to be required.  | <b>C22 2/11</b><br><b>Op 1/15</b> |
| <b>13.1.3.3</b>  | To avoid developments or other activities that are likely to interfere with natural coastal processes including erosion, accretion, inundation, except as provided for in Policy 13.1.3.10.   |                                   |
| <b>13.1.3.4</b>  | To avoid or mitigate adverse effects of the interactions between natural hazards and the subdivision, use and development of land.  |                                   |
| <b>13.1.3.5</b>  | To avoid the construction of new habitable buildings in the Residential Closed Zone at Ruby Bay, other than on specified sites.   | <b>C22 2/11</b><br><b>Op 1/15</b> |
| <b>13.1.3.6</b>  | To limit the reconstruction or replacement of an existing habitable building to a position that is no further seaward than the original habitable building in the Residential Closed Zone at Ruby Bay.  |                                   |
| <b>13.1.3.7</b>  | On the coastal plain from Ruby Bay to Mapua, to limit further subdivision and habitable buildings in order to avoid their exposure to long term coastal inundation, flooding and erosion risks.   |                                   |
| <b>13.1.3.8</b>  | To avoid, unless there is effective mitigation, the expansion of flood-prone settlements onto those parts of the surrounding flood plains where they might be subject to flood hazard.  |                                   |
| <b>13.1.3.9</b>  | To prevent damage or interference with the functioning of the major overland flood flow paths of rivers in the District, except as provided for in Policy 13.1.3.10.  |                                   |
| <b>13.1.3.10</b> | To maintain or consider the need for protection works to mitigate natural hazard risk where: <ul style="list-style-type: none"> <li>(a) there are substantial capital works or infrastructure at risk; or</li> <li>(b) it is impracticable to relocate assets; or</li> <li>(c) it is an inefficient use of resources to allow natural processes to take their course; or</li> <li>(d) protection works will be effective and economic; or</li> <li>(e) protection works will not generate further adverse effects on the environment, or transfer effects to another location.</li> </ul> |                                   |
| <b>13.1.3.11</b> | To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.   |                                   |
| <b>13.1.3.12</b> | To provide warnings and emergency response systems for areas at risk from or affected by natural hazards.   |                                   |
| <b>13.1.3.13</b> | To regulate land disturbance so that slope instability and other erosion processes and inundation are not initiated or accelerated.   | <b>C22 2/11</b><br><b>Op 1/15</b> |
| <b>13.1.3.14</b> | To avoid damage by land use activities to flood control structures or works for flood or erosion control.   |                                   |

- 13.1.3.15** To prepare a hazard management strategy identifying hazards and hazardous areas, and management options for these areas.
- 13.1.3.16** To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).
- 13.1.3.17** To mitigate natural hazard risks through the design and construction of network asset infrastructure. **C69 6/19  
Op 6/20**
- 13.1.3.18** To design and construct resilient network asset infrastructure.

## **13.1.20 Methods of Implementation**

### **13.1.20.1 Regulatory**

- (a) Pattern of zoning which emphasises containment of development away from areas of natural hazards, for example, Coastal Risk Area at Mapua and Ruby Bay. **C22 2/11  
Op 1/15**
- (b) Delineation of land at risk from ground rupture or deformation along active faultlines, actively eroding coastlines and areas prone to flooding and slope instability, on planning maps. **C21 8/10  
Op 1/15**
- (c) Rules limiting activities, including subdivision, building and land disturbance, in or adjacent to natural hazard areas (such as stopbanks, eroding coastlines, river margins, steeplands and unstable geological formations).
- (d) Rules requiring building setback from rivers, stopbanks, active faultlines and the coastline.
- (e) Conditions on resource consents and building consents recognising where hazards may be present, for example, requiring minimum floor height, particular foundation types, or that buildings be relocatable.
- (f) Standards of the Nelson Tasman Land Development Manual 2019 that can ensure appropriate location for development, management of hazard-related development effects, and a more resilient design, materials and construction of network infrastructure. **C69 6/19  
Op 6/20**

### **13.1.20.2 Investigations and Monitoring**

- (a) Research into natural processes that may result in hazards for development, such as coastal processes and slope instability.
- (b) Identification of hazardous areas and features such as active faultlines, eroding coastlines, ground susceptible to earthquake shaking effects, slope instability, flooding and river erosion, within three years of this provision becoming operative.
- (c) Improving knowledge of past rupture timings, lengths and displacements of active faults and the magnitude of past earthquakes, to contribute to improved estimates of future earthquake risk. **C21 8/10  
Op 1/15**

### **13.1.20.3 Education and Advocacy**

- (a) Advice and information through project information memoranda, land information memoranda and public enquiries. (b) Advice about erosion protection measures, including tree planting, rock work and structures, subject to the limitations of the New Zealand Coastal Policy Statement for coastal areas.

**13.1.20.4 Works and Services**

- (a) Maintenance and provision of structural protection works such as stopbanks and groynes on rivers, coastal protection works, soil conservation plantings.
- (b) Early warning systems for flooding and responses to emergency events through the civil defence organisation.

**13.1.30 Principal Reasons and Explanation**

The District has a substantial length of coastline that is subject to coastal erosion. There is a relatively high risk of erosion affecting soft shorelines around the District, particularly at Pakawau, Rangihaeata, Mapua, Ruby Bay, Marahau, and to a lesser extent at Parapara and Pohara.

Significant new built developments in areas that have been identified as subject to coastal or river erosion and inundation are likely to require capital-intensive protective works so are best avoided in such locations. Rules seek to avoid the future demand for protection works and to avoid the effects of known hazards.

Council considers that the advice of the Ministry for the Environment given in July 2008<sup>1</sup> should be adopted in coastal planning. That advice was for a three-part approach for planning and decision timeframes out to 2090 – 2099:

C10 10/07  
Op 3/14

- A base value sea level rise of 0.5 m relative to the 1980 – 1999 average; plus
- An assessment of the potential consequences from a range of possible higher sea-level rises (for example: from the Greenland and Antarctic ice sheets, carbon cycle feedbacks, and other matters); and
- At the very least, assessment of the consequences of a mean sea level rise of 0.8 metres relative to the 1980 – 1999 average.

All three factors place low-lying coastal margins at risk of both flooding from the landward side and inundation from the sea, or transformation by the processes of erosion and deposition.

Activities that affect coastal processes include extraction of sand, dredging and dumping, reclamations and erection of buildings. Most of these activities except the latter, take place in the coastal marine area. In some parts of the District, coastal rock protection has already been undertaken and will need to be maintained. Pakawau, Totara Avenue, Mapua/Ruby Bay and Marahau foreshores have rock armouring works that are functional but mostly of little amenity value. Future maintenance of these works could investigate options for improving the visual amenity and access.

C22 2/11  
Op 1/15

As inundation and erosion are ongoing hazards along the Ruby Bay/Te Mamaku coastline, habitable buildings that are redeveloped are not permitted to locate further seaward than the existing building and new habitable and non-relocatable buildings are to be avoided. The Coastal Risk Area has been adjusted to account for current sea level rise projections and the continuing inundation and erosion hazard risk. The Council intends to maintain its rock revetments at Ruby Bay/Te Mamaku for up to the expiry of their consent (in 2044).

There is a need to recognise the relatively high probability of severe earthquake shaking at any of the main settlements in the District in the next 50 years. Major active faultlines at St Arnaud and on the Richmond foothills have been mapped and a restricted development corridor identified.

Soil loss through erosion is a significant risk when certain activities, such as tracking, subdivision, and earthworks that disturb the ground, are undertaken. Some parts of the District such as the shallow steeplands soils and the Separation Point Granite terrain from Separation Point/Te Matau to the Glenhope Scenic Reserve have a magnified risk of instability if vegetation or soils are disturbed.

<sup>1</sup> *Coastal Hazards and Climate Change – A Guidance Manual for Local Government in New Zealand*, 2<sup>nd</sup> Edition, July 2008, Ministry for the Environment

Flooding from rivers is a frequent occurrence in the District and periodically affects the townships of Takaka, Wakefield, Brightwater and Riwaka, which are located on flood plains. A flood warning system operates on the major rivers of the District. Plantings and structures in flood paths interfere with the flow of floodwater.

While the lower reaches of the Motueka River are protected from flooding by stopbanks, it is necessary to maintain existing floodways free of structures in the event that the stopbanks fail or are overtopped. Major floodways in the vicinity of Takaka and Riwaka should also be kept free of structures. Along all waterways, especially those without stopbanks, buildings should be set back to avoid damage by bank erosion. Excavations and tree planting on or near stopbanks can increase the risk of stopbank failure.

Council's Land Development Manual addresses risks associated with network infrastructure and natural hazards through the design of more resilient networks, particularly the mitigation of stormwater effects where they may contribute to flood hazards.

C69 6/19  
Op 6/20

### **13.1.40 Performance Monitoring Indicators**

- 13.1.40.1** Number of incidents of harm or damage to persons or property from flooding, slope instability, erosion, earthquakes or other natural hazards.
- 13.1.40.2** Number of claims to Earthquake Commission.

### **13.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 13.50.1** Reduced incidence of damage to property and infrastructure, or harm to people's health and safety on the District's floodplains.
- 13.50.2** Reduced incidence of damage or harm to people and property from coastal erosion, slope instability and other forms of natural hazard.
- 13.50.3** Development precluded from areas identified as being of significant risk from natural hazards.
- 13.50.4** More informed communities, prepared for the occurrence of natural hazards.



## CHAPTER 14: RESERVES AND OPEN SPACE

### 14.0 INTRODUCTION

Reserves and open space provide for people's recreational interests, amenity values, protection of landscape and ecosystems, and recognise historic and cultural values. Provision for, and maintenance and enhancement of, the recreation and open space resources to meet the needs of the present and future District residents (the District's resident population is projected to increase from 37,973 in 1996 to 58,100 by the year 2031) and visitors are an essential part of sustainably managing the natural and physical resources of the District. The health and wellbeing of the District's residents and visitors will be enhanced by adequate opportunity to use recreational reserves and open space. A further category of open space is that which is held primarily for its natural values. National parks and scenic reserves fall into the latter category.

C10 10/07  
Op 3/14

C20 8/10  
Op 8/12

Open space varies in scale from the small neighbourhood park with limited facilities to the larger District reserves which are used for organised sport, clubrooms and parking, and can have significant environmental effects. The largest areas of open space in the District are the rural and coastal land resources. However, the open space and amenity values of privately owned rural land can vary with changes in land use and one of the adverse effects of development can be the loss of private open space, especially on the urban fringe.

Some recreational land, such as bowling clubs and showgrounds, is privately owned and may be valued by the community for open space and amenity reasons. However, these sites may be subject to development pressures and their long-term role as open space is not assured.

The quality of public open space and recreational facilities provided can affect the image of the District. Poorly maintained sites are unlikely to attract use and may result in a loss of natural values if weed infestation is allowed to occur. The principal issues are:

- (a) Adequacy of provision of reserves and open space for a growing population and addressing shortfalls.
- (b) Efficient and effective use of reserves and open space land.
- (c) Protection of natural values and education about those values.
- (d) Management of environmental effects from and onto reserve and open space sites.

Reserves and open space play a role in the management of stormwater, particularly within more dense urban areas. Reserves can be multi-functional, offering recreation opportunities, amenity values, ecological values, as well as performing stormwater management functions such as flood peak flow detention, water quality and flow management.

C7 7/07  
Op 10/10

Using a whole-catchment approach to stormwater management, open space and reserve areas can help to temper upstream stormwater contributions, reducing flow volumes into downstream parts of natural and man-made stormwater networks.

Open space and reserve areas can also contribute to a Low Impact Design approach to managing stormwater within urban catchments. Urban streams can be retained as features of subdivisions, riparian margins can be planted to enhance stormwater and ecological values, and storm detention basins can be grassed and planted for amenity or recreational use during the periods when it is dry.

The issue of provision of public access and protection of conservation values along the margins of lakes and rivers and along the coastline is addressed in Chapter 8. Provision through esplanade reserves or strips is governed specifically by rules in Section 16.4.

In coastal locations, reserve areas and open space can serve to provide a buffer to the adverse effects of coastal erosion and inundation as a result of sea-level rise as well as protecting plant and animal communities.

C10 10/07  
Op 3/14

## 14.1 PROVISION OF RESERVES AND OPEN SPACE

### 14.1.1 Issue

Adequacy of provision of reserves and open space for recreation and amenity.

### 14.1.2 Objective

Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.

### 14.1.3 Policies

*Refer to Policy sets 5.3, 6.7, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2.*

*Refer to Rule sections 16.3, 16.4, 16.5, 17.10, 18.1.*

- |          |  |                     |
|----------|--|---------------------|
| 14.1.3.1 | To provide at least four hectares of Council land per 1,000 residents for recreation and amenity space which is in addition to Crown and private land.   |                     |
| 14.1.3.2 | To ensure additional open space is available in those areas (for example, Golden Bay and Motueka wards) which have high visitor numbers.   |                     |
| 14.1.3.3 | To identify potential open space areas in advance of urban subdivision in order to provide for the open space needs of the future residents and workers in the area.                                       |                     |
| 14.1.3.4 | To provide for new open space areas that are convenient and accessible for users, including the provision of walking and cycling linkages in and around townships, between townships and between reserves. |                     |
| 14.1.3.5 | To identify areas where there is a deficiency of open space.   |                     |
| 14.1.3.6 | To adjust financial contributions for reserves and community services in lieu of the vesting of land for walkway/cycleway, open space and recreation reserve purposes, unless agreed otherwise.            |                     |
| 14.1.3.7 | To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast.  |                     |
| 14.1.3.8 | To encourage the integration of reserves and open space areas within a whole-catchment and Low Impact Design approach to drainage and the management of stormwater.  | C7 7/07<br>Op 10/10 |
| 14.1.3.9 | To encourage effective and efficient design and establishment of parks and reserves that can integrate multiple uses and functions of open space, including for network infrastructure.                    | C69 6/19<br>Op 6/20 |

### 14.1.20 Methods of Implementation

#### 14.1.20.1 Regulatory

- (a) Designation of proposed reserves on planning maps when required sites are well known or to address a local shortfall of reserve land or facilities.
- (b) Showing indicative reserves on planning maps when required sites are less well known.
- (c) Identification of zones for conservation and active and passive recreation.
- (d) Rules requiring financial contributions for recreation or amenity purposes at the time of subdivision and development.

- |     |  |                     |
|-----|--|---------------------|
| (e) | Rules requiring the use of Low Impact Design solutions to stormwater management, where appropriate.  | C7 7/07<br>Op 10/10 |
| (f) | Standards of the Nelson Tasman Land Development Manual 2019 that can ensure the integrated design and efficient and effective provision of parks and reserves. | C69 6/19<br>Op 6/20 |

#### 14.1.20.2 Investigations and Monitoring

- (a) Regular survey of, and consultation on, recreation and open space needs.

#### 14.1.20.3 Education and Advocacy

- (a) Liaison and negotiation with other major open space providers.
- (b) Consultation with landowner representatives, community and environmental interest groups, relevant government agencies, and technical experts, to assess methods for maintaining and enhancing public access to and along the margins of the coastal marine area, lakes and rivers, and water bodies that are identified as priorities for public access.
- (c) Initiating a plan change within three years following the operative status of this chapter of the Plan, to incorporate outcomes of the consultation and assessment in (ii) above, if Plan amendments are required to implement those outcomes.

#### 14.1.20.4 Works and Services

- (a) Land acquisition for recreation, including:
- Use of esplanade reserve entitlement to acquire land adjacent to rivers, lakes, and the coast.
  - Use of reserve funds to acquire land to facilitate public access to and along the coast and water bodies.
- (b) Land acquisition for stormwater management.

C7 7/07  
Op 10/10

### 14.1.30 Principal Reasons and Explanation

An adequate amount and equitable distribution of open space across the District is necessary to ensure all residents have easy access to open space. A standard of provision helps ensure adequate distribution. The Council will acquire new reserves primarily at the time of subdivision. The issue of access to and along water bodies and the need for riparian reserves is covered more fully in Chapter 8. Easy access to reserves is particularly important in urban areas where there is a higher density of population and individual recreation needs cannot be met on small urban allotments. It is also especially necessary for the younger and older residents of the District, who are less mobile. A range of reserves is needed to cater for the different activities favoured by the varying age groups in the population: for example, play areas, sports fields, walkways and nature areas. A Council survey has shown that walking is the most popular recreational activity. An indicative walkway network has been included as an appendix to the Plan.

Open space areas, parks, and reserves can play an important role in the management of urban stormwater. They contribute to a whole-catchment approach to stormwater management and can be consistent with Low Impact Design.

C7 7/07  
Op 10/10

Open space may be used for short-term detention of water during heavy rain events in built-up urban areas. Reserve areas may be created around existing natural or open-reticulation drainage networks, such as streams, grassy swales and ponds.

These areas of grass and vegetation will also slow down the rate of stormwater run-off from hard surfaces and can improve stormwater quality by intercepting the water before it enters the drainage system. Vegetation and soils can help to cleanse contaminated water before it enters the system. It is therefore particularly important to recognise and accept the role of un-built open space in managing stormwater in urban areas.

The identification of three different types of open space zoning emphasises the difference of purpose for each type of open space. The demand for recreation is constantly changing with new activities being devised. The

level of provision of reserves and facilities needs to be regularly surveyed to ensure that the needs of all sections of the community are being met.

The Council will work with other open space providers such as the Department of Conservation in areas with conservation values and subject to high visitor use.

The amenity values referred to in the objective may include intrinsic, spiritual, cultural and educational values. Reserves often include some or all of these values.

Council's Land Development Manual aims to deliver a standard of design and establishment of parks and reserves that are efficient, effective and integrated with other Council infrastructure networks such as stormwater management corridors, roads and non-vehicle accessways.

C69 6/19  
Op 6/20

#### 14.1.40 Performance Monitoring Indicators

- 14.1.40.1 Surveyed changes in the proportion of land in reserves or open space per capita in the District.
- 14.1.40.2 Surveyed satisfaction of the community, including visitors, with the quality of reserves and open space.

### 14.2 USE OF RESERVES AND OPEN SPACE

#### 14.2.1 Issue

Use of reserves and open space for recreation and amenity.

#### 14.2.2 Objective

Efficient and effective use of open space and reserves to meet community needs for recreation and amenity.

#### 14.2.3 Policies

*Refer to Policy sets 5.3, 6.7, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2.  
Refer to Rule sections 16.3, 16.4, 17.9, 17.10, 17.11.*

- 14.2.3.1 To maintain and where necessary improve the quality of reserves, open space and public recreational facilities.
- 14.2.3.2 To identify and protect areas that are important for organised recreational pursuits.
- 14.2.3.3 To encourage multiple use of reserves and open space and recreational facilities where practical.
- 14.2.3.4 To identify and protect areas that are important for informal low key recreation and community activities.
- 14.2.3.5 To advocate and promote that the relevant authorities make land and facilities at schools further available to the general public for recreation.

- 14.2.3.6** To relinquish land that is unsuitable (following consultation with the community) and deemed to be surplus in Council's reserve/open space register and acquire more suitable land.
- 14.2.3.7** To consult with the community on the management, development and design of open space and reserves.
- 14.2.3.8** To ensure that any urban reserve land acquired has sufficient road frontage for visibility from the street.

## **14.2.20 Methods of Implementation**

### **14.2.20.1 Regulatory**

- (a) Rules for the Recreation Zone to allow for both recreational buildings, organised recreation and green space.
- (b) Rules for traffic and parking requirements for the Recreation Zone.
- (c) Rules relating to Open Space Zone for informal recreation.
- (d) Standards of the Nelson Tasman Land Development Manual 2019 that can encourage integrated design of the parks and reserves.

C69 6/19  
Op 6/20

### **14.2.20.2 Works and Services**

- (a) Production, implementation and review of reserve management plans under the Reserves Act 1977.
- (b) Liaison between Council and other open space providers and reserve users.
- (c) Development and maintenance of open spaces.

### **14.2.20.3 Financial Incentives**

- (a) Council may provide funding to help rural schools maintain facilities for public use in remote areas.

## **14.2.30 Principal Reasons and Explanation**

Open space and reserves are a valuable and scarce resource that needs to be well managed. Differentiating between different open space zones has been undertaken to group different categories of open space. Many areas of open space in the District valued by the community are not gazetted as reserves and do not have management plans. Zoning provides some protection of these existing open spaces and unreserved land.

Multiple recreational use of the larger District reserves and open space is encouraged to make efficient use of the resource. However, careful management, design and consultation are necessary to ensure that conflicts and over-utilisation do not occur. Management plans prepared under the Reserves Act 1977 can provide a detailed management regime for land that is held as reserve.

Cemeteries in urban areas have generally been zoned as open space, where as cemeteries in the rural area have a rural zoning.

Policy 14.2.3.5 aims to increase the availability of non-Council owned open space in school grounds for recreation outside school hours. In some remote areas the Council has purchased recreational assets such as swimming pools for community use when schools have closed.

Relinquishing unsuitable or surplus land can release funds to use in upgrading or purchasing more valuable open spaces. However, the community will be consulted carefully to ensure the land is definitely not required.

The reason for Policy 14.2.3.8 is that urban reserve land needs to be visible to residents. Reserves that are visible are likely to be safer and contribute to the visual amenity of urban areas more than those that are secluded.

A high quality of reserve land will attract public use. Preparation and implementation of management plans under the Reserves Act provides a means for users to participate in the detailed planning of reserves.

#### **14.2.40 Performance Monitoring Indicators**

**14.2.40.1** Surveyed satisfaction of users of reserves and open space with the ways in which such areas are available for recreational activities, and the effectiveness of management of effects.

### **14.3 CONSERVATION OF AREAS OF SIGNIFICANT VALUE**

#### **14.3.1 Issue**

The identification, protection and enhancement of areas of significant natural and scientific value.

#### **14.3.2 Objective**

The conservation of those areas in the District that have significant natural and scientific values such as landform, ecosystems, natural character and heritage values.

#### **14.3.3 Policies**

*Refer to Policy sets 5.3, 7.2 – 7.4, 8.1, 8.2, 9.1, 9.2, 10.1, 10.2.*

*Refer to Rule sections 16.3, 16.4, 16.6, 17.5 - 17.8, 17.10, 17.11, 18.1, 18.2.*

**14.3.3.1** To identify and protect areas of conservation value by incorporating them into land with a protective status.

**14.3.3.2** To manage the range of activities permitted in areas of specific natural value so that they are of a type that provides for the maintenance and enjoyment of the special natural values with least adverse effect on those values.

**14.3.3.3** To enhance the District's natural areas by encouraging the formation of protected linked corridors between them, especially in the Takaka Hill area.

**14.3.3.4** To provide information about significant natural values of the District.

#### **14.3.20 Methods of Implementation**

##### **14.3.20.1 Regulatory**

- (a) Rules for Conservation Zones controlling the effects of activities, including building scale, location, height and noise, and requiring setbacks and parking (in some circumstances).

##### **14.3.20.2 Education and Advocacy**

- (a) Promotion of covenants under the Conservation Act and Queen Elizabeth II National Trust Act through pamphlets and advice.
- (b) Protected private land agreements.

- (c) Encouragement of revegetation projects, particularly within linking corridors.

#### **14.3.20.3 Works and Services**

- (a) Purchase of land and gazettal as reserve.

#### **14.3.20.4 Financial Incentives**

- (a) Rates rebate for covenanted areas
- (b) Council may assist with fencing and pest control

### **14.3.30 Principal Reasons and Explanation**

An extensive area of the District lies in one or other of the three national parks in the District: Nelson Lakes, Abel Tasman and Kahurangi. These and other parts of the conservation estate are managed principally by the Department of Conservation under its Conservation Management Strategy. The Council has endeavoured to make policies that will complement the Conservation Management Strategy and promote natural values in these areas.

Areas with special natural values that are in private ownership are not included in the Conservation Zone. However covenanting of these areas will be encouraged and in special circumstances the Council may endeavour to purchase these areas. These matters are also discussed in Chapter 10 of the Plan.

Natural areas can be enhanced by forming or maintaining protective linking corridors between them for wildlife to use. Particular areas of the District such as Big Bush and parts of the Takaka Hill have value as wildlife corridors. In some cases, esplanade reserves can provide very good linkages.

### **14.3.40 Performance Monitoring Indicators**

- 14.3.40.1** Changes in extent of indigenous vegetation or natural features being formally or voluntarily protected by incorporation in a reserve or covenant.

## **14.4 EFFECTS OF ACTIVITIES AND FACILITIES ON RESERVES AND SURROUNDING AREAS**

### **14.4.1 Issue**

Activities and facilities that have the potential to cause significant adverse effects on reserves, open space and surrounding areas.

### **14.4.2 Objective**

The avoidance of significant adverse effects of activities and facilities on open space and recreational areas, and on the amenity values of surrounding areas.

### **14.4.3 Policies**

*Refer to Policy sets 5.3, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3.*

*Refer to Rule sections 16.1, 16.3, 16.4, 16.6, 17.1 – 17.11, 18.1, 18.2.*

- 14.4.3.1** To control the scale, extent and location of buildings and structures to ensure the open space character of reserves is maintained.

- 14.4.3.2** To ensure that activities associated with open space and reserves do not give rise to adverse environmental effects (such as noise, glare, traffic, pesticide discharge) without adequate mitigation.
- 14.4.3.3** To design open space and recreational areas to complement and, where necessary, to improve the visual amenity of the surrounding area.

#### **14.4.20 Methods of Implementation**

##### **14.4.20.1 Regulatory**

- (a) Rules limiting the height, setback and coverage of buildings in Open Space, Recreation and Conservation zones.
- (b) Rules limiting noise and pesticide discharges in Open Space, Recreation and Conservation zones.
- (c) Rules requiring car parking and landscaping in Recreation Zones.
- (d) Rules restricting hours of activities in Recreation Zones.
- (e) Rules limiting activities which have an adverse effect on environment and health in Open Space Zones and reserve areas.
- (f) Rules controlling glare and lighting overspill in Recreation and Open Space Zones.

##### **14.4.20.2 Works and Services**

- (a) Detailed layout of reserves in site-specific management plans.

#### **14.4.30 Principal Reasons and Explanation**

Open space generally enhances the locality in which it occurs. It can also provide sites for large trees which are inappropriate on smaller residential sections. The maintenance of open character is often important in a neighbourhood. Any buildings placed on a reserve or open space should not detract from this character. Some recreation facilities such as gymnasiums are large and bulky. Effective use of colour and landscaping can reduce the bulk of these buildings. There can be other effects from recreational activities such as noise, traffic and dust that need to be mitigated by on-site parking requirements and noise limits to protect residential neighbours. Parking is not usually required for local neighbourhood reserves. The sale of liquor to patrons at clubrooms late at night can result in noisy and disruptive behaviour which adversely affects neighbours.

As reserves and open space areas are important to the health and wellbeing of the residents of, and the visitors to, the District, any adverse effects of activities will be controlled.

#### **14.4.40 Performance Monitoring Indicators**

- 14.4.40.1** Recorded incidence of complaints across boundaries of Recreation and Open Space zones with adjoining activities.

#### **14.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 14.50.1** The provision of open space and a range of different reserves for recreation and conservation throughout the District.
- 14.50.2** Improved design of facilities on reserves, and maintenance and use of reserves, to minimise environmental effects.
- 14.50.3** Reduced conflict between reserve activities and the neighbouring environment.

# CHAPTER 15: STRATEGIC INFRASTRUCTURE AND NETWORK UTILITIES

## 15.0 INTRODUCTION

The network utilities and strategic infrastructure within Tasman are physical resources of considerable importance. They support human settlements and enable people and communities to meet their social, economic, environmental and cultural needs. Some network utilities and other infrastructure are of national as well as regional importance.

Strategic infrastructure is infrastructure that serves a regional or national function. Infrastructure serving a local function may also have regional or national significance. Strategic infrastructure includes national high-voltage transmission lines, regional airports, regional waste facilities, ports, community dams and some hydro-electricity facilities, telecommunication facilities, roads, water and wastewater reticulation.

The ongoing provision for and protection of network utilities and strategic infrastructure is vital for the social, economic and environmental benefits that accrue nationally, regionally and locally.

There is a need to manage the potential for certain activities to disrupt, or risk disruption to, the safe and efficient operation of network utilities and strategic infrastructure. However, there is also a need to avoid, remedy or mitigate adverse effects on the environment and communities arising from the construction, operation and maintenance of network utilities and significant infrastructure. In many cases, alternative sites for infrastructure are not feasible due to geographic, climatic or economic constraints, or there are scarce resources (such as sites for water augmentation dams). Balancing the competing demands on resources with multiple values requires careful consideration.

In determining the appropriateness of any works, consideration must also be given to climate variability. In the Tasman region the climate is predicted to change so that there are longer periods of drought, warmer temperatures, sea level rise and greater frequency and intensity of storm events.

Construction, operation and maintenance of infrastructural assets may be managed through the Building Act, Public Works Act and the Resource Management Act by planning provisions, consents or designations. The high level of investment for the long-term function of infrastructure services, coupled with community demand for security of supply means that it is appropriate, in most cases, for strategic infrastructure to have long terms of consent.

Consents for activities necessary for development or operation of infrastructure, including on-going maintenance, continue to be required as applicable in the Plan, and decision-making will be guided by the policies in Chapter 15.

## 15.1 WAIMEA WATER AUGMENTATION

There are currently insufficient water resources to meet existing and future water demand on the Waimea Plains, including community supplies. Water is significantly over allocated in the Waimea Water Management Zones so that existing users' security of supply is unacceptable and there is insufficient water in the Waimea River during periods of low flow to meet the needs of instream uses and values.

This lack of water for current and potential future water demand and use has significant implications for:

- (a) security of supply for water users;
- (b) the maintenance of minimum river and spring flows for instream values, including recreational, community and iwi values;
- (c) coastal seawater intrusion risk, including as a result of sea level rise;
- (d) meeting future water demand, including for urban and industrial development;
- (e) enabling productive use of land, including both irrigated and currently unirrigated land.

The water flow from an augmentation dam may also be managed to provide hydro-electric power. This power generation may improve resource use efficiency.

Chapter 15 is to be read together with the other relevant chapters of the Plan when applying for and assessing applications for resource consent.

### 15.1.1 Issues

- 15.1.1.1** Meeting existing and potential future water demand in the Waimea Plains for abstractive and instream uses and values.
- 15.1.1.2** Providing for the establishment and continued operation and maintenance of the Waimea Community Dam and associated activities while managing the adverse environmental effects of such activities. **C55 9/15  
Op 9/16**
- 15.1.1.3** Managing conflicts that potentially arise between land use activities and the establishment and continued operation and maintenance of the Waimea Community Dam.
- 15.1.1.4** Ensuring that the benefits to primary sector production provided by the Waimea Community Dam are not lost through changes in land use, particularly rural residential subdivision.

### 15.1.2 Objectives

- 15.1.2.1** Creation of a secure supply of water in the Waimea Plains for:
- existing and potential demand for rural and urban uses; and
  - protecting and enhancing instream uses and values of the Waimea, Wairoa, Roding and Lee rivers; and
  - allowing for the generation of hydro-electric power.
- 15.1.2.2** The protection of the Waimea Community Dam site from development that is incompatible with the establishment, operation and maintenance of the Waimea Community Dam. **C55 9/15  
Op 9/16**

### 15.1.3 Policies

*Refer to Policy set 30.3.3.  
Refer to Rule section 18.14.*

- 15.1.3.1** To identify the location for the Waimea Community Dam where activities required to construct, operate and maintain the dam are enabled, and to protect this water augmentation opportunity for the Waimea Plains from incompatible activities. **C54 9/15  
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- 15.1.3.2** To recognise the benefits to community social, economic and cultural wellbeing of the Waimea Community Dam and associated facilities while managing the adverse environmental effects.
- 15.1.3.3** In assessing resource consent applications required under Parts II, IV, V and VI of the Plan for the construction, operation and maintenance of the Waimea Community Dam and associated infrastructure, to manage adverse effects arising from activities, including subdivision, the removal of indigenous vegetation, land disturbance, water management, public access and other associated activities, by having particular regard to:

- (i) mitigating adverse effects of land disturbance and construction activities on water quality by requiring adoption of best industry practice;
- (ii) mitigating the hazard posed by dam break risks by adopting best industry practice in the design, construction and maintenance of the dam,
- (iii) mitigating or otherwise managing adverse effects on biodiversity through measures including offsets, transplanting and pest control;
- (iv) managing flow releases from the dam to mitigate adverse effects on:
  - (a) recreational value
  - (b) sedimentation and bed stability
  - (c) periphyton growth
  - (d) water quality
  - (e) river ecology
- (v) providing public access up to the dam structure;
- (vi) enabling iwi to salvage argillite and timber taonga that would otherwise be covered by water before commencing to fill the dam.
- (vii) providing for subdivision that supports dam construction while limiting subdivision that could reduce future opportunities to construct a dam.

**15.1.3.4** To protect the Waimea Community Dam site and to avoid cumulative adverse effects on river ecosystems and natural flows by restricting opportunities for constructing dams on:

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- (i) the Wairoa River (including the left and right branches) above its confluence with the Lee River;
- (ii) the Lee River from its confluence with the Wairoa River to the boundary of the Water Augmentation Infrastructure Area (Waimea Community Dam) (other than for damming that operates in association with the Waimea Community Dam); and
- (iii) the Roding River from its confluence with the Lee River to the District boundary.

## 15.1.20 Methods of Implementation

### 15.1.20.1 Regulatory

- (a) Identifying a Special Area (Chapter 18) for the construction and operation of the Waimea Community Dam and rules regulating land use activities in the Special Area.

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### 15.1.20.2 Investigations and Monitoring

- (a) Monitoring the pattern of land use, subdivision and development occurring as a result of the increased availability of water.

### 15.1.20.3 Works and Services

- (a) Providing public vehicle access up to the dam structure.

## 15.1.30 Principal Reasons and Explanation

The Council has not yet made a decision to proceed with the construction of the Waimea Community Dam. However, Council is signalling through the provisions in Chapter 15 and 18 as well as associated provisions in Part V and VI that it supports the work of the Waimea Water Augmentation Committee (WWAC) to address water shortage issues in the Plains.

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Through these Plan provisions, it makes it clear that it concurs with WWAC findings about the appropriateness of the Waimea Community Dam as the most efficient and effective means of managing water demand and river flows in the Waimea plains.

These Plan provisions are consistent with previous Annual Plan decisions to support WWAC investigations and feasibility studies into the Dam. The decision to construct the dam is acknowledged by Council as a very significant decision and Council recognises that it has very significant consequences both in terms of effects on the environment and financial cost and land use opportunities for people living in the Plains. The decision on whether the dam will be constructed is still to be made.

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In the Council's Long Term Plan, community resilience in the Waimea Plains is supported and developed by the Council through its provisions for the Waimea Community Dam. The Council recognises that significant external funds are needed to make the project viable and is working with the Waimea Community Dam Company to secure additional funding.

The objectives and policies express Council's desire to provide a supportive planning framework to guide decision making on the resource consents that will be necessary for the construction, operation and maintenance of the dam should there be a decision to proceed with construction of the dam.

Policy 1 ensures the location of the Waimea Community Dam is defined on the planning maps in the absence of a designation. Applying a 'Special Area' status to the land enables particular rules to be applied. The Special Area rules are appropriate for the reasons that: the activity is location specific; is occurring over a long time period; recognises the particular qualities of the site which enable the activity of water augmentation to the Waimea Plains to occur; and recognises that sites that provide for efficient water augmentation with manageable adverse effects are a scarce resource.

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Policy 2 ensures that any adverse effects of land uses that would reduce the actual or potential ability of the Waimea Community Dam to be established or operate efficiently are avoided, remedied or mitigated. The policy is intended to safeguard the site for its intended future use as a water storage facility. The lack of viable alternative sites for water storage and augmentation to the Waimea Plains means that it is very important that the land or river does not get developed or used for purposes incompatible with its intended future use.

Policy 3 recognises the particular benefits of the Waimea Community Dam. Policy 4 then recognises that there are specific effects arising from the construction, operation and maintenance of the dam and associated facilities that need to be managed appropriately. The policy includes recognition that some effects may not be able to be avoided, and therefore some form of remediation, mitigation or off-set may be appropriate. This includes ensuring that best industry practice is adopted wherever necessary, especially in relation to the design, construction, operation and maintenance of the dam and managing land disturbance effects.

The dam has a High Potential Impact Classification on the basis of assessing dam break scenarios, which is the main determinant of appropriate design standards. This means that dam design, construction, maintenance and on-going monitoring should be undertaken in accordance with the requirements set out in the NZSOLD Dam Safety Guidelines for High Potential Impact category dams.

There is currently only a small level of public access to the Lee River and the dam will prevent this access. However, this adverse effect will be mitigated by the enhanced recreational values, including for swimming and trout angling, of the Lee, Wairoa and Waimea rivers. Adverse effects created by the dam and its impoundment on biodiversity values and indigenous species will be offset by measures such as enhancement or establishment of similar vegetation communities elsewhere, securing genetic stock from threatened plant populations, pest control and land swap into forest park to protect indigenous vegetation. These environmental mitigation measures, along with harvest of timber and argillite, provide mitigation of adverse effects on iwi and their culture and traditions.

The Council supports the Waimea Community Dam as the best solution to meet the water security challenges in the Waimea Plains. It recognises that adverse effects will occur and will need to be managed. Through Policy 5, it will avoid increasing or adding further risk of adverse effects from other dam proposals in the affected catchments by regulating construction of other dams in the catchment.

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### 15.1.40 Performance Monitoring Indicators

- 15.1.40.1** A community augmentation dam that is meeting the community's needs for secure water supplies and sustainable water flows in rivers and groundwater.
- 15.1.40.2** The operation and maintenance of a community augmentation dam while managing to avoid, remedy or mitigate adverse effects of such a dam, including maintenance of minimum flows in the lower Waimea River at 1100 litres per second.

## 15.2 NETWORK INFRASTRUCTURE ASSETS

### 15.2.1 Issues

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- 15.2.1.1** Adequacy and integration of the design, construction, maintenance, repair and replacement of network infrastructure assets associated with the development of land and use of resources.

### 15.2.2 Objectives

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- 15.2.2.1** Efficient, effective and integrated provision of network infrastructure assets to meet environmental objectives and the needs of communities for their health and safety, amenity and social-cultural well-being.

### 15.2.3 Policies

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- 15.2.3.1** To ensure that infrastructure is designed and constructed to avoid, remedy or mitigate the adverse effects of land development.
- 15.2.3.2** To require the design of network infrastructure to take into account the reasonably foreseeable needs of future communities and growth expectations.
- 15.2.3.3** To support an efficient network infrastructure design that includes the environmental costs and benefits over the whole life of the network infrastructure.
- 15.2.3.4** To support an integrated and multi-functional approach to the provision of infrastructure network services and efficient use of land.
- 15.2.3.5** To support efficient and effective network infrastructure design that provides for public health and safety, and community wellbeing.

### 15.2.20 Methods of Implementation

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#### 15.2.20.1 Regulatory

- (a) Rules relating to the standard of development within new subdivisions and land use activities that require effective, efficient and integrated design of network infrastructure services.
- (b) Mandatory standards of the Nelson Tasman Council Land Development Manual 2019 that specify the design and construction of network infrastructure services.

#### 15.2.20.2 Education and Advocacy

- (a) Best practice matters of the Nelson Tasman Land Development Manual 2019 that guide the design and construction of network infrastructure services.

**15.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 15.50.1** Provision of sufficient water to meet the existing and potential future needs of instream uses and values and the needs of abstractive water users including:
- (a) provision of a secure water supply for abstractive use;
  - (b) maintenance of minimum river and spring flows for instream, recreational, community and iwi values,
  - (c) avoidance of coastal seawater intrusion;
  - (d) productive use of land.
- 15.50.2** Maintenance of water quality where it is suitable for the specified uses and values, and enhancement where water quality does not meet the needs of the specified uses and values.

# CHAPTER 16: GENERAL RULES

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## 16.1 OUTDOOR SIGNS AND ADVERTISING

*Refer to Policy sets 5.2, 6.7, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 14.4.*

### 16.1.1 Scope of Section

This section deals with outdoor signs and advertising throughout the District. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.5*).

### 16.1.2 Traffic Signs on Roads

#### 16.1.2.1 Permitted Activities (Traffic Signs on Roads)

The erection of a traffic sign on a road is a permitted activity that may be undertaken without a resource consent, if it complies with the following condition:

- (a) The sign has been approved for erection by the road controlling authority.

**Note:** Traffic signs include road marking, traffic control and enforcement signs erected by or on behalf of the road controlling authority.

### 16.1.3 Outdoor Signs in Residential Zone

#### 16.1.3.1 Permitted Activities (Outdoor Signs in Residential Zone)

The erection of an outdoor sign in the Residential Zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

#### Location and Size

- (a) One permanent sign up to 0.5 square metres in display area and up to 2 metres in height per site is permitted (in accordance with Figure 16.1A).
- (b) The sign relates only to activities undertaken on the site unless it is a temporary sign provided for in rules 16.1.6.1 and 16.1.6.2.
- (c) A freestanding sign is set back at least 10 metres from any road intersection, and where it is within 10 metres of any access, to be set back at least 1 metre from the road boundary of the site.

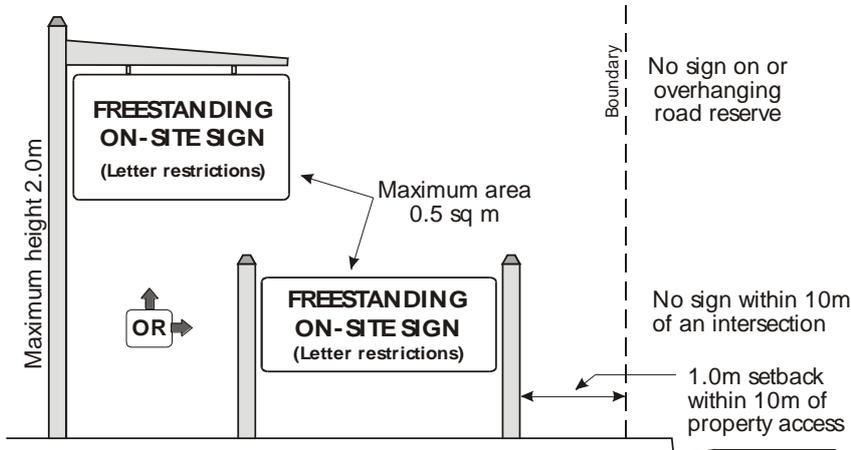
#### Appearance

- (d) The sign is maintained in a tidy, legible state.
- (e) A spotlight or floodlight used to illuminate a sign is permanently fixed so as to be directed solely at the sign.
- (f) No sign mimics the design, shape or colour combinations of statutory, regulatory or advisory traffic signs.
- (g) The sign does not incorporate retro-reflective material, flashing illumination, or aerial, animated or moving display.

**Letter Size**

- (h) Minimum vertical height of lettering is 150 millimetres and minimum spacing is 100 millimetres between lines.

**Figure 16.1A: Residential Zone - Permanent On-site Sign Dimensions**



**Note:** This diagram is not to scale and does not illustrate all requirements in the rules.

**16.1.3.2 Discretionary Activities (Outdoor Signs in Residential Zone)**

The erection of an outdoor sign in the Residential Zone that does not comply with the permitted conditions of rule 16.1.3.1 is a discretionary activity, if it complies with the following condition:

- (a) The sign does not incorporate retro-reflective material, flashing illumination, or aerial, animated or moving display.

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

**16.1.4 Outdoor Signs in Business and Industrial Zones**

**16.1.4.1 Permitted Activities (Outdoor Signs in Central Business, Commercial, Mixed Business, Tourist Services, and all Industrial Zones)**

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The erection of an outdoor sign in the Central Business, Commercial, Mixed Business, Tourist Services, Light Industrial, Heavy Industrial or Rural Industrial zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The sign is located, and has dimensions in accordance with Figure 16.1B.
- (b) Conditions (b) to (h) in rule 16.1.3.1.
- (c) The sign complies with the requirements indicated in Figure 16.1B.
- (d) During the hours of darkness, any sign on any site adjoining a Residential Zone is illuminated only if the premises or service is open for business.
- (e) A sign that is painted on, or attached to, a building complies with the following:
  - (i) the sign is on the building to which the advertising relates;

**16.1.4.2 Restricted Discretionary Activities (Outdoor Signs in Central Business, Commercial, Mixed Business, Tourist Services and all Industrial Zones)**

- (ii) the sign does not extend beyond the verandah of the building to which the sign is attached;
  - (iii) the top of the sign is no higher than the roof peak or parapet of that part of the building to which the sign is attached;
  - (iv) no more than one projecting sign or flag is placed on a building. The maximum area of the sign or flag is 1 square metre;
  - (v) in the Central Business, Commercial and Mixed Business zones, the total area of wall signage does not exceed 50 percent of the front wall (including verandah fascia) or 30 percent of any other exposed walls; C10 10/07  
Op 3/14
  - (vi) in the Heavy, Light or Rural Industrial zones, the total area of wall signage does not exceed 30 percent of the area of any wall;
  - (vii) a clearance of at least 2.3 metres from the footpath is provided under verandah signs.
- (f) A freestanding sign complies with the following and the requirements indicated in Figure 16.1B:
- (i) a freestanding sign is placed only on the site to which it relates; C68 7/18  
Op 6/19
  - (ii) only one freestanding sign may be placed on a site, with a maximum area of 3 square metres area and a maximum height of 5 metres;
    - Refer to Schedule 17.2A in respect of a single permitted free-standing sign within the Three Brothers Corner Commercial Zone.* C49 4/13  
Op 8/14
    - Refer to Schedule 17.2B in respect of two permitted free-standing signs within the Richmond North Commercial Zone.* C62 3/16  
Op 10/17
  - (iii) an additional freestanding sign bearing only the words “entry” or “exit” may be placed on a site, with a maximum area of 0.75 square metres and a maximum height of 1.5 metres, located near the site access in a position that does not limit visibility from the access;

**16.1.4.2 Restricted Discretionary Activities (Outdoor Signs in Central Business, Commercial, Mixed Business, Tourist Services and all Industrial Zones)****C10 10/07  
Op 3/14**

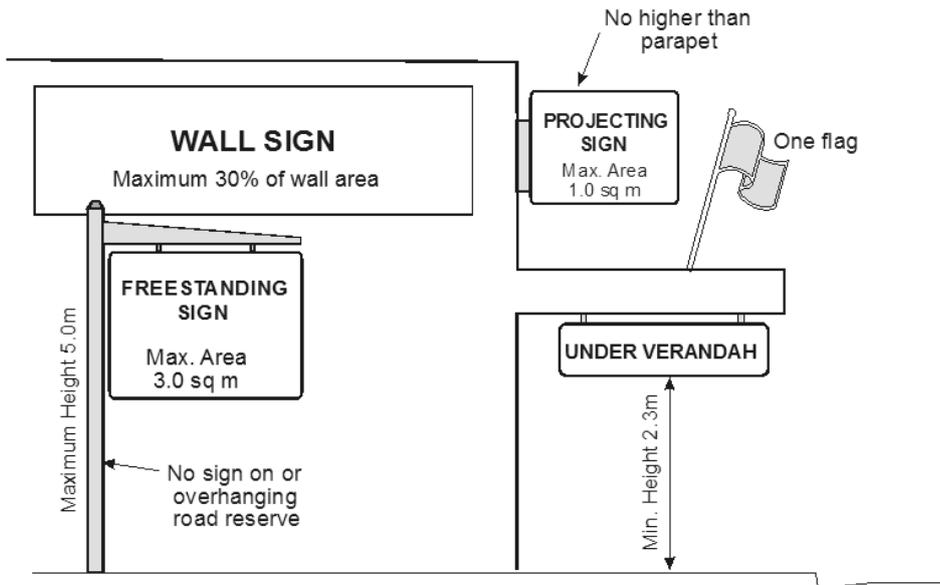
The erection of an outdoor sign in the Central Business, Commercial, Mixed Business, Tourist Services, Light Industrial, Heavy Industrial or Rural Industrial zone that does not comply with the conditions of rule 16.1.4.1 is a restricted discretionary activity.

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

- (1) Location and legibility in relation to traffic safety.
- (2) Any amenity effect on the surrounding area, including size and duration.

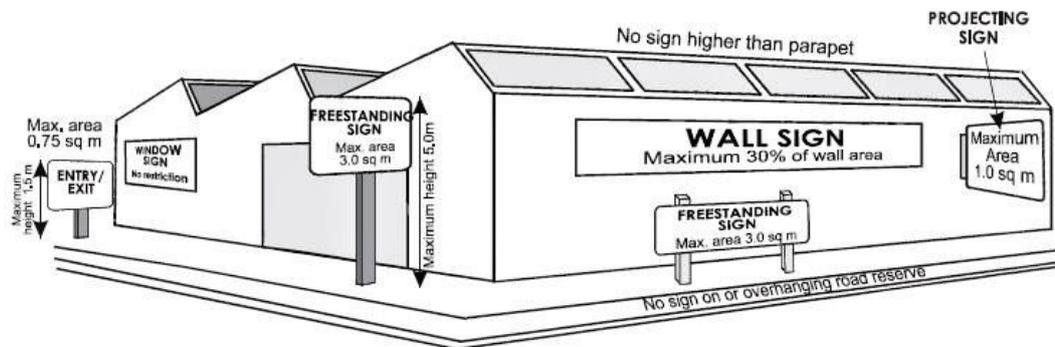
**Figure 16.1B: Central Business, Commercial, Mixed Business, Tourist Services and Industrial Zone Signs** C10 10/07  
Op 3/14

**All Business Zones**



C68 7/18  
Op 6/19

**All Industrial Zones**



C68 7/18  
Op 6/19

**Note:** These diagrams are not to scale and do not illustrate all requirements in the rules.

**16.1.5 Outdoor Signs in the Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space and Papakainga Zones**

**16.1.5.1 Permitted Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, and Papakainga Zones)**

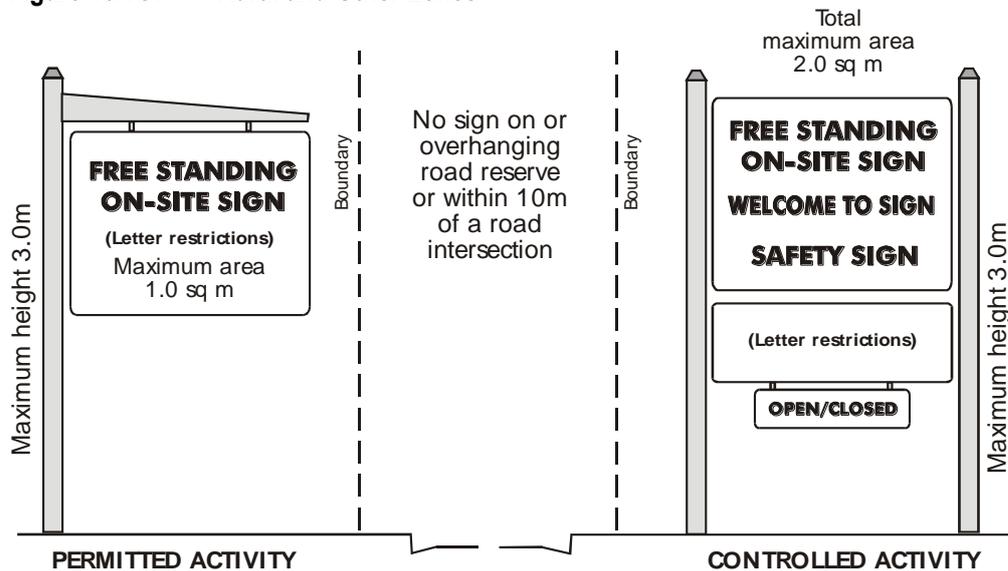
C73 12/20  
Op 6/23

The erection of one outdoor sign per site in the Rural 1, Rural 2, Rural 3, Rural Residential, or Papakainga zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The sign is a property identification sign that gives the name of the property and/or the owners and/or the activity on the property and is erected on the property to which it relates, and is in accordance with Figure 16.1C.
- (b) The maximum height is 3 metres.
- (c) The maximum area is 1 square metre.

**16.1.5.1A Permitted Activities (Outdoor Signs for Public Purposes in Conservation, Recreation and Open Space Zones).**

- (d) A freestanding sign does not restrict visibility of motorists at any intersection or access.
- (e) During the hours of darkness, a sign is illuminated only if the premises or business is open for business.
- (f) The minimum lettering height is 150 millimetres if located in an area where the speed limit does not exceed 70 kilometres per hour and 200 millimetres where the speed limit exceeds 70 kilometres per hour.
- (g) Conditions (d) to (g) in rule 16.1.3.1 [appearance].

**Figure 16.1C: Rural and Other Zones**

**Note:** This diagram is not to scale and does not illustrate all requirements in the rules.

<b>16.1.5.1A Permitted Activities (Outdoor Signs for Public Purposes in Conservation, Recreation and Open Space Zones)</b>
--

C73 12/20  
Op 6/23

The erection of signage by, or on behalf of, Council or the Department of Conservation in the Conservation, Recreation or Open Space zone, or on land that is vested in Council for the purpose of a reserve, is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

- (a) The sign or signs relate to an activity consistent with a reserve management plan, conservation management plan, or conservation strategy approved by Council or the Department of Conservation respectively, or is consistent with the classification purpose of the vested land; and
- (b) The sign or signs are located on the site where the activity occurs; and
- (c) The sign or signs are limited to that necessary for giving direction, identifying the site or facility, displaying public information or assisting public safety; and
- (d) No sign shall exceed 2 square metres in area or 3 metres in height; and
- (e) For signs intended to be read from a public road, the minimum lettering height is 150 millimetres if located in an area where the speed limit does not exceed 70 kilometres per hour and 200 millimetres where the speed limit exceeds 70 kilometres per hour; and
- (f) A free-standing sign is not erected within 10 metres of any road intersection, does not

**16.1.5.2 Controlled Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, and Papakainga Zones)**

restrict visibility at any intersection or access, and does not overhang the legal road;  
and

- (g) Conditions (d) to (g) in rule 16.1.3.1.

<b>16.1.5.2 Controlled Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, and Papakainga Zones)</b>
---

C73 12/20  
Op 6/23

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, or Papakainga zone that does not comply with condition (c) of rule 16.1.5.1 is a controlled activity, if it complies with the following conditions:

- (a) The maximum area of any sign is 2 square metres, including a detachable “open/closed” panel as shown in Figure 16.1C.

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

- (1) The matters set out in rule 16.1.5.4, items (1) to (3).

<b>16.1.5.3 Controlled Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, and Papakainga Zones)</b>
---

C73 12/20  
Op 6/23

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, or Papakainga zone is a controlled activity, if it complies with the following conditions:

- (a) The sign:
- (i) is a “welcome to” sign placed at a main entrance to any settlement in compliance with NZ Transport Agency bylaws; or
  - (ii) bears a primary message which is concerned with road safety, with or without a sponsor’s name or logo.
- (b) The minimum lettering height is 150 millimetres if located in an area where the speed limit does not exceed 70 kilometres per hour and 300 millimetres where the speed limit exceeds 70 kilometres per hour.
- (c) The maximum area of any sign is 2 square metres, as shown in Figure 16.1C.
- (d) The maximum height of any sign is 3 metres.
- (e) Conditions (d) to (g) in rule 16.1.3.1 [appearance].
- (f) The sign is sited at least 70 metres from any other sign.
- (g) A freestanding sign is not erected within 10 metres of a rural road intersection.
- (h) A freestanding sign does not restrict visibility of motorists at any intersection or access.

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

- (1) The matters set out in rule 16.1.5.4, items (1) to (3).

#### 16.1.5.4 Restricted Discretionary Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space and Papakainga Zones)

C73 12/20  
Op 6/23

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space or Papakainga zone that does not comply with the permitted conditions of rule 16.1.5.1 or 16.1.5.1A or the controlled conditions of rule 16.1.5.2 or 16.1.5.3 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) Location and legibility in respect to traffic safety.
- (2) Amenity effects on the surrounding area, including cumulative effects of signs.
- (3) The need for the sign to provide for ready identification of the activity, event or property to which the sign relates, including alternative means to provide for it.

#### 16.1.6 Temporary Signs in All Zones

##### 16.1.6.1 Permitted Activities (Temporary Signs)

The erection of a temporary sign in any zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

EITHER

- (a) The sign advertises that the land or building is for sale or lease and:
  - (i) the maximum area of each sign is 1.5 square metres and maximum height is 3 metres;
  - (ii) there are no more than two signs per site;
  - (iii) signs are removed as soon as the sale is complete;
  - (iv) a free standing sign does not restrict visibility of motorists at any intersection or access.

OR

- (b) The sign is for a temporary community event (including an election) or fundraising event and:
  - (i) the maximum size is 1.44 square metres in any urban area and 2.88 square metres in any rural area;
  - (ii) the maximum height for freestanding signs is 2 metres in any Residential Zone and 3 metres in any other zone;
  - (iii) there is no reflective material on the sign;
  - (iv) the lettering is legible as viewed at the speed limit of the nearest adjoining public road or nearest public viewing point (if there is no road);
  - (v) the sign is erected no more than two months before the event, or 9 weeks prior to polling day for election signs, and removed within 48 hours of the event finishing, or by midnight on the day before an election for election signs;
  - (vi) a freestanding sign does not restrict visibility of motorists at any intersection or access;

C60 1/16  
Op 6/19C68 7/18  
Op 6/19

**Note:** The Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 contain requirements in relation to election signage

C68 7/18  
Op 6/19

## 16.1.6.2 Restricted Discretionary Activities (Temporary Signs)

Any temporary sign that does not comply with the permitted conditions of rule 16.1.6.1 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) Location and legibility in respect to traffic safety.
- (2) Amenity effects on the surrounding area, including size and duration.

## 16.1.20 Principal Reasons for Rules

### Signs on Roads

A private sign on road reserve is not usually permitted because of possible conflict with traffic signs. Sandwich boards are managed by the road controlling authority concerned. Tasman District Council utilises the Traffic Control Bylaw 2016 for this purpose. On state highways, the road controlling authority is the NZ Transport Agency.

C10 10/07  
Op 3/14  
C68 7/18  
Op 6/19

### Signs on the Property they relate to

This rule prevents the proliferation of commercial advertising throughout the District, including, for example, a supermarket advertising in the rural area distant from its operation. In stated circumstances, off-site or remote signs are provided for.

### Mimicking of Traffic Control Signs

This rule preserves the purpose and effectiveness of traffic control signs. These are of a distinctive design and colour so that they are readily identified by motorists and therefore effective in their purpose. Attention afforded to any private sign that copies traffic control signs would compromise the driving environment.

### Retro-reflective, Flashing, Aerial, Animated or Moving Signs

These characteristics have the potential to detract from road safety and local amenity values.

### Illumination after Dark

This rule serves the purpose of providing ready identification of trading premises during normal trading hours, as well as minimising conflict with living environments and promoting energy efficiency.

### Light Focusing

Misdirected external lighting has the potential to reduce the effectiveness of illumination and compromise both local living and traffic environments.

### Freestanding Signs near Intersections

This rule protects visibility to and from intersections and the effectiveness of traffic control signs.

### Sign Maintenance

This rule is to preserve amenity values.

### “For Sale” Signs

These are permitted in addition to other signs in urban zones and as a permitted activity in rural zones because of the limited adverse effects of these. However, multiple “for sale” signs may detract from the amenity of an area.

## Business Areas

Business areas offer opportunity for signs to be incorporated within the overall form of a building. The requirements are intended to:

- (a) encourage the use of walls for advertising purposes in preference to freestanding structures;
- (b) avoid the visual detraction of skyline signs and flags which penetrate the form of the building;
- (c) optimise the effectiveness of signs above verandahs when viewed from along a street;
- (d) balance the merits of on-wall advertising against the loss of amenity if buildings are totally covered in advertising;
- (e) avoid interference to pedestrians associated with under-verandah signs.

The standards for such signs are more lenient than in rural or residential areas because of the existing built environment and signage. The standards provide for the high signage requirements of some businesses, such as service stations. Provision for only one freestanding sign per site will encourage co-location of signs associated with complexes of multiple tenancies.

## Industrial Areas

Control over the area of wall signage recognises the advertising opportunity afforded by large industrial premises and the amenity implications of these.

## Residential Areas

An off-site sign (whether permanent or temporary, advertising public events or providing directional advice) is less appropriate in a residential area in view of the cumulative adverse amenity effects of excessive signage. This rule subjects off-site signs, apart from small temporary signs, to a resource consent application or, for directional advice, encourages people to pursue tourist symbol fingerboards.

## Rural Areas

These rules ensure that signs are effective without compromising traffic safety or the visual environment. This is more crucial in the rural area than in the urban context because of open road driving conditions and the insignificance of the existing built environment. The sight distances generally adopt measurements given in Land Transport Safety Authority (1993) and Transit New Zealand (1994) publications.

The rules specify signs that are acceptable in rural areas, but give the Council discretion with respect to such matters as the location or colour of signs that cannot be quantified through performance standards. By permitting only one sign per site, early warning signs and the proliferation of signs in association with roadside stalls would be subject to resource consent.

The rules are intended to avoid the proliferation of directional signs, ensuring that those erected are effective without being pure advertising. Temporary signs are often acceptable in rural areas, but may be limited by number, location and duration for visual and traffic safety reasons.

Hoardings and kiosks are desirable to allow advertising of public notices and other information of a non-commercial nature and to concentrate these in a few locations. The rules seek to avoid a proliferation of hoarding sites.

## Conservation, Recreation and Open Space Zones and Land Vested for Reserves

C73 12/20  
Op 6/23

The need for some signs on Conservation, Recreation and Open Space zones, and land that is vested for the purposes of a reserve, is recognised. These signs should relate to activities on site and care should be taken to ensure that the signs do not detract from the visual amenity of the site.

## Notification

The consent of people affected by signs will be necessary in most cases to avoid notification of resource consent applications. This is because most concerns are expected to relate to cumulative effects.



## 16.2 TRANSPORT (ACCESS, PARKING AND TRAFFIC)

Refer to Policy sets 5.2, 6.1, 6.3, 6.5, 7.3, 7.4, 8.1, 8.2, 9.1 – 9.3, 11.1, 11.2, 13.1.  
Refer to Rule sections 16.3, 17.1 – 17.8, 17.12, 18.8.

### 16.2.1 Scope of Section

This section deals with access, parking and traffic effects of land uses throughout the District. Information required with resource consent applications is stated in Chapter 19.

### 16.2.2 Land Use

C19 5/10  
Op 8/12

#### 16.2.2.1 Permitted Activities (Land Use – Vehicle Access Considerations)

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

#### Access and Vehicle Crossings

C69 6/19  
Op 6/20

- (a) The site of the activity is provided with an access and crossing, laid out and constructed in accordance with the matters listed in Figure 16.2A.

#### Figure 16.2A: Nelson Tasman Land Development Manual 2019 Access and Vehicle Crossing Standards

C69 6/19  
Op 6/20

MATTER	NTLDM REFERENCE
General	4.10.2.1 (a) – (e), 4.10.2.3 and 4.10.2.4 – 4.10.2.8
Higher speed environments	4.10.2.2
Grade and gradient design	4.10.3.2 – 4.10.3.4
Spacing	4.10.2.3 and 4.10.7
Tracking and turning	4.10.6
Sight distances	4.10.4

- (b) Visibility from the access and crossing complies with 4.10.4.1 and 4.10.4.2 of the Nelson Tasman Land Development Manual 2019.

C69 6/19  
Op 6/20

- (c) The design of the access and crossing complies with:

C69 6/19  
Op 6/20

EITHER:

- (i) Standard 4.10.5.1 of the Nelson Tasman Land Development Manual 2019 and the following conditions:
- (a) is located in the Residential, Papakainga, Rural Residential, Rural 3, Rural 1 or Rural 2 zone;
  - (b) gains access from a residential lane, local road or sub-collector road;
  - (c) does not cross a cycle path that is less than 3 metres from the property boundary; and
  - (d) is not a commercial activity,

OR

- (ii) Figure 4-11 of the Nelson Tasman Land Development Manual 2019.

- (d) There is no direct access onto the Richmond Deviation (SH6).

(e)	<p>The site of the activity is in the Open Space, Recreation or Conservation zone, and the access and crossing complies with the following:</p> <ul style="list-style-type: none"> <li>(i) The set of standards in Table 4-11 of the Nelson Tasman Land Development Manual 2019 that are applicable to the zone adjoining or surrounding the Open Space, Recreation or Conservation Zone site; and</li> <li>(ii) Where more than one other zone adjoins or surrounds the site, the applicable standards are the set with the widest crossing.</li> </ul>	C69 6/19 Op 6/20
<p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. Where the state highway is a Limited Access Road, it is not considered a road for the purposes of access and approval is required from the NZ Transport Agency for an access under the Government Rooding Powers Act 1989.</li> <li>2. Where private access is required from the state highway, or where the development will impact on an intersection or any part of the state highway, the NZ Transport Agency standards require consideration. Consultation with the NZ Transport Agency is recommended in these cases.</li> </ol>		
(f)	<p>Stormwater from any access is either:</p> <ul style="list-style-type: none"> <li>(i) discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater; or</li> <li>(ii) the discharge complies with section 36.4 of this Plan.</li> </ul>	C10 10/07 Op 3/14
<p>(g) Any stormwater drainage feature that forms part of the stormwater drainage network is physically and legally protected from future development that may adversely affect the efficient functioning of the network.</p>		
(h)	<p>Stormwater from any access with an area greater than 200 square metres in the Richmond West Development Area Mixed Business, Rural Industrial and Light Industrial zones (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be present in the stormwater is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network.</p> <p><b>Note:</b> Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council’s Engineering Standards and Policies.</p>	C10 10/07 Op 3/14
<p>(i) Where a vehicle crossing from an arterial or distributor road gives access to a car parking area containing more than 20 spaces, a queuing area at least 15 metres long is provided for vehicles entering the site. The queuing area length is measured from the road boundary of the site to the first point at which a vehicle can turn into a parking space or aisle.</p>		
<b>On-site Turning</b>		C69 6/19 Op 6/20
(j)	<p>On-site manoeuvring space is provided on any site for the largest class of vehicle likely to need access to the site on a regular, frequent or predictable basis, so that a vehicle does not need to reverse to or from any road; except that this requirement does not apply to a site containing only a single dwelling that has access from a collector, access road or access place.</p>	
<b>Location of Gates</b>		C69 6/19 Op 6/20
(k)	<p>Any gate is hung to open into the site, and is set back sufficiently to ensure that the largest class of vehicle likely to need access to the site on a regular, frequent or predictable basis can be stopped off the road carriageway while the gate is being opened or shut.</p>	

**16.2.2.2 Permitted Activities (Land Use – Traffic)**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:

- (a) Activities undertaken on RT 3C/906 (Appleby Highway, Appleby) do not exceed 60 vehicle trips per day. Compliance with this rule will be demonstrated by the maintenance of records of vehicle trips by the site operator, to be available for inspection on the request of the Council or the NZ Transport Agency at any reasonable time.

**Frontage to Unformed Legal Roads**

- (b) Vehicular access to the site of any activity is by formed legal road, or by an existing right-of-way or other legally enduring instrument over another property.

**Traffic Sensitive Activities**

- (c) Any elderly persons' housing, or any hospice, rest home or day care facility is not located on a site with frontage or access to an arterial road.
- (d) The activity is not a public transport depot.

**16.2.2.3 Permitted Activities (Land Use – Provision for Parking and Loading)**

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 car parking in the: C10 10/07  
Op 3/14
- (i) Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps); C19 5/10  
Op 8/12
- (ii) Mapua public car parks; or C22 2/11  
Op 1/15
- (iii) Mapua Commercial Zone; NPS-UD  
9/21
- where more than five parking spaces are provided under condition (d) of this rule.
- (b) The activity does not use parking spaces on another site, except where the title of the site of the activity and the title of the site on which the parking for that activity is provided, are amalgamated or otherwise encumbered so that one site cannot be disposed of independently of the other.

*[Condition (c) deleted]*

NPS-UD  
9/21

- (d) Condition (b) above does not apply to the activities permitted by rule 17.12.2.1 for the Golden Edge Rural Industrial Zone where: C69 6/19  
Op 6/20
- (i) all vehicle parking is to be off road and contained within Lot 1 DP 18146 and Lots 1, 2 and 4 DP 18918 (Lower Queen Street, Richmond) as shown in the annotated area on the planning maps and subject to condition (b) of this rule. NPS-UD  
9/21

*[Condition (d)(ii) and Figure 16.2C deleted]*

**Size of Parking Spaces**

- (e) Any parking space and associated manoeuvring area (other than for residential activities) is designed to accommodate a 90 percentile design motor car in accordance Schedule 16.2A.
- (f) Any residential car park is 5 metres x 3 metres, but where two car parks are side-by-side, the combined area may be 5 metres x 5 metres.

C69 6/19  
Op 6/20  
NPS UD  
9/21**Provision for Loading**

- (g) Any non-residential activity contains a loading area for vehicles servicing the activity.
- (h) Any loading area is at least 7.5 metres long and 3.5 metres wide, with a clear height of not less than 3.8 metres; except for activities of less than 1500 square metres gross floor area, where a loading area must not be less than 6 metres x 3.5 metres x 2.6 metres.
- (i) Any industrial or commercial activity, where the access frontage road is an arterial, distributor or collector road, contains a loading area with on-site turning for at least a 90-percentile truck as defined in Schedule 16.2A.

**Figure 16.2D: Size of Parking Spaces**

TYPE OF USER	PARKING ANGLE	STALL WIDTH ③ (METRES)	AISLE WIDTH (METRES)	STALL DEPTH ⑥ (METRES)	OVERHANG (METRES)
Class 1 ①	90 degrees	2.4	7	5	0.8
		2.5	6.6	5	0.8
		2.6	6.2	5	0.8
Class 2 ②	90 degrees	2.5	8	5	0.8
		2.6	7	5	0.8
		2.7	6.6	5	0.8
People with disabilities	90 degrees	3.6	8	5	0.8
All	0 degrees	2.5	3.5 ④ 5.5 ⑤	6.1	
All	30 degrees	2.5	3.5	4.4	0.6
All	45 degrees	2.5	3.8	5	0.7
		2.7	3.5	5	0.7
All	60 degrees	2.5	4.5	5.4	0.8
		2.7	4	5.4	0.8
		2.9	3.5	5.4	0.8
<b>Footnotes:</b>					
① Class 1 users are medium to long term parking including areas such as places of work.			④ One-way aisle only.		
② Class 2 users are short-term parking and where goods can be expected to be loaded to or from vehicles.			⑤ Two-way aisle.		
③ Spaces adjacent to walls or columns are 300 millimetres wider.			⑥ Stall depth is 5.8 metres where vehicles park nose-to-nose or tail-to-tail.		

**Cycle Parking**

- (j) Cycle parking laid out in accordance with Schedule 16.2B is provided.

C10 10/07  
Op 3/14  
NPS UD  
9/21**Parking for People with Disabilities**

- (k) A carparking area must be included for people with disabilities. The dimensions of spaces for disabled people are detailed in Figure 16.2D.

C69 6/19  
Op 6/20  
NPS UD  
9/21

**Note:** In accordance with provision D1.3.6 of the Building Act Code, vehicle spaces for use by people with disabilities shall be provided in sufficient numbers.

- (l) Car parking for people with disabilities is located as close as practicable to the activity or building entrance. Each space should be on a level surface and be clearly signed.

### Surface of Parking Areas

- (m) The surface of any parking area in the Residential, Central Business, Commercial, Mixed Business, Tourist Services, Light Industrial and Heavy Industrial zones, and for allotments of 5000 square metres or less in the Papakainga and Rural Residential zones, is formed and sealed, and spaces marked on the ground, except that:
- (i) sealing is not required for parking areas for residential development if no more than two spaces are provided for that development; and
- (ii) marking of spaces is not required for residential development other than compact and comprehensive residential developments where there are more than two units.
- (n) The surface of any parking area for any permitted activity in the Rural 1, 2 and 3 zones, and for allotments of more than 5000 square metres in the Papakainga and Rural Residential zones, is formed to an all-weather surface standard and spaces marked out if the number of car parks provided for the activity exceeds four.

### Stormwater for Parking, Manoeuvring and Loading Areas

- (o) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, stormwater from any parking, manoeuvring, and loading area is either:
- (i) discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater; or
- (ii) the discharge complies with section 36.4 of this Plan.
- (p) Any stormwater drainage feature that forms part of the stormwater drainage network is physically and legally protected from future development that may adversely affect the efficient functioning of the network.
- (q) Stormwater in the Richmond West Development Area, Mapua Commercial Zone and Mapua public car parks from:
- (i) any parking and manoeuvring area greater than 200 square metres; and
- (ii) any loading area where any substance loaded or unloaded has the potential to contaminate the stormwater drainage network; is collected and conveyed through a stormwater interceptor treatment device so that any sediment, hydrocarbon or floating debris that may be present in the stormwater is able to be substantially retained by such a device before there is any discharge to the Council-maintained stormwater drainage network.

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

**Note:** Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems are provided in the current Nelson Tasman Land Development Manual.

**The next page starts on 16/23**

<b>16.2.2.4 Controlled Activities (Land Use - Carparking Layout and Landscape Design in Mapua Public Car Parks, Mapua Commercial Zone and Richmond West Development Area)</b>
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C10 10/07  
Op 3/14C19 5/10  
Op 8/12C22 2/11  
Op 1/15NPS-UD  
9/21

Construction and landscape design of a car park in Mapua public car parks, the Mapua Commercial Zone or the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) is a controlled activity, if it complies with the following conditions:

- (a) The activity complies with conditions (d) to (q) of rule 16.2.2.3.
- (b) Where more than five car parks are provided, the carparking area includes the following features:
  - (i) One specimen tree is planted for every five parking spaces, or where parking spaces are facing in pairs, one specimen tree for every five pairs of parking spaces.
  - (ii) Any trees planted under (i) comply with the following:
    - (a) are species capable of reaching a height of at least 8 metres;
    - (b) are no less than 1.8 metres high at the time of planting, and with a diameter of no less than 50 millimetres at a height of 1 metre;
    - (c) are species capable of growing to 5 metres within 10 years;
    - (d) are located within a protection area having a diameter or dimension of at least 1.8 metres (a minimum area of 2.5 square metres);
    - (e) are distributed throughout the carpark area;
    - (f) comprise a mix of evergreen and deciduous trees.
- (c) Any part of a carparking area (excluding access points) fronting to a road features one specimen tree, meeting conditions (b)(ii)(a) – (d) and (f) along every 10 metres of carparking frontage.
- (d) Trees planted to meet the requirements of condition (c) are planted to separate carparking area activities from pedestrian activities on the street.
- (e) Trees required under conditions (b) and (c), and other plantings where provided, are maintained and replaced where dead, damaged, or diseased.
- (f) Compliance with condition 16.2.2.3(q).

C10 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.

#### **Carpark Location**

- (1) The location of the car park in relation to:
  - (a) ease of access to the building or outdoor area;
  - (b) integration with the building and street frontage;
  - (c) visual dominance when viewed from the road or adjoining Residential Zone;
  - (d) separation from loading, manoeuvring and storage areas.

**Carpark Layout and Design**

- (2) The layout and design of the car park in relation to:
- (a) provision of safe and efficient pedestrian access from the car park to the activity, including the use of design elements such as drop down kerbs, paths and raised crossing points to provide safe and comfortable pedestrian access;
  - (b) where the car park is intended to be used during the evenings, the illumination of the car park, adequacy of lighting, including lux levels, position of lighting and avoidance of contrasting light pools of light and darkness;
  - (c) the degree of visibility and passive surveillance of the car park, such as being viewed from windows;
  - (d) the shape of the car park and the ease and safety of entry and egress, and traffic circulation;
  - (e) the extent of separation of pedestrians from vehicles and dedicated pedestrian access and walkways.

**Carpark Landscaping**

- (3) The landscaping of the car park in relation to:
- (a) the tree species, spacing, height and location within the parking area;
  - (b) tree height and proximity of trees to buildings, and shading effects;
  - (c) the mix of deciduous and evergreen species;
  - (d) the degree of contribution that landscaped areas, including tree planting, makes to breaking up the scale of the car park, creating a pedestrian scale environment, and reducing the visual dominance and stark appearance of large areas of hard surface;
  - (e) the degree of contribution that planting makes to the integration of the car park with the building and assists with reducing visual impacts of bulk and scale;
  - (f) the provision of trees for shading vehicles and creating a comfortable environment, and for lowering stormwater runoff temperatures;
  - (g) the appropriateness of species to the local environment, such as suitability and hardiness;
  - (h) provision of other planting;
  - (i) planting methods; C10 12/09 Op 3/14
  - (j) plant protection methods; C10 10/07 Op 3/14
  - (k) tree root management, including root pit dimensions, soil structure, aeration, irrigation, and proximity to underground services. C10 12/09 Op 3/14

**16.2.2.5 Controlled Activities (Land Use – Transport Depots)**C19 5/10  
Op 8/12

Any public transport depot is a controlled activity, if it complies with the following conditions:

- (a) The activity is not on a site in or adjoining a Residential Zone. C69 6/19 Op 6/20

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

- (1) Location and design of accesses and on-site parking in order to provide for safe vehicle and pedestrian activity at the site.

**16.2.2.6 Restricted Discretionary Activities (Land Use - General)**

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

**16.2.2.6 Restricted Discretionary Activities (Land Use - General)**C19 5/10  
Op 8/12

Any land use that does not comply with the conditions of rules 16.2.2.1 to 16.2.2.5 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:

**Access and Vehicle Crossings**C69 6/19  
Op 6/20

- (1) The location and design of on-site access and vehicle crossings, including dimensions, gradient, surface standard and any effect on the safety and efficiency of traffic on the adjoining road.
- (2) The need to secure registered easements for the use of an access off the site of the activity.
- (3) The adverse effects of an overlength access.
- (4) The adverse effects of an access for more than six users.
- (5) Any mandatory and good practice matters of chapter 4.10 (access, etc.) and 4.12 (parking) of the Nelson Tasman Land Development Manual 2019.

C69 6/19  
Op 6/20**Parking Areas**

- (6) The effects of the trip generation and demand for and supply of parking.
- (7) The securing of rights to use any parking off the site of the activity.
- (8) Special parking needs, such as for people with disabilities, and for cyclists.
- (9) Surface standard for parking areas.
- (10) Any adverse effects from the scale or form of a parking area.

C69 6/19  
Op 6/20**Roads**

- (11) The appropriateness and cost-effectiveness of the formation of any unformed legal road.
- (12) The location and design of any new road formation, including visibility between any intersection or property access and traffic on the road.
- (13) Determining the road hierarchy class of any new road or newly formed road, or any required upgrading of an existing road.
- (14) The need for and extent of any contributions towards the formation of any unformed legal road.
- (15) The location and design of road formation, including driving visibility and any need for improvements at intersections.

C69 6/19  
Op 6/20

**Traffic Effects**

- (16) The effects of the design of the road and its traffic flows and types on the adjoining activity.
- (17) The effects of traffic to, from, and within the site on safety and amenity (including dust and noise) for occupants or users of the site and adjoining properties. C69 6/19  
Op 6/20
- (18) The potential effect of the activity on the safety and efficiency of the road network.
- (19) The effects of trip generation.
- (20) Traffic effects beyond the site, including effects on carriageway width, alignment and intersections.
- (21) The ability of the site to accommodate parking, loading, manoeuvring and access requirements. C69 6/19  
Op 6/20
- (22) Effects of traffic on the pleasantness and vitality of commercial centres and on the environment, in terms of noise, generation of fumes and the safety and efficiency of the road network.

**Stormwater**

- (23) The location and design of any road, crossing, access or parking area, and associated structures, to manage stormwater quality.

**Duration**

- (24) The duration of the consent (Section 123 of the Act).

**Review**

- (25) The purpose and timing of any review of conditions of consent (Section 128 of the Act).
- (26) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**16.2.20 Principal Reasons for Rules****Dust-free Vehicular Access**

The rule will avoid conflict between users of land either side of an unsealed access where dust effects are an issue. Traffic on unsealed roads can cause dust nuisance for residents and activities alongside roads. In most instances the severity of the dust effect is related to the numbers using the road. However, in the case of dust sensitive crops grown adjacent to unsealed roads, damage may be caused at low levels of vehicle activity.

**Access and Vehicle Crossings**C69 6/19  
Op 6/20

The Nelson Tasman Land Development Manual 2019 provides mandatory and good practice matters, for the design and construction of vehicle crossings and access points from private property to the transportation network. The implementation of these matters can ensure that safety, effectiveness and efficiency objectives and policies of the Plan can be met.

## **Parking Requirements**

The rule requires that sufficient parking spaces be provided on a given site in order to reduce cross-boundary and on-street effects arising from the parking generated by the activities on the site. The quantity and location of parking provided in accordance with those rules may not be sufficient for the total growth in parking demand that occurs in the District, nor will the rules ensure that parking is provided where it will most efficiently meet the parking needs of the District. Strategies outside the Plan are needed to meet those goals.

In the larger and busier towns of the District, the Council provides public car parking using funds from financial contributions. The increasing provision of outdoor dining facilities generates a car parking need that is not met by a formula that is related only to the area of buildings.

## **Size of Parking Spaces**

Specific dimensional measurements for parking and manoeuvring of motor cars are provided to ensure ease of movement and safety in car parking areas.

## **Surface of Parking Areas**

The appropriate surfacing of parking and loading area ensures that any adverse effects such as dust, mud or noise, created by manoeuvring vehicles are mitigated. These areas also require drainage to ensure that runoff does not cause inundation or scouring on the property or adjoining properties.

## **Queuing Space on Site**

Queuing space at the entrance to car parking areas provides an area off the road for cars to queue while waiting for manoeuvring vehicles, or for a parking space. This protects the safety and efficiency of the frontage road by reducing blocking of traffic lanes and footpath crossings.

## **Parking for People with Disabilities**

The parking provision for disabled persons reflects the need to cater for a specific minority of the population which is dependent on vehicles.

## **Cycle Parking**

The rule encourages the use of cycles for local travel to and from developments of a size that have the potential to attract reasonable numbers of cyclists.

## **Provision for Loading**

The rules will reduce the occurrences of loading vehicles adversely affecting health and safety, and the efficient use of roads.

## **Traffic Sensitive Activities**

The appropriate location of sensitive activities will provide most effectively for both the health and safety of people and their social and economic well-being.

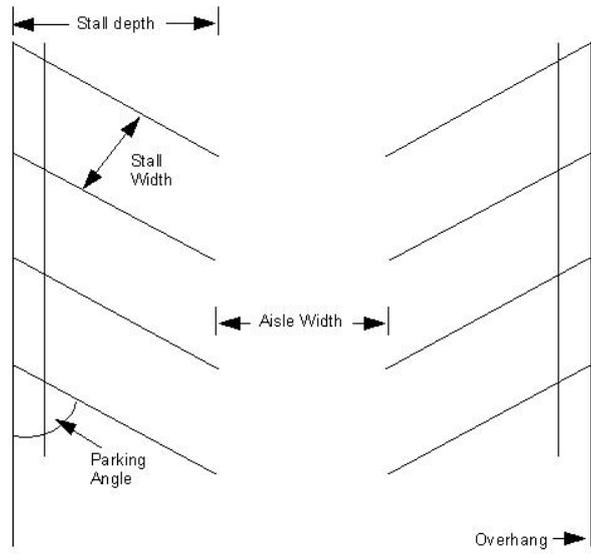
## **High Traffic-Generating Activity**

The principal reason for the rules is to ensure that activities, which generate more than 40 vehicle trips per day, do not conflict with road safety or efficiency.

**SCHEDULES**

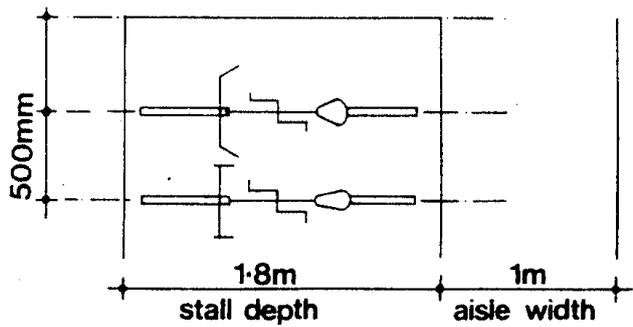
**Schedule 16.2A: Example of Parking Layout**

Refer to rule 16.2.2.3(e).



**Schedule 16.2B: Bicycle Racks**

Refer to rule 16.2.2.3



**Bicycle parking**

Scale 1:50

**The next page starts on 16/43**

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**16.3 SUBDIVISION**

*Refer to Policy sets 5.1 - 5.3, 6.1 – 6.6, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1 - 10.3, 11.1, 11.2, 13.1, 14.1 - 14.4, 21.4, 27.5, 33.3, 33.4.*

*Refer to Rule sections 16.2, 16.4 - 16.6, 16.11, 18.8, 18.12, 18.13, 36.2, 36.4.*

**16.3.1 Scope of Section**

This section deals with subdivision throughout the District. Information required with resource consent applications is stated in Chapter 19 (*refer, in particular, to 19.2.2*). The subdivision of land adjacent to the coastal marine area, or adjacent to rivers or lakes over a certain size, is a discretionary activity dealt with in Section 16.4.

**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

**16.3.2 All Zones****16.3.2.1 No Permitted Subdivision (All Zones)**

No subdivision is permitted in any zone without a resource consent.

**16.3.2.2 Subdivision in the Slope Instability Risk Area**C31 8/10  
Op 1/15

Subdivision in the Slope Instability Risk Area is subject to the rules in section 18.12.2, in addition to the relevant rules of section 16.3.

**16.3.2.3 Subdivision in the Fault Rupture Risk Area**C21 8/10  
Op 1/15

Subdivision in the Fault Rupture Risk Area is subject to the rules in section 18.13.2, in addition to the relevant rules of section 16.3.

**16.3.2.4 Subdivision of Hazardous Activity and Industry List Land**

Subdivision of land identified as currently or previously containing, or potentially containing, hazardous activities or industries must comply with the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. This national standard may alter the activity status of an activity and impose additional standards, matters for assessment and criteria.

A copy of the Hazardous Activity and Industry List (HAIL) can be obtained from Council or through the Ministry for the Environment website.

**16.3.2.5 Subdivision in any Zone Subject to Deferred Zone Rules, or Where Deferred Zoning Has Been Removed**C51 1/15  
Op 9/16

In all zones, where subdivision is a controlled, restricted discretionary, or discretionary activity, and in addition to the applicable requirements of Schedule 16.3C, where land is, or was formerly, subject to Deferred Zone Rules (Section 17.14, and as set out in Schedule 17.14A), services are provided in accordance with:

EITHER

- (a) Mandatory standards of the Nelson Tasman Land Development Manual 2019. C69 6/19 Op 6/20
- OR C51 1/15  
Op 9/16
- (b) The services requirements and concept engineering plans that formed the basis for Council's resolution to remove the deferral of the urban zone for the whole or any part of that land.

Subdivision that does not comply with (a) or (b) is a discretionary activity.

**Note:** Other consents may be required besides subdivision consent where services are to be provided as part of the subdivision, for example, discharge permit, land disturbance consent.

## 16.3.3 Residential Zone

### 16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

C66 10/17  
Op 12/18

Subdivision for standard density development in the Residential Zone is a controlled activity, if it complies with the following conditions:

#### Allotment Area

- (a) Except as provided for in condition (n), every allotment has a minimum net area as set out in Figure 16.3A.

**Figure 16.3A: Minimum Allotment Areas in the Residential Zone**

DESCRIPTION OF LAND TO BE SUBDIVIDED	MINIMUM NET AREA (M <sup>2</sup> )
Without reticulated wastewater servicing	1,000
Except Milnthorpe	1,800
With reticulated wastewater servicing	450
Except:	
(i) Motueka and Richmond complying with rule 16.3.3.1(c).	350
(ii) Allotments adjoining Rural 1 or Rural 2 zones except that on that part of land in Lot 1 DP20082 (Old Wharf Road) and as shown on the planning maps at Motueka as zoned Residential.	1,000
	700
(iia) Allotments at Rototai Road Residential Zone.	600
(iii) Allotments adjoining Industrial Zones.	800
(iiia) Allotments adjoining the Light Industrial Zone at Bird Lane, Wakefield	1,000
(iv) Allotments in St Arnaud Residential Zone not crossed by Alpine Fault (except as specified in (v)).	1,000
(v) Allotments in St Arnaud on Lake Road, Robert Street, Holland Street, Arnaud Street and Bridge Street, south of Black Valley Stream in St Arnaud.	1,800
(vi) Allotment to be used exclusively as a site for a network utility or public work.	1, with no minimum diameter
(vii) Waimea Village	Refer Schedule 17.1D
(viii) Richmond South, Richmond West, Motueka West and Mapua development areas.	Refer rule 16.3.3.1 (n)(i)(a) – (d)
(ix) Richmond East Development Area south east of Hill Street.	600
(x) Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps.	900

C58 11/15  
Op 7/17C10 10/07  
Op 3/14  
C22 2/11 &  
C43 4/13  
Op 1/15  
C20 8/10  
Op 8/12  
C20 8/10  
Op 8/12

DESCRIPTION OF LAND TO BE SUBDIVIDED	MINIMUM NET AREA (M <sup>2</sup> )	
(xi) Tahī St and Iwa St Residential Coastal Zone	One new allotment of at least 650m <sup>2</sup> with a balance allotment of at least 650m <sup>2</sup> may be created from a record of title existing as at 26 February 2011	C22 2/11 Op 1/15
(xii) Richmond Intensive Development Area	<i>Refer rule 16.3.3.1(n)(i)(a) – (d)</i>	C66 10/17 Op 12/18
(xiii) <u>Brightwater and Wakefield Development Areas, where the parent title has a net area of 2 hectares or less.</u>	450	C75 9/22 (d 6/23) C76 9/22
(xiv) <u>Brightwater and Wakefield Development Areas, where the parent title has a net area greater than 2 hectares.</u>	<u>Refer to rule 16.3.3.1B Residential Zone – Specific Location: Brightwater and Wakefield Development Areas</u>	C75 9/22 (d 6/23) C76 9/22

- (b) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the minimum net area for new allotments (except for network utilities) in Motueka and Richmond is 350 square metres if reticulated wastewater servicing is available to the allotment and the following applies:

- (i) the land to be subdivided comprises less than 1 hectare and two or more allotments are to be created and the average net allotment area is at least 500 square metres in Motueka and 450 square metres in Richmond;

- (c) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), for subdivision in Motueka and Richmond where the land to be subdivided comprises more than 1 hectare:

- (i) at least 20 percent of residential allotments have a net area of 700 square metres or more;
- (ii) at least 60 percent of residential allotments have a net area between 550 and 800 square metres;
- (iii) not more than 20 percent of residential allotments have a net area of 550 square metres or less.

- (d) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the land to be subdivided does not include any allotment in Motueka or Richmond of less than 1,000 square metres created by a subdivision approved since 1 January 1987, unless the subdivision is for a network utility.

#### Average Net Area

- (e) Except at St Arnaud and Waimea Village and as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), for subdivisions producing three or more allotments the average net area of each allotment is:

- (i) 1,200 square metres in areas without reticulated wastewater servicing;
- (ii) 600 square metres in areas with reticulated wastewater servicing;
- (iii) 500 square metres in areas with reticulated wastewater servicing in Motueka and 450 square metres in Richmond, where the land to be subdivided comprises less than one hectare;
- (iv) 800 square metres in areas shown as Rototai Road Residential Zone.

#### Frontage

- (f) Except as provided for in condition (n), every allotment that has a frontage has a minimum frontage width of 3.5 metres, except for Waimea Village (*see Schedule 17.1D*).

**Shape Factor**

- (g) Every allotment is capable of containing, within its net area, a circle with a diameter of 16 metres, except for Waimea Village (*see Schedule 17.1D*).

**Lot Width**

- (h) Allotments created by a subdivision that adjoins any Rural or Industrial zone have a width of at least 30 metres between the zone boundary and the farthest boundary of the allotment.

**Services**

- (i) Every allotment in the Richmond West, [Brightwater](#), Motueka West, [Wakefield](#), Richmond East, Richmond Intensive and Mapua development areas (excluding the Residential Coastal Zone) is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or road reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.
- C10 10/07 Op 3/14  
C20 8/10 Op 8/12  
C22 4/13 Op 1/15  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

**Comprehensive Residential Development**

- (k) The subdivision is not part of a comprehensive residential development.

**Existing Buildings**

- (l) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

**Heritage Site or Item Present**

- (m) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
- (ii) a protected tree referred to in Schedule 16.13B in the Richmond West, [Brightwater](#), Motueka West, [Wakefield](#), Richmond East, Richmond Intensive or Mapua development area.
- C10 10/07 Op 3/14  
C16 9/09 Op 8/12  
C20 8/10 Op 8/12  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

**Cultural Heritage Sites**

- (ma) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.
- (mb) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.
- C16 9/09  
Op 8/12  
C66 10/17  
Op 12/18

**Notes:**

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New
- C16 9/09  
Op 8/12  
C66 10/17

	Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.	Op 12/18
<b>Stormwater</b>		C7 7/07 Op 10/10
(mc)	In the Residential Zone:	C10 10/07 Op 3/14
	(i) EITHER:	C66 10/17 Op 12/18
	Stormwater from every allotment 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.	
	(iii) A planting plan and design statement by an appropriately competent person in landscape architecture is provided with any plan submitted showing a stormwater retention area in Motueka West Development Area.	C43 4/13 Op 1/15 C66 10/17 Op 12/18
	<b>Note:</b> A discharge consent may be required where new stormwater infrastructure is being created.	C7 7/07 Op 10/10 C10 10/07 Op 3/14 C66 10/17 Op 12/18
(md)	In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the Part II Special planning map:	C66 10/17 Op 12/18
	(i) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;	
	(ii) the flood flow path surface is constructed or treated to prevent erosion of the surface.	
<b>Cross Boundary Effects</b>		C10 10/07 Op 3/14
(me)		C66 10/17 Op 12/18 C75 9/22 (d 6/23)
	<u>(i) Sites adjoining and within 60 metres of Designation 127 are subject to a consent notice to ensure compliance with condition 17.1.3.1(c).</u>	
	<u>(ii) In the Brightwater Development Area</u>	
	<u>a) A resource consent application for subdivision within 100m of the state highway's white edge line must be accompanied by an acoustic design report, prepared by a suitably qualified and experienced acoustic specialist which details the following:</u>	
	<u>i) The measured or predicted outdoor road traffic noise level, determined in accordance with NZS 6801:2008 Acoustics – Environmental Noise and NZS 6806:2010 Acoustics – Road Traffic Noise – New and Altered Roads.</u>	
	<u>ii) Where the measured or predicted outdoor road traffic noise level exceeds 57 dB L<sub>Aeq</sub> (24h), the report must recommend how the subdivision can best include measures to mitigate the effects of road traffic noise on the inhabitants of any future dwellings and achieve an internal noise level of 40 dB L<sub>Aeq</sub> (24h) in habitable rooms. The report must add 3 dB to the measured or predicted noise level to take into account future growth and peaks in road noise.</u>	

For the purpose of (a):

- Habitable room is defined as per the National Planning Standards – Any room used for the purpose 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.
- As a minimum, noise levels must be measured or predicted within the subdivision area at the boundary closest to the state highway, and at a point furthest from the state highway that is still within 100m of the state highway’s white edge line.
- 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 from the noise analysis.

b) All lots (except network utility lots) within 20m of the state highway’s white edge line must be demonstrated to be of sufficient size and dimension for a complying dwelling to be setback at least 20m from the state highway’s white edge line.

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

- (mf) The transport conditions in Schedule 16.3B are complied with, unless the subdivision is for a single allotment for a network utility.

**Richmond South, Richmond West, Brightwater, Motueka West, Wakefield, Mapua and Richmond Intensive Development Areas**C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

- (n) Subdivision for standard density development in the Richmond South, Richmond West, Motueka West, Wakefield, Mapua, Brightwater and Richmond Intensive development areas, as shown on the planning maps, complies with the following conditions:

**(i) Allotments**C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C75 9/22  
(d 6/23)  
C76 9/22

- (a) The minimum net area of every allotment is at least 350 square metres, except in the Mapua Development Area where each allotment is at least 450 square metres and in the Brightwater and Wakefield Development Areas where Rule 16.3.3.1B(a) applies.

- (b) The minimum average net area for all allotments is 550 square metres, except in the Motueka West area where the minimum average net area is 500 square metres and in the Richmond Intensive Development Area, and in the Brightwater and Wakefield Development Areas, where there is no average.

C10 10/07 Op 3/14  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

- (c) Every allotment is capable of containing a circle with a diameter of 16 metres or greater.

- (d) Except for the Richmond Intensive Development Area, no fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres wide. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.

C66 10/17  
Op 12/18**(ii) Allotment Access and Road Network**

- (a) All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules).

C69 6/19  
Op 6/20

- (b) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.

- (c) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access.

C11 10/07  
Op 10/10

- (d) Except for the indicative roads shown in the Richmond South and the

C10 10/07

	Richmond West development areas on the planning maps;	Op 3/14
(i)	no road in the Richmond South Development Area is designed to connect directly with Hart/Bateup roads, Wensley/Paton roads, Hill Street or State Highway 6;	C66 10/17 Op 12/18 C75 9/22 (d 6/23)
(ii)	no road in the Richmond West Development Area is designed to connect to State Highway 6 or Lower Queen St; and	
(iii)	no road in the Richmond Intensive Development Area is designed to connect to Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street.	
	<u>(iv) no road in the Brightwater Development Area is designed to connect to State Highway 6.</u>	
	<i>[Items (e) and (f) are deleted]</i>	C69 6/19 Op 6/20
(g)	The transport conditions in Schedule 16.3B are complied with.	
(h)	No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area, except that existing lawful access crossings may continue to be used.	C10 10/07 Op 3/14
(i)	No allotment in the Motueka West Development Area created after public notification of Motueka West plan change gains direct access on to Queen Victoria Street except that existing lawful crossings may continue to be used.	C43 4/13 Op 1/15
(j)	No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.	
(k)	No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area, except that existing lawful access crossings may continue to be used.	C10 10/07 Op 3/14
(l)	No allotment created after 28 August 2010 gains direct access from Champion Road or from Salisbury Road if the allotment is located within 215 metres or 100 metres respectively of the intersection of Champion and Salisbury roads as measured from the intersection of the extension of the road boundary tangent point, except that existing lawful crossings may continue to be used.	C20 8/10 Op 8/12
(m)	No allotment in the Richmond Intensive Development Area created after 14 October 2017 gains direct access onto Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street.	C66 10/17 Op 12/18
	<u>(n) No allotment in the Brightwater Development Area gains direct access onto State Highway 6. Lawful existing accessways may continue to be used.</u>	C75 9/22 (d 6/23)
(iii)	<b>Reserves</b>	C5 3/06 Op 10/10
	Subject to but not limited by rule 16.4.2.1:	C10 10/07 Op 3/14
(a)	land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows:	C5 3/06 Op 10/10
	<ul style="list-style-type: none"> <li>• 70 metre wide reserve along Borck Creek from the Light Industrial Zone to the Mixed Business Zone</li> <li>• 15 metre wide reserve along Poutama Drain</li> <li>• 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek</li> </ul>	C10 10/07 Op 3/14

- (b) indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14
- (iv) **Indicative Stormwater Retention Area**
- (a) Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in the Richmond South and Motueka West development areas on the planning maps to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4. C5 3/06  
Op 10/10  
C43 4/13  
Op 1/15
- Notes:** C5 3/06  
Op 10/10
- (1) The Urban Design Guide (Part II, Appendix 2) should be considered in preparing applications under this rule. C10 10/07  
Op 3/14
- (2) In the Richmond South and Mapua development areas, it is intended that all existing reservoirs not expressly forming part of the stormwater network will be dewatered at the time of subdivision. C22 2/11  
Op 1/15

**Allotment Access and Road Network – Richmond East**

C66 10/17 Op 12/18

- (o) Subdivision in the Richmond East Development Area complies with conditions 16.3.3.1 (n)(ii)(a), (n)(ii)(c), and (n)(ii)(l). C20 8/10  
Op 8/12

**Sites in the Coastal Environment Area - Little Kaiteriteri**

- (q) For residential sites 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 within the Coastal Environment Area, no more than 20 percent of indigenous coastal shrubland or coastal forest on a site may be cleared. C73 12/20  
Op 6/23
- In the notated area shown on the planning maps on Record of Title NL 13A/194 (Talisman Heights) or its successive titles, there shall be no more than three residential allotments.

**Landscape Treatment – Old Wharf Road (Motueka) and Mapua Drive**C22 2/11 Op 1/15  
C66 10/17 Op 12/18

- (r) Where allotments are created within 150 metres of the boundary of the Heavy Industrial Zone in Old Wharf Rd (Motueka), subdivision of Pt Lot 3 DP 1654, Lot 2 DP 424497 and Lot 1 DP 20082 (High Street and Old Wharf Road) incorporates a 12-metre wide landscaped earth mound at least 3 metres high along the boundary with the Heavy Industrial Zone.
- (s) Where allotments adjoin Mapua Drive between the Ruby Bay bypass (Te Mamaku Drive) and Aranui Park, amenity plantings 3 metres wide are provided, and there is no close-boarded or solid fencing. C22 2/11  
Op 1/15

**Amenity Plantings within a Boundary Setback – Richmond West Development Area**C10 10/07  
Op 3/14

- (t) In the Richmond West Development Area, amenity plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:
- (i) Adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain southwest to the point where Poutama Drain intersects with the designation.
- (ii) Adjoining the Indicative Collector Road and the Mixed Business Zone, amenity plantings are 2.5 metres wide.

**Amenity Plantings – Richmond West and Mapua Development Area**

- |     |  |   |
|-----|--|---|
|     |  | C66 10/17<br>Op 12/18                       |
| (u) | In the Richmond West and Mapua development areas, a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback or adjoins Mapua Drive at Mapua. | C10 10/07<br>Op 3/14<br>C22 2/11<br>Op 1/15 |
| (v) | In the Richmond West and Mapua development areas, the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.  | C10 10/07<br>Op 3/14<br>C22 2/11<br>Op 1/15 |

**A resource consent is required.** The Council has reserved control over the following matters:

**Traffic**

- |     |   |  |
|-----|---|--|
| (1) | Access.   |  |
| (2) | The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road, or state highway, including: <ul style="list-style-type: none"> <li>• the number of intersections between the frontage of any site and the nearest of those roads;</li> <li>• the driving time between any site and the nearest of those roads;</li> <li>• the walking distance between any site and an arterial or principal road, along public roads, pedestrian ways, or footpaths through reserves.</li> </ul> | C69 6/19<br>Op 6/20<br>C69 6/19<br>Op 6/20 |
| (3) | The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.   |  |
| (4) | Any mandatory or good practice matters of chapter 4 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the safe, efficient and effective provision of transportation and access.   | C69 6/19<br>Op 6/20                        |
| (5) | The relationship of any new road with existing roads, adjoining land, and any future roading requirements.  |  |

**Services**

- |     |  |  |
|-----|--|--|
| (6) | Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary. |  |
|-----|--|--|

**Stormwater Management**

- |     |   |                      |
|-----|---|----------------------|
| (7) | Any matter necessary to manage stormwater run-off, including low impact design solutions where appropriate.   | C7 7/07<br>Op 10/10  |
| (8) | The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.   | C10 10/07<br>Op 3/14 |
| (9) | Any mandatory or good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the efficient and effective provision of stormwater network reticulation. | C69 6/19<br>Op 6/20  |

**Open Space/Reserves**

- |      |  |                   |
|------|--|-------------------|
| (10) | The extent and location of indicative reserves.  | C10 10/07 Op 3/14 |
| (11) | The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse. | C7 7/07 Op 10/10  |

**Access for Earthworks**

- (12) Location and effects of earthworks necessary to achieve (1) and (7). C10 10/07 Op 3/14 |

**Natural Heritage**

- (13) Potential effects on heritage protection and protected trees. C10 10/07 Op 3/14 |
- (14) Potential adverse effects on wetland values.
- (15) Potential adverse effects on indigenous coastal vegetation and fauna values at Little Kaiteriteri/Stephens Bay.
- (16) The degree of compliance with any mandatory requirements of the Nelson Tasman Land Development Manual 2019. C69 6/19 Op 6/20 |

**Cultural Heritage**

- (17) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09 Op 8/12  
C66 10/17 Op 12/18
- (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
- (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
- (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
- (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

**Richmond South, Richmond West, Brightwater, Motueka West, Wakefield, Mapua and Richmond Intensive Development Areas**

- (18) For subdivision for standard density development in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua and Richmond Intensive development areas, control over the following matters apply: C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 & C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22 (d 6/23)  
C76 9/22
- (a) The extent to which the road network is interconnected within the subdivision and with adjoining networks, including the street network, walkways and cycleway connectedness.
- (b) Except for the Richmond Intensive Development Area, the layout of allotments in terms of providing for a range of allotment densities, street-facing frontages and with access to public spaces, walkways and reserves.
- (c) The extent to which the proposed subdivision provides for reserves and public open spaces for the use and enjoyment of communities.
- (d) The visibility of all public spaces, including roads, walkways and reserves, and the degree of passive surveillance from future dwellings.
- (e) The degree to which the proposed subdivision has used landscaping and vegetation plantings within public spaces, including road reserve, to provide for a high amenity environment.

- (f) The ability of each allotment to accommodate a dwelling, accessory buildings, on-site parking and access in accordance with rule 17.1.3.1.
- (g) The effective management of stormwater, including the use of low impact design solutions, where practicable.
- (ga) In the Wakefield Development Area, any matter necessary to manage flood and dam break hazard risk.
- (h) The proposed management of any temporary or permanent effects arising from vegetation removal, earthworks and landscaping.
- (i) The management of risk of property damage or nuisance from potential natural hazards.
- (j) Except for the Richmond Intensive Development Area, the degree to which the potential for reverse sensitivity of existing rural activities arising from adverse cross-boundary effects on new residential development has been accounted for in the subdivision design.
- (k) The extent of retention and integration of existing trees and groups of trees into the subdivision design.
- (l) The degree of application of the design guidelines in the Urban Design Guide (Part II, Appendix 2) to the matters identified within the document, where relevant.
- (m) Ensuring adequate ongoing maintenance and replacement of amenity plantings.
- (n) The extent to which the number of individual allotment accesses onto Hart/Bateup and Wensley/Paton roads and Hill Street has been minimised.
- (o) In the Brightwater Development Area, where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to manage potential noise and vibration effects from the state highway.

**Note:** Further guidance about good urban design and low impact development can be found in the Urban Design Guide (Part II, Appendix 2).

#### Richmond East Development Area

- (19) For subdivision in the Richmond East Development Area, the following matter applies:
- (a) The extent to which the number of individual allotment accesses onto Champion Road or Salisbury Road, if located within 215 metres or 100 metres respectively of the intersection of Champion and Salisbury roads, has been minimised.

C20 8/10  
Op 8/12  
C66 10/17  
Op 12/18

#### Amenity Plantings - Richmond West Development Area

- (20) For subdivision in the Richmond West Development Area, the following matters apply:
- (a) Landscaping and amenity plantings for the identified allotments, including the type, height (at planting time and at maturity), girth at planting, location of species to be planted, planting plan, planting and maintenance programme, and bunding.
  - (b) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.
  - (c) The extent to which the amenity plantings create a visually attractive appearance when viewed from public roads and reserves, and adjoining zones.
  - (d) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and

C10 10/07  
Op 3/14  
C66 10/17  
Op 12/18

reserves.

- (e) The depth and height of plantings.
- (f) The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth.
- (g) The appropriateness of the species to the local environment and conditions.
- (h) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.

- (21) The degree to which the width and height of planting and bunding mitigates adverse effects arising from the operation of the State Highway network and contributes to the enhancement of major traffic corridors. C10 10/07  
Op 3/14  
C66 10/17  
Op 12/18
- (22) Financial contributions. C66 10/17  
Op 12/18
- (23) All matters referred to in Section 220 of the Act.
- (24) Bonds and covenants. C10 10/07 Op 3/14  
C66 10/17 Op 12/18

**16.3.3.1A Controlled Subdivision (Residential Zone – Specific Location: Richmond Intensive Development Area)**

C66 10/17  
Op 12/18

Subdivision for intensive development in the Richmond Intensive Development Area is a controlled activity, if it complies with the following conditions:

**Allotment Area**

- (a) The minimum net allotment area is 200 square metres.

**Allotment Access and Road Network**

NPS-UD  
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- (b) The subdivision meets the controlled conditions (n)(ii)(a)-(d), (n)(ii)(g), (n)(ii)(m) and (n)(iii)(b) of rule 16.3.3.1.

**Complying Building Envelope**

- (c) Each application is accompanied by a complying building envelope showing a building location area and compliance with the conditions contained in rule 17.1.3.4C relating to building and site coverage, building setbacks from internal and external boundaries, building envelope, outdoor living space, fences, building height, building length and the parking and access conditions for the Richmond Intensive Development Area in Figures 16.2A.

**Services, Heritage Site or Item Present, Cultural Heritage Sites, Protected Trees, Stormwater and Transport**

C66 10/17  
Op 12/18

- (d) The subdivision meets controlled conditions 16.3.3.1(i), (m) to (mf).

C73 12/20  
Op 6/23

### Existing Buildings

- (e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a Restricted Discretionary activity with the 17.1.3.4C zone rules relating to site and building coverage, fences, outdoor living space, setbacks, building envelope, building height and length, stormwater; and with parking and access requirements under the relevant general rules.

**A resource consent is required.** The Council has reserved control over the following matters:

- (1) Matters (2) and (3) listed in 16.3.3.3 relating to site layout.
- (2) Matter (4) listed in 16.3.3.3 relating to solar access and privacy.
- (3) Matters (6) and (7) listed in 16.3.3.3 relating to servicing.
- (4) Matters (8) and (9) listed in 16.3.3.3 relating to landscape treatment.
- (5) Matter (12) listed in 16.3.3.3 relating to open space/reserves.
- (6) Matters (29) and (30) listed in 16.3.3.3 relating to energy efficiency.

### General

- (7) Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.
- (8) The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.
- (9) The vesting in Council of any allotment in connection with the servicing of any other land by a stormwater network utility under the control of the Council.

### Earthworks

- (10) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as water courses.
- (11) Whether the proposed earthworks will increase or decrease the risks from natural hazards either on, or outside, the land being subdivided.

### Stormwater

- (12) The actual and potential adverse effects of the subdivision in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following:
  - (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 extent to which the subdivision design has taken into account changes in land cover and the proposed measures to avoid, remedy or mitigate the effects of those changes on stormwater flows and water quality.
  - (c) The degree to which the subdivision has used Low Impact Design solutions in the management of stormwater.

- (d) The degree of maintenance or enhancement of natural drainage characteristics in the overall subdivision design and allotment layout.
- (e) The regard for existing and reasonably expected future land-use changes within the catchment of the subdivision.
- (f) 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.
- (g) The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been applied to the subdivision design.
- (h) The methods proposed to avoid damage to downstream properties from altered stormwater flows and effectiveness of those methods.

### **Archaeological or Heritage Sites**

- (13) In relation to land, including a heritage site or item referred to in Schedules 16.13A, 16.13C or 18.1A:
- (a) whether the proposed subdivision would have an adverse or beneficial effect on the integrity or heritage value of the site or item, and the extent of that effect;
  - (b) the extent to which land integral to the significance of an archaeological site or site of significance to Māori would be separated from that site;
  - (c) the provisions of any relevant management plan.

### **Protected Trees**

- (13A) In relation to a protected tree referred to in Schedule 16.13B:
- (a) whether the proposed subdivision would have an adverse or beneficial effect on the protected tree, and the extent of that effect;
  - (b) the provisions of any relevant management plan.

### **Access and Roads**

- (14) The extent to which an existing road needs to be upgraded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of section 18.8 rules for that particular class of road.
- (15) The ability to comply with the site access and vehicle crossing requirements of rule 16.2.2.1.
- (16) Financial contributions.
- (17) All matters referred to in Section 220 of the Act.
- (18) Bonds and covenants.

### **Non-Notification**

Applications for resource consent that comply with the conditions of this rule (16.3.3.1A) will be decided without limited notification and without public notification.

In respect of non-compliance with condition 16.3.3.1(n)(ii)(b) [cul-de-sac length], applications for resource consent for an activity under this rule will be decided without limited notification and without public notification.

C66 10/17  
Op 12/18

**16.3.3.1B Controlled Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas)**

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

Subdivision in the Brightwater and Wakefield Development Areas is a controlled activity, if it complies with the following conditions:

**Allotment Area**

- (a) Every allotment created by the subdivision has a net area as stated in Figure 16.3AB, except where Compact Density Provisions are used in which case there are no minimum allotment area requirements for the Compact Density Development.

**Figure 16.3AB: Minimum Allotment Areas in the Brightwater and Wakefield Development Areas:**

DESCRIPTION OF LAND TO BE SUBDIVIDED	NET AREA REQUIREMENTS (M <sup>2</sup> )
(i) <u>Where the land to be subdivided has a net area of 2 hectares or less</u>	<u>Refer to Rule 16.3.3.1 Figure 16.3A (xiii) Standard Density Subdivision</u>
(ii) <u>Where the land to be subdivided has a net area greater than 2 hectares</u>	<p>a) <u>A minimum of 20% of the allotments created have a net area of between 270m<sup>2</sup> and 350m<sup>2</sup>.</u></p> <p style="text-align: center;"><u>And</u></p> <p>b) <u>A minimum of 20% of the allotments created have a net area of between 350m<sup>2</sup> and 450m<sup>2</sup>.</u></p> <p><u>A maximum of 50% of the allotments created can utilise the allowances under (ii)(a) and (ii)(b) above. The minimum net area for the remaining allotments is 450m<sup>2</sup>.</u></p> <p><u>NOTE: The net area requirements do not apply to Compact Density, however, Compact Density subdivision and land use rules (16.3.3.3 and 17.1.3.3) can contribute to achieving the requirements of this rule in both size categories (ii)(a) and (ii)(b).</u></p>

**Allotment Access and Road Network**

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

- (b) The subdivision meets the controlled conditions: 16.3.3.1(n)(i)(c-d), (n)(ii)(g), and (n)(ii)(n) Allotment Access and Road Network.

**Services, Existing Buildings, Heritage Site or Item Present, Cultural Heritage Sites, Protected Trees, Stormwater, Transport and Reserves**

C75 9/22  
(d 6/23)

- (c) The subdivision meets the conditions of:
  - (i) 16.3.3.1(i) Services
  - (ii) 16.3.3.1(l) Existing Buildings

- (iii) 16.3.3.1(m) Heritage Site or Item Present
- (iv) 16.3.3.1(ma)-(mb) Cultural Heritage Site
- (v) 16.3.3.1(mc) Stormwater
- (vi) 16.3.3.1(me)(ii) Cross Boundary Effects (this applies to the Brightwater Development Area only and not the Wakefield Development Area).
- (vii) 16.3.3.1(mf) Transport
- (viii) 16.3.3.1(n)(iii)(b) Reserves
- (ix) 16.3.3.2A (f) Comprehensive Development

**Matters of Control**C75 9/22  
(d 6/23)

- (i) Matters (1)-(18) listed in 16.3.3.1
- (ii) The ability to achieve a variety of housing density options.
- (iii) Financial Contributions.
- (iv) All Matters referred to in Section 220 of the Act
- (v) Bonds and covenants.

**16.3.3.2 Restricted Discretionary Subdivision (Residential Zone – Listed Cultural Heritage Site)**C16 9/09  
Op 8/12

Subdivision in the Residential Zone that does not comply with controlled condition (ma) of rule 16.3.3.1 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 the Council has restricted its discretion:

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
  - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**16.3.3.2A Restricted Discretionary Subdivision (Residential Zone - Standard Density Development)**C66 10/17  
Op 12/18C75 9/22  
(d 6/23)

Subdivision for standard density development in the Residential Zone that does not comply with the controlled conditions of rule 16.3.3.1 is a restricted discretionary activity, if it complies with the following conditions:

**Stormwater**

(a) In the Residential Zone:

(i) EITHER:

Stormwater from every allotment 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.

C66 10/17  
Op 12/18

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.

**Note:** A discharge consent may be required where new stormwater infrastructure is being created.

(b) In the Richmond Intensive

Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the Part II Special planning map:

(i) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;

(ii) the flood flow path surface is constructed or treated to prevent erosion of the surface.

**Richmond South, Richmond West, Brightwater, Wakefield, and Richmond Intensive Development Areas**C10 10/07  
Op 3/14(c) Land to be subdivided for standard density development in the Richmond South, Richmond West, Brightwater, Wakefield and Richmond Intensive development areas that does not comply with the conditions of rule 16.3.3.1 is a restricted discretionary activity, if it complies with the following conditions:C66 10/17  
Op 12/18C75 9/22  
(d 6/23)  
C76 9/22**Minimum Allotment Size**(i) The minimum net area for each allotment is 350 square metres, except in the Brightwater and Wakefield Development Areas where:

- The minimum net area for each allotment is 450 square metres if the land to be subdivided comprises 2 hectares or less in net area.
- The minimum net area for each allotment is in accordance with Rule 16.3.3.2C Restricted Discretionary Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas) if the land to be subdivided is greater than 2 hectares in net area.

**Allotment Access, Road Network, Reserves and Indicative Stormwater Retention Area**(ii) The subdivision meets conditions 16.3.3.1(n)(ii)(a), (n)(ii)(c) to (n)(ii)(~~an~~), (n)(iii) and (n)(iv).

(ii) Except in the Richmond Intensive Development Area, the subdivision meets condition 16.3.3.1(n)(ii)(b).

**Reverse Sensitivity**(iv) The subdivision must comply with 16.3.3.1(me)(ii) and (iii) Cross Boundary

*Effects. (This applies to the Brightwater Development Area and not the Wakefield Development Area).*

**Amenity Plantings within a Boundary Setback – Richmond West Development Area**

C10 10/07  
Op 3/14

- (d) In the Richmond West Development Area amenity, plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:
- (i) adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain south west to the point where Poutama Drain intersects with the designation.
- (ii) adjoining the Indicative Collector Road and Mixed Business Zone, amenity plantings are 2.5 metres wide.
- (iii) a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback.
- (iv) the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.

C66 10/17  
Op 12/18

**Tahi and Iwa Streets, Mapua**

C22 2/11  
Op 1/15

- (e) The subject land is not in the Residential Coastal Zone at Tahi Street or Iwa Street, Mapua.

C66 10/17  
Op 12/18

**Comprehensive Development**

C66 10/17  
Op 12/18

- (f) The subdivision is not part of a Comprehensive Development.

C75 9/22  
(d 6/23)

**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) Matters (1) to (37) of rule 16.3.3.3 *Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations).*

**Non-Notification**

In respect of non-compliance with condition (c)(iii) [cul-de-sac length], applications for resource consent for an activity under this rule will be decided without limited notification and without public notification.

**16.3.3.2B Restricted Discretionary Subdivision (Residential Zone — Specific Location: Richmond Intensive Development Area)**

C66 10/17  
Op 12/18  
C73 12/20  
Op 6/23

Subdivision for intensive development in the Richmond Intensive Development Area that does not comply with the controlled conditions of rule 16.3.3.1(mc) is a restricted discretionary activity, if it complies with the following conditions:

- (a) The subdivision meets controlled conditions 16.3.3.1(i), (m) to (mb), (md) to (mf) and 16.3.3.1A (a) to (c).

C66 10/17  
Op 12/18  
C73 12/20  
Op 6/23

**16.3.3.2C Restricted Discretionary Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas)**

- (b) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a Restricted Discretionary activity with the 17.1.3.4C zone rules relating to site and building coverage, fences, outdoor living space, setbacks, building envelope, building height and length; and with parking and access requirements under the relevant general rules.

**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:

C66 10/17  
Op 12/18

- (1) Matters (1) to (18) of rule 16.3.3.1A.
- (2) The layout and design of a subdivision in relation to stormwater.

**Non-Notification**

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

**16.3.3.2C Restricted Discretionary Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas)**

C75 9/22  
(d 6/23)

(a) Subdivision in the Brightwater Development Area and Subdivision for intensive development in the Wakefield Development Area, that does not comply with the controlled conditions of rule 16.3.3.1B is a restricted discretionary activity, if it complies with the following conditions:

- i) 16.3.3.1B(a)-(b) Minimum Allotment Size
- ii) 16.3.3.1(n)(ii)(a), (n)(ii)(b), (n)(ii)(c), (n)(ii)(g) and (n)(ii)(n) Allotment Access and Road Network
- iii) 16.3.3.1 (me)(ii) Cross Boundary Effects (this applies to the Brightwater Development area and not the Wakefield Development area).
- iv) 16.3.3.2A(a) Stormwater
- v) 16.3.3.2A (f) Comprehensive Development

(b) Matters of control  
Matters (1) to (37) of Rule 16.3.3.3 (Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations))

**16.3.3.3 Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)**

C5 3/06  
Op 10/10

Subdivision for compact density development in the Residential Zone is a restricted discretionary activity, if it complies with the following conditions:

C66 10/17  
Op 12/18

**Compact Density Development in Richmond, Brightwater, Wakefield, Mapua and Motueka**

C5 3/06 Op 10/10  
C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

- (a) Land to be subdivided for 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, complies with the following conditions:

- |       |   |  |
|-------|---|--|
| (i)   | <b>Land Requirements</b>  | C5 3/06 Op 10/10<br>C22 2/11 Op 1/15<br>C43 4/13 Op 1/15<br>C66 10/17 Op 12/18<br>C75 9/22<br>(d 6/23)<br>C76 9/22 |
| (a)   | The subject land comprises (either in one or more existing titles) at least 1500 square metres in the Richmond South, Richmond West, <u>Brightwater, Wakefield</u> , and Mapua Special development areas and the Motueka West Compact Density Residential Area.   |  |
| (ii)  | <b>Allotments</b>   | C5 3/06<br>Op 10/10  |
|       | <i>Allotment Area</i>   | C22 2/11<br>Op 1/15  |
| (a)   | There is no minimum net allotment area, except that in the Mapua Special Development Area the minimum allotment area is 200 square metres and except that in the Motueka West Compact Density Residential Area the minimum allotment area is 270 square metres.   | C43 4/13<br>Op 1/15  |
|       | <i>Allotment Layout</i>   |  |
| (b)   | The design and layout of each allotment has been established by reference to the siting of the dwelling and any other building on the allotment, to be authorized by land use consent under rule 17.1.3.3. For the avoidance of doubt, this means that both land use and subdivision consents must be applied for and processed at the same time. |  |
|       | <b>Note:</b> Council will ensure that this standard can be complied with by requiring the lodgement of all land use consent applications at the same time as the subdivision consent application, under Section 91 of the Act.  |  |
|       | <i>Allotment Frontage</i>   |  |
| (c)   | No fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.  |  |
| (iii) | <b>Allotment Access and Road Network</b>  |  |
| (a)   | All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules).   | C69 6/19<br>Op 6/20  |
| (b)   | Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.  |  |
| (c)   | Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access.  | C11 10/07<br>Op 10/10  |
| (d)   | Except for the indicative roads shown in the Richmond South and Richmond West development areas on the planning maps:   | C11 10/07<br>Op 10/10  |
|       | (i) no road in the Richmond South Development Area is designed to connect directly to Hart/Bateup roads, Wensley/Paton roads, Hill Street and State Highway 6; and  |  |
|       | (ii) no road in the Richmond West Development Area is designed to connect directly to State Highway 6, State Highway 60, Lower Queen Street and McShane Road.   |  |
|       | <i>[Items (e) and (ea) are deleted]</i>   | C69 6/19<br>Op 6/20  |
| (f)   | The transport conditions in Schedule 16.3B are complied with.   |  |
| (g)   | No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area. Existing lawful access crossings may continue to be used.  | C11 10/07<br>Op 10/10  |

(h)	No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.	
(i)	No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area.	C10 10/07 Op 3/14
<u>(j)</u>	<u>No allotment gains direct access from State Highway 6 in the Brightwater Development Area. Existing lawful access crossing may continue to be used.</u>	C75 9/22 (d 6/23)
(iv)	<b>Reserves</b>	C5 3/06 Op 10/10 C10 10/07 Op 3/14
	Subject to but not limited by rule 16.4.2.1:	
(a)	Land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: <ul style="list-style-type: none"> <li>• 70 metre wide reserve along Borck Creek from Light Industrial Zone to the Mixed Business Zone;</li> <li>• 15 metre wide reserve along Poutama Drain;</li> <li>• 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;</li> </ul>	C5 3/06 Op 10/10 C10 10/07 Op 3/14
(b)	Indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.	C5 3/06 Op 10/10 C10 10/07 Op 3/14
(v)	<b>Indicative Stormwater Retention Area</b>	C5 3/06 C7 7/07 Op 10/10
(a)	Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in Richmond South and Motueka West development areas on the planning maps, to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4.	C43 4/13 Op 1/15
<u>(vi)</u>	<u><b>Reverse Sensitivity</b></u>	C75 9/22 (d 6/23)
	<u>The subdivision must comply with 16.3.3.1(me)(ii) Cross Boundary Effects.</u>	
	<b>Amenity Plantings within a Boundary Setback – Richmond West Development Area</b>	C66 10/17 Op 12/18
(b)	The subdivision meets condition (d) of rule 16.3.3.2A.	
	<b>Stormwater</b>	C5 3/06 Op 10/10
(f)	In the Residential Zone:	C10 10/07 Op 3/14
(i)	EITHER:	
	Stormwater from every allotment 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	

- 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.
- Note:** A discharge consent may be required where new stormwater infrastructure is being created.

C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14

**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:

C5 3/06  
Op 10/10

### Site Layout

- (1) The extent to which the mix of allotment sizes can provide for different housing types and densities.
- (2) Whether each allotment has appropriate area and shape to enable efficient siting and construction of one or more dwellings and any ancillary buildings, provision of private outdoor space, convenient vehicle access to a public road, and adequate on-site parking.
- (3) Where the subject land adjoins any developed site with a different density character, the extent to which the allotment layout and location of any dwelling or building location area avoids or mitigates adverse amenity effects across the property boundary.

### Privacy and Solar Access

C22 2/11  
Op 1/15

- (4) In the case of compact density developments, whether allotments and proposed dwellings are designed and shaped to protect the privacy of and solar access for future occupiers.

### Safety

- (5) The extent to which the subdivision will enhance personal safety by providing urban open spaces to be fronted and overlooked by housing and actively used facilities.

### Servicing

- (6) The extent to which the street and allotment layout enables efficient provision of infrastructure to new areas.
- (7) The likely effects of the subdivision in relation to the location of significant infrastructure facilities and networks and any related constraints on nearby development, and whether they have been identified and protected.

### Landscape Treatment

- (8) The extent to which the use of landscape treatment will enhance street amenity, the use and enjoyment of public spaces, and differentiate street hierarchy.
- (9) The ability to use landscaping to direct run-off from impervious areas into vegetated landscaped areas to filter and soak up stormwater.

### Open Space/Reserves

- (10) The extent to which the subdivision provides well-distributed small neighbourhood reserves that contribute to the legibility and character of the area, provide for a range of uses and activities, and are cost-effective to maintain.
- (11) The extent to which greenway reserves incorporate stormwater management and use low impact stormwater management principles.
- (12) The extent and location of reserves, sportsgrounds, and urban open space and amenity reserves.

C10 10/07  
Op 3/14

- (12A) The extent to which mandatory and good practice matters of chapter 10 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of parks and reserves. C69 6/19  
Op 6/20

#### **Traffic (streets, access, parking, manoeuvring, loading)**

- (13) Whether the road network provides a high level of internal connectivity and good external linkages for local vehicle, pedestrian and cycle movements, incorporating traffic management to control vehicle speed and create safe conditions for all street users.
- (14) The ability of roads to provide multi-purpose public spaces that are designed to balance their role for traffic with their other roles as community spaces, pedestrian environments with easy access to the town centre, parking, and as settings for residential and commercial uses. C43 4/13  
Op 1/15
- (15) The extent to which roads provide an attractive streetscape which enhances the amenity of adjacent housing and development.
- (16) The extent to which the number of individual allotment accesses onto Hart/Bateup and Wensley/Paton roads, Hill Street, Salisbury Road, Wensley Road, Oxford Street, Gladstone Road and Queen Street has been minimised. C66 10/17  
Op 12/18

#### **Stormwater Management**

- (17) Whether an integrated approach to stormwater management is used, by creating areas of open space (including reserves along watercourses and some streets with swales), that can be used for effective stormwater management, including enhancing water quality without compromising an efficient urban structure. In the Mapua Special Development Area, the provisions of the Site Management Plan will need to be complied with. C22 2/11  
Op 1/15
- (18) The extent to which natural and artificial watercourses, wetlands and riparian vegetation are retained and enhanced, while also making alignment modification that may be appropriate to enhance the urban structure.
- (19) Any matter set out in Schedule 16.3A. C7 7/07 Op 10/10
- (19A) The extent to which mandatory and good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of stormwater networks. C69 6/19  
Op 6/20
- (19B) In the Wakefield Development Area, the management of flood and dam break hazard risks. C76 9/22

#### **Richmond West Development Area Amenity Plantings**

- (20) Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding. C10 10/07  
Op 3/14
- (21) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.
- (22) The extent to which the amenity plantings create a visually attractive appearance when viewed from roads, reserves and adjoining zones.
- (23) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.
- (24) The depth and height of plantings from the Open Space Zone and the Borck Creek indicative reserve.

- (25) The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth within the buffer in front of screen planting.
- (26) The appropriateness of the species to the local environment and conditions.
- (27) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.
- (28) The degree to which the width and height of planting and bunding mitigates adverse effects arising from the operation of the state highway network and contributes to the enhancement of major traffic corridors.

### Energy Efficiency

- (29) The extent to which street and allotment orientation and dimensions facilitate the siting and design of dwellings that are energy efficient.
- (30) The extent to which the orientation and design of buildings facilitates energy efficiency.

### Urban Design Guide (Part II, Appendix 2)

C10 10/07 Op 3/14

- (31) Consistency with the Urban Design Guide (Part II, Appendix 2).

C22 2/11 Op 3/14

### Reverse Sensitivity Effects

- (32) Where the allotment adjoins any rural zone, the extent to which the potential for adverse cross-boundary effects from rural activities have been avoided, remedied or mitigated.

(32A) In the Brightwater Development Area where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to manage potential noise and vibration effects from the state highway.

C75 9/22  
(d 6/23)

### Cul-de-sac Road Access

- (33) The extent to which road access by a cul-de-sac that is greater than 80 metres is appropriate, due to physical or legal constraints such as land topography and geographical features, restrictions on road access to the external network, sight, shape and size, and land ownership.

C5 3/06  
Op 10/10

### Miscellaneous

- (34) Any relevant matter in Schedule 16.3A.
- (35) Financial contributions.
- (36) All matters referred to in Section 220 of the Act.
- (37) Any matters relevant to the current Engineering Standard.

### Non-Notification

Where condition (b) of this rule applies, and only in respect of non-compliance with condition 16.3.3.1(n)(ii)(b) (being cul-de-sac length), applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

C5 3/06  
Op 10/10C75 9/22  
(d 6/23)  
C76 9/22

In the Brightwater and Wakefield Development Areas, applications for resource consent that comply with the conditions of this rule (16.3.3.3) will be decided without limited notification (RMA s95B) or public notification (RMA s95A).

**16.3.3.4 Discretionary Subdivision (Residential Zone)**

(a) Except as provided for in conditions (b), (ba) and (c) of this rule, subdivision in the Residential Zone that does not comply with the restricted discretionary conditions of 16.3.3.2A for standard density development or the restricted discretionary conditions of rule 16.3.3.2 is a discretionary activity. C66 10/17  
Op 12/18

(aa) Subdivision which is part of a comprehensive residential development and is the subject of concurrent resource consent applications for all other resource and building consents required for the development is a discretionary activity.

**Richmond South, Richmond West, Wakefield, Motueka West, Mapua, Brightwater, and Mapua Special Development Areas**C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15

(b) Subdivision in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West and Mapua development areas and Mapua Special Development Area that does not comply with rule 16.3.3.2A, ~~or~~ rule 16.3.3.3, rule 16.3.3.1B, or 16.3.3.2C is a discretionary activity, if it complies with the following conditions: C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

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

(i) The subdivision has a minimum net area of 350 square metres for each allotment, except that the Mapua Development Area has a minimum net area of 450 square metres and the Mapua Special Development Area has a minimum net area of 200 square metres and Motueka Compact Density Residential Area has a minimum net area of 270 square metres, and the Brightwater and Wakefield Development Areas has site areas complying with 16.3.3.1B(a). C22 2/11  
Op 1/15  
C43 4/13  
Op 1/15  
C75 9/22  
(d 6/23)  
C76 9/22

**OR**

(ii) The subdivision is a compact density subdivision proposal and complies with rule 16.3.3.3(a)(iii)(a), (a)(iii)(c) to (a)(iii)(i)(i), (a)(iv), and (a)(v). C10 10/07  
Op 3/14  
C75 9/22  
(d 6/23)

**Richmond Intensive Development Area**C66 10/17  
Op 12/18

(ba) Subdivision in the Richmond Intensive Development Area that does not comply with the restricted discretionary conditions of rule 16.3.3.2A for standard density development or the restricted discretionary conditions of rule 16.3.3.2B for intensive development is a discretionary activity, if it complies with the following conditions:

(i) The subdivision proposal complies with conditions 16.3.3.1(n)(ii)(c) and 16.3.3.1(n)(iii)(b).

**Tahi and Iwa Streets, Mapua**C22 2/11  
Op 1/15

(c) Subdivision is not in the Mapua Residential Coastal Zone at Tahi Street or Iwa Street, Mapua. C66 10/17  
Op 12/18

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act. In considering applications and determining conditions, Council will have particular regard to the following matters:

C10 10/07 Op 3/14  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18

(1) The degree of compliance with the applicable conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.1B, 16.3.3.2, 16.3.3.2A, 16.3.3.2B, 16.3.3.2C, and 16.3.3.3. C66 10/17  
Op 12/18  
C75 9/22  
(d 6/23)

(2) The reasons for non-compliance with the conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.1B, 16.3.3.2, 16.3.3.2A, 16.3.3.2B, 16.3.3.2C, and 16.3.3.3 that have not been met. C76 9/22

(3) The extent to which the matters in Schedules 16.3A and 16.3B have been met.

- (4) Consistency with the Urban Design Guide (Part II, Appendix 2).

C10 10/07 Op 3/14  
C22 2/11 Op 1/15

Council may also consider any other relevant matter in the Plan or the Act.

#### Non-Notification

C58 11/15  
Op 7/17

Applications for resource consent for an activity on two specified locations close to the centre of Wakefield, shown on Zone maps 91 and 58, will be decided without public notification and without limited notification.

#### 16.3.3.5 Discretionary Subdivision (Residential Zone – Specific Location)

C20 8/10  
Op 8/12

Subdivision in the Residential Zone in the Richmond East Development Area that does not comply with rule 16.3.3.1 is a discretionary activity, if it complies with the following condition:

- (a) Conditions 16.3.3.1(i) and (n)(ii)(a), (n)(ii)(c) and (n)(ii)(l).

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

#### 16.3.3.6 Discretionary Subdivision (Residential Closed Zone)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Residential Closed Zone is a discretionary activity, if it complies with the following conditions:

- (a) It does not create any additional allotments on which a dwelling can be built.
- (b) Following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

Council may also consider any other relevant matter in the Plan or the Act.

#### 16.3.3.7 Non-Complying Subdivision (Residential Zone)]

Subdivision in the Richmond South, Richmond West, Richmond East, Richmond Intensive, [Brightwater](#), [Wakefield](#), Motueka West, Mapua and Mapua Special development areas and comprehensive subdivision that does not comply with rule 16.3.3.4 or rule 16.3.3.5 is a non-complying activity.

C10 10/07 Op 3/14  
C20 8/10 Op 8/12  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C51 1/15 Op 9/16  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

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

C5 3/06 Op 10/10

#### 16.3.3.8 Prohibited Subdivision (Residential Closed Zone)

Except as provided for in rule 16.3.3.4, subdivision in the Residential Closed Zone at Anchorage and Ruby Bay is a prohibited activity for which no resource consent will be granted.

C22 2/11  
Op 1/15

#### 16.3.3.9 Prohibited Subdivision (Residential Coastal Zone at Tahī or Iwa Street, Mapua)

C22 2/11  
Op 1/15

Except as provided for in rule 16.3.3.1, subdivision in the Residential Coastal Zone at Tahī Street or Iwa Street at Mapua is a prohibited activity for which no resource consent will be granted.

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## 16.3.4 Business and Industrial Zones

### 16.3.4.1 Controlled Subdivision (Business and Industrial Zones)

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones is a controlled activity, if it complies with the following conditions:

C10 10/07  
Op 3/14

#### Location

C58 11/15  
Op 7/17

- (aa) The subject land is not in the Heavy Industrial Closed Zone at Wakefield or in the Light Industrial Zone or Rural Industrial Zone at Brightwater at specified sites (as shown on the planning maps).

C57 11/15  
Op 12/18

#### Electricity Transmission Corridor

C10 10/07  
Op 3/14

- (a) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line as shown on the planning maps.

#### Area

- (b) Every allotment created by the subdivision has a minimum net area and can contain a circle within its net area of at least the minimum diameter stated in Figure 16.3B.

**Figure 16.3B: Minimum Allotment Areas in Central Business, Commercial, Mixed Business, Tourist Services, and Heavy, Light and Rural Industrial Zones**

ZONE	MINIMUM NET AREA (M <sup>2</sup> )	MINIMUM DIAMETER OF CIRCLE IN NET AREA OF ALLOTMENT (M)
Central Business and Commercial Zones	200	8
Mixed Business Zone		
- Activities other than retail	1000	20
- Activities other than retail on Lot 1 DP 10599 (Alliance Land)	750	20
- Retail activities (including Retail Frontage <sup>Ⓞ</sup> )	1250	30
Light Industrial Zone: Richmond West, Motueka West and Mapua Development Areas	750	15
Tourist Services Zone	2,000	15
Heavy Industrial/Rural Industrial Zones	1,000	15
Light Industrial Zone	500	15
All zones listed above – allotment to be used exclusively as a site for a network utility or public work	1	—
<b>Footnote:</b>		
Ⓞ Richmond West Development Area.		

C10 10/07  
Op 3/14

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

**Services**

- (c) Every allotment is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.

**Transport**

- (d) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

**Transport - Richmond West and Motueka West Development Areas**C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15

- (e) All roads are constructed with reference to the Urban Design Guide (Part II, Appendix 2).
- (f) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension where no maximum length applies. C10 10/07 Op 3/14
- (g) Except for the indicative roads shown in the Richmond West Development Area on the planning maps, no road is designed to connect directly with Lower Queen Street and McShane Road.
- (h) Except for Lower Queen Street and McShane Road, every road has a maximum block length of 200 metres and a maximum perimeter distance of 800 metres.
- (i) No allotment created after 6 October 2007 (except Record of Title 459167 (580 Lower Queen Street) gains direct access from McShane Road or Lower Queen Street, except in the retail frontage shown on the planning maps in the Richmond West Development Area where access is restricted to one access per frontage. C10 10/07 Op 3/14  
C73 12/20 Op 6/23
- (ia) No allotment created after 27 April 2013 gains direct access from Queen Victoria Street. C43 4/13 Op 1/15
- (j) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. C10 10/07 Op 3/14

**Transport – Mapua Development Area**C22 2/11  
Op 1/15

- (k) No lot gains direct access from Stafford Drive.

**Frontage**

- (l) Every allotment that has a frontage has a minimum frontage width of six metres.
- (m) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), the minimum frontage width for allotments in the: C10 10/07 Op 3/14  
C43 4/13 Op 1/15
- (i) Mixed Business Zone is 30 metres, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, which is 25 metres, excluding the Retail Frontage; C10 10/07 Op 3/14
- (ii) Mixed Business Zone Retail Frontage (as shown on the planning maps) is 40 metres;
- (iii) Light Industrial Zone is 10 metres.

- (n) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) no fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres (except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension) where no fewer than 80 percent of all allotments have direct access to a public road. For the avoidance of doubt, this means that no more than 5 percent of all allotments may be rear allotments without any road or reserve frontage.

C10 10/07  
Op 3/14  
C43 4/13  
D 8/14**Heritage Site or Item Present**

- (o) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
- (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

C10 10/07  
Op 3/14  
C16 9/09  
Op 8/12**Existing Buildings**

- (p) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

**Amenity Plantings within a Boundary Setback - Light Industrial Zone in Richmond West, Motueka West and Mapua Development Areas**C10 10/07 Op 3/14  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15

- (q) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications:
- (i) In the Light Industrial Zone north of Headingly Lane, bounded by Lower Queen Street, Sandeman Road, Borck Creek and the Open Space Zone, amenity plantings are:
- (a) 2.5 metres wide adjoining Borck Creek comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);
- (b) 12 metres wide adjoining the Open Space Zone comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from the Open Space Zone (requires knowledge of the building location);
- (c) 2.5 metres wide adjoining Sandeman Road and Artillery Place, including any indicative road extension;
- (d) 15 metres wide adjoining Lower Queen Street, except where an indicative reserve adjoins Lower Queen Street. A framework of large trees is provided continuing the theme of existing Oak trees, within which other plantings are incorporated to provide an 'avenue' park-like setting.
- (ii) In the Light Industrial Zone bounded by Lower Queen Street, McShane Road and Swamp Road, amenity plantings are:
- (a) 20 metres wide incorporating a 2.5 metre bund adjoining the Rural 1 Zone and Swamp Road;
- (b) 15 metres wide adjoining Lower Queen Street, except for that allotment containing the group of protected trees (Tree ID 872);
- (c) 2.5 metres wide adjoining McShane Road.

C10 10/07  
Op 3/14

- (iii) In the Light Industrial Zone bounded by Borck Creek and McShane Road, amenity plantings are:
- (a) 2.5 metres wide adjoining Borck Creek, comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);
  - (b) 2.5 metres wide adjoining McShane Road and the Mixed Business Zone.
- (iv) In the Light Industrial Zone bounded by State Highway 60, State Highway 6, Borck Creek and the Residential Zone, amenity plantings are:
- (a) 6 metres adjoining the Residential Zone;
  - (b) 2.5 metres adjoining Borck Creek;
  - (c) 10 metres adjoining State Highway 60.
- (v) In all Light Industrial Zone locations, amenity plantings are 2.5 metres wide adjoining Indicative Collector Road reserve boundaries, except at access points.
- (vi) Amenity plantings at least 2.5 metres wide are provided on boundaries adjoining Stafford Drive and Seaton Valley Stream. The latter shall be locally sourced indigenous plantings. C22 2/11  
Op 1/15
- (r) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. C10 10/07  
Op 3/14
- (s) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.
- Amenity Plantings within a Boundary Setback - Mixed Business Zone, Richmond West Development Area** C10 10/07  
Op 3/14
- (t) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications:
- (i) Adjoining the Open Space Zone and the Recreation Zone north east of Lower Queen Street, amenity plantings are at least 10 metres wide for the full length of the boundary adjoining those zones, except that on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, amenity plantings adjoining the Open Space Zone are not required. Amenity plantings are to comprise species consistent with those of the Waimea Inlet Coastal Flats Indigenous Ecosystem, and planting ensures that buildings are screened from the Open Space Zone, Recreation Zone, and State Highway 6.
  - (ii) Adjoining McShane Road and State Highway 60, amenity plantings are 10 metres wide for the full length of the zone boundary. A framework of large trees is provided continuing the theme of Lower Queen Street, within which other plantings are incorporated to provide a park-like setting and partial screening of buildings from McShane Road, State Highway 60 and the Rural 1 Zone.
  - (iii) Adjoining Borck Creek indicative reserve, amenity plantings are 2.5 metres wide and adjoining Poutama Drain indicative reserve, amenity plantings are 2.0 metres wide, for the full length of the zone.

- (iv) Amenity plantings west of Borck Creek comprise species that, at maturity, provide a visual screen, the height of which averages at least 50 percent of the building height.
- (v) Adjoining the Lower Queen Street road reserve boundary in the Retail Frontage shown on the planning maps, amenity plantings are 2.5 metres wide.
- (vi) Adjoining the Residential Zone and the Light Industrial Zone, amenity plantings are at least 2.5 metres wide, except that this requirement does not apply on Lot 1 DP 457909 at the eastern end of the McPherson Street extension.
- (u) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. **C10 10/07  
Op 3/14**
- (v) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument. **C10 10/07  
Op 3/14**

**Reserves**

- (w) Subject to but not limited by rule 16.4.2.1, in the Richmond West Development Area and Mapua Light Industrial Zone, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where these are specified as follows: **C10 10/07  
Op 3/14**
  - (i) 70 metre wide reserve along Borck Creek to Lower Queen Street and a 61 metre wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet; **C22 2/11  
Op 1/15**
  - (ii) 6 metre wide reserve on Part Lot 1 DP 94 linking the existing indicative road to Borck Creek reserve;
  - (iii) 15 metre wide reserve along the northwest boundary of Lot 1 DP 17704, Lot 1 DP 20017 and Lot 1 DP 20497;
  - (iv) 5,500 square metre reserve along the southwest boundary of Part Lot 1 DP 94 fronting Lower Queen Street;
  - (v) 15 metre wide reserve incorporating Poutama Drain;
  - (vi) 5 metre wide reserve adjoining the western side of Seaton Valley Stream. **C10 10/07  
Op 3/14**
- (x) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. **C22 2/11  
Op 1/15**

**Building Platform Levels**

- (y) In the Richmond West Development Area, the building platform level is 4.6 metres above mean sea level and constructed in a way which provides a gradual transition between the ground level (datum reference: NVD55) and 4.6 metres to achieve a visually natural appearance, except that the 4.6 metre building platform level does not apply to those parts of Lot 1 DP 18146 and Lot 4 DP 18918 (Nelson Pine Industries), Lot 3 DP 18918 (Dynea NZ Ltd) and land held in Record of Title 459167 (580 Lower Queen Street) that are protected from inundation from the sea by a seawall; nor in the Light Industrial Zone location at Beach Road as shown on the planning maps. **C10 10/07  
Op 3/14  
C73 12/20  
Op 6/23**

A consent notice is to be registered on the record of title for any allotment for which

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

a building platform is required by this condition, pursuant to Section 221 of the Act.

### Filling of Allotments

C10 10/07  
Op 3/14

- (z) 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.

### Development Plan

- (za) Allotments in the Rural Industrial Zone form part of an overall development plan for each zone.
- (zb) In the Tourist Services Zone at Salisbury Road, Richmond, access to Salisbury Road from Lot 2 DP 18824 (123 Salisbury Road, occupied by the Baptist Church) and Lot 3 DP 18824 (141 Salisbury Road, occupied by the Aquatic Centre) is by way of a joint access.

### Stormwater

C7 7/07  
Op 10/10

- (zc) In the Central Business, Commercial, Mixed Business and Tourist Services zones, and in the Heavy, Light and Rural Industrial zones:

C10 10/07  
Op 3/14

- (i) EITHER

Stormwater from every allotment 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.

C7 7/07  
Op 10/10

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.

C10 10/07  
Op 3/14

- (iii) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, all stormwater from each site in an Industrial Zone 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 Nelson Tasman Land Development Manual 2019.

C10 10/07  
Op 3/14

C69 6/19  
Op 6/20

- (iv) A planting plan and design statement by an appropriately competent person in landscape architecture is provided with any plan submitted showing a stormwater greenway and/or retention area.

C43 4/13  
Op 1/15

- (v) **Indicative Stormwater Retention Area**

Where applicable, a stormwater retention area is to be provided in the location of any indicative stormwater retention area shown in the Motueka West Development Area on the planning maps in order to mitigate downstream stormwater effects such as flooding.

C43 4/13  
Op 1/15

**Note:** A discharge consent may be required where new stormwater infrastructure is being created.

C7 7/07  
Op 10/10**Cultural Heritage Sites**C16 9/09  
Op 8/12

(zd) An Authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.

(ze) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

**Notes:**

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

**A resource consent is required.** The Council has reserved control over the following matters:

- (1) Access.
- (2) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road.
- (3) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.
- (4) The relationship of any new road with existing roads, adjoining land and any future roading requirements.

C69 6/19  
Op 6/20

(5) Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary.

(6) Location and effects of earthworks necessary to achieve matters (1) and (5).

(7) Potential effects on heritage protection and protected trees.

C10 10/07 Op 3/14

(8) Financial contributions.

(9) All matters referred to in Section 220 of the Act.

- |      |   |                     |
|------|---|---------------------|
| (10) | The degree of compliance with any mandatory and good practice matters of any Nelson Tasman Land Development Manual 2019.  | C69 6/19<br>Op 6/20 |
| (11) | Matters relevant to the development of a neighbourhood centre, in the Urban Design Guide (Part II, Appendix 2).   | C22 3/11<br>Op 1/15 |
| (12) | Effective stormwater management, including the use of Low Impact Design solutions and any other mandatory or good practice matter of chapter 5 of the Nelson Tasman Land Development Manual 2019. | C69 6/19<br>Op 6/20 |

<b>Amenity Plantings - Richmond West and Motueka West Development Areas</b>	C10 10/07 Op 3/14 C43 4/13 Op 1/15
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- |      |   |                      |
|------|---|----------------------|
| (13) | Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding.                            | C10 10/07<br>Op 3/14 |
| (14) | The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.  |                      |
| (15) | The extent to which the amenity plantings create a visually attractive appearance when viewed from public roads and reserves, adjoining zones and the coastal environment.  |                      |
| (16) | The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Light Industrial and Mixed Business zones.   |                      |
| (17) | The depth and height of plantings and the extent of the screening effect of industrial buildings from the adjoining roads, Rural 1 and Open Space zones, and Borck Creek reserve.   |                      |
| (18) | The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth within the buffer in front of screen planting. |                      |
| (19) | The appropriateness of the species to the local environment and conditions.   |                      |
| (20) | The degree of site contouring in association with planting to assist with screening buildings and car parks from view.  |                      |
| (21) | The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.   |                      |

**Traffic - Richmond West Development Area**

- |      |  |                      |
|------|--|----------------------|
| (22) | The assessment and management of traffic safety of the cross intersection created by the formation of the indicative road in the Richmond West Development Area on the west of lower Queen Street opposite Headingly Lane. | C10 10/07<br>Op 3/14 |
|------|--|----------------------|

**Cultural Heritage**

- |      |   |                     |
|------|---|---------------------|
| (23) | Where there is a listed cultural heritage site present on any part of the land being subdivided:  | C16 9/09<br>Op 8/12 |
|      | (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41; |                     |

- (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
- (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
- (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

**16.3.4.2 Restricted Discretionary Subdivision (Business and Industrial Zones – Richmond West Development Area)**

C10 10/07  
Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (a) of rule 16.3.4.1 is a restricted discretionary activity.

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

- (1) In the Richmond West Development Area:
  - (a) the extent to which the design of the subdivision allows for earthworks, buildings and structures to 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 design of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**16.3.4.3 Restricted Discretionary Subdivision (Business and Industrial Zones – Cultural Heritage Sites)**

C16 9/09  
Op 8/12

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (zd) of rule 16.3.4.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

- (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

#### 16.3.4.3A Restricted Discretionary Subdivision (Industrial Zones – Specified sites at Brightwater)

C57 11/15  
Op 12/18

Subdivision in the Rural Industrial and Light Industrial zones in specified sites in Brightwater is a restricted discretionary activity, where the subdivision complies with controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze).

**A resource consent is required.** Consent may be refused or conditions imposed, only in respect of controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze) and the following matter:

- (1) (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event;
- (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so that any identified building location is not subject to inundation; and
- (c) the effects of any proposed mitigation on other properties.

#### 16.3.4.4 Discretionary Subdivision (Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial and Light Industrial Zones)

C10 10/07  
Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial, or Light Industrial zones that does not comply with the controlled conditions of rule 16.3.4.1 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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

#### 16.3.4.5 Discretionary Subdivision (Tourist Services Zone - Mapua)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Tourist Services Zone at Mapua is a discretionary activity, if it complies with the following conditions:

- (a) It does not create any additional allotments on which a dwelling can be built.
- (b) It does not require works that would exacerbate erosion or inundation.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

#### 16.3.4.5A Discretionary Subdivision (Heavy Industrial Closed Zone – Wakefield)

C58 11/15  
Op 7/17

Subdivision by means of the relocation or adjustment of an allotment boundary in the Heavy Industrial Closed Zone at Wakefield is a discretionary activity, if it complies with the following conditions:

- (a) The land being subdivided does not create any additional allotments on which a building can be built.

- (b) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.4.6 Non-Complying Subdivision (Tourist Services Zone - Mapua)**

Except as provided for in rule 16.3.4.5, subdivision in the Tourist Services Zone at Mapua is a non-complying activity.

**16.3.4.7 Prohibited Subdivision (Heavy Industrial Closed Zone – Wakefield)**

C58 11/15  
Op 7/17

Except as provided for in rule 16.3.4.5A, subdivision in the Heavy Industrial Closed Zone at Wakefield is a prohibited activity for which no resource consent will be granted.

**16.3.5 Rural 1 Zone****16.3.5.1 Controlled Subdivision (Rural 1 and Rural 1 Coastal Zones)**

Subdivision in the Rural 1 and Rural 1 Coastal zones is a controlled activity, if it complies with the following conditions: C22 2/11  
Op 1/15

**Area**

- (a) Except as provided by conditions (aa), or (ca), the minimum area of allotments created by the subdivision is 12 hectares provided that the subdivision is of a title that existed on or before 30 January 2016. C60 1/16 &  
V1-C60 7/18  
Op 6/19  
C73 12/20  
Op 6/23
- (aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement. C60 1/16  
Op 6/19

*Item (b) removed as part of plan change 73.* C22 2/11  
Op 1/15  
C73 12/20  
Op 6/23

*Item (c) removed as part of plan change 73* C73  
Op 6/23

- (ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone. C60 1/16  
Op 6/19

**Frontage**

- (d) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment, or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

**Building Location Area** C60 1/16  
Op 6/19

- (dd) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries except where the boundary is to the Residential, Rural Residential or Rural 3 zone.

**Heritage Site or Item Present** C10 10/07  
Op 3/14

- (e) The land being subdivided does not include: C16 9/09  
Op 8/12
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
- (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

**Existing Buildings and Trees**

- (f) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.
- (g) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

**Allotments in relation to Existing Dams**C17 2/10  
Op 4/13

- (h) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

**Transport**

- (i) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

*Item (J) removed as part of plan change 73*

C73 12/20  
Op 6/23**Reserves**C10 10/07  
Op 3/14  
C10 10/07  
Op 3/14

- (k) Subject to but not limited by rule 16.4.2.1, in the Richmond South and Richmond West development areas, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows:
- (i) 70-metre-wide reserve along Borck Creek to Lower Queen Street and a 61-metre-wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet;
  - (ii) 15-metre-wide reserve along the northwest boundary of Lot 1 DP 17704, Lot 1 DP 20017 and Lot 1 DP 20497;
  - (iii) 15-metre-wide reserve along Poutama Drain;
  - (iv) 15-metre-wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;
  - (v) 2.5-hectare recreation reserve adjoining State Highway 6;
  - (vi) 10-metre-wide reserve adjoining the Mixed Business and Rural 1 zones.

- (l) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.

C10 10/07  
Op 3/14**Building Platform Levels**

- (m) In the Richmond West Development Area the building platform level is 4.6 metres above mean sea level (datum reference: NVD55) and is constructed in a way which provides a gradual transition between the ground level and 4.6 metres to achieve a visually natural appearance.

A consent notice is to be registered on certificates of title for allotments pursuant to Section 221 of the Act for any allotment below the 4.6 metres contour above mean sea level.

**Filling of Allotments**

- (n) In the Richmond West Development Area, lower Seaton Valley Rural 1 Closed Zone at Mapua and Rural 1 Coastal Zone, allotments below the 4.6 metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area.

C10 10/07  
Op 3/14C22 2/11  
Op 1/15**Electricity Transmission Corridor**

- (o) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line as shown on the planning maps.

C10 10/07  
Op 3/14**Cultural Heritage Sites**

- (p) An Authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary.
- (q) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

C16 9/09  
Op 8/12**Notes:**

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

**A resource consent is required.** The Council has reserved control over the following matters. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

- (1) Shape.

(1A)	Effects on productive potential, including the effects of fragmentation of productive land.	C60 1/16 Op 6/19
(2)	Low impact design principles and methods.	
(3)	The relationship of any new road with existing roads, adjoining land and any future roading requirements.	C69 6/19 Op 6/20
(4)	Availability and provision of services, including road access, water supply and wastewater and stormwater systems.	C60 1/16 Op 6/19
(4A)	Where any land is subject to any deferred urban zone, the adverse effects of the subdivision 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
(4B)	Effects on the road network.	C60 1/16 Op 6/19
(5)	Location of building platforms.	
(6)	Location and effects of earthworks necessary to achieve (2), (4) and (5).	
(7)	Potential effects on rural character, coastal natural character and amenity values.	C60 1/16 Op 6/19
(7A)	The potential for adverse cross-boundary effects, including reverse sensitivity.	
(7B)	Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.	
	<i>Item (8) removed as part of plan change 73</i>	C73 12/20 Op 6/23
(9)	Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage	C60 1/16 Op 6/19
(10)	The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.	C10 10/07 Op 3/14
(11)	The extent and location of indicative reserves.	
(12)	The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.	C17 2/10 Op 4/13
(13)	Financial contributions.	
(14)	All matters referred to in Section 220 of the Act.	
(15)	The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019.	C69 6/19 Op 6/20
(16)	Effective stormwater management, including the use of Low Impact Design solutions.	C7 7/07 Op 10/10

- (17) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09  
Op 8/12
- (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
  - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
  - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
  - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

**16.3.5.2 Restricted Discretionary Subdivision (Rural 1 Zone – Richmond West Development Area)**

C10 10/07  
Op 3/14

Subdivision in the Rural 1 Zone that does not comply with controlled condition (o) of rule 16.3.5.1 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 the design of the subdivision allows for earthworks, buildings and structures to 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 design of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**16.3.5.3 Restricted Discretionary Subdivision (Rural 1 Zone – Listed Cultural Heritage Site)**

C16 9/09  
Op 8/12

Subdivision in the Rural 1 Zone that does not comply with conditions (p) or (q) of rule 16.3.5.1 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) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
  - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**16.3.5.3A Restricted Discretionary Subdivision (Rural 1 Zone)**

C60 1/16 &  
V1-C60 7/18  
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with condition (a) of rule 16.3.5.1 is a restricted discretionary activity, if it meets the following conditions:

- (a) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and

EITHER

- (b) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (c) The subdivision is of a title that existed on or before 30 January 2016, except where that title was created by way of subdivision decision not made under the Act or any equivalent previous legislation;

OR

- (d) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.

OR

- (e) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

**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) Any matter listed in rule 16.3.5.1.

*Item (16.3.5.4) removed as part of plan change 73*

C22 2/11  
Op 1/15  
  
C60 1/16  
Op 6/19  
  
C73 12/20  
Op 6/23

#### 16.3.5.4A Discretionary Subdivision (Rural 1 Zone)

C60 1/16 &  
V1-C60  
7/18  
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with rule 16.3.5.3A is a discretionary activity, if it complies with the following conditions:

EITHER

- (a) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (b) The subdivision is of a title that existed on or before 30 January 2016, except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.

OR

- (c) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.

C60 1/16 &  
V1-C60  
7/18  
Op 6/19

OR

- (d) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

OR

- (e) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.5.2.8A has been submitted with the application for subdivision consent; and
- (f) The subdivision is of a title that existed on or before 30 January 2016 except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

### 16.3.5.5 Discretionary Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 1 Closed Zone or Rural 1 Coastal Zone is a discretionary activity if:

C22 2/11  
Op 1/15

C73 12/20  
Op 6/23

- (a) it does not create any additional allotments on which a dwelling can be built; and
- (b) following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

### 16.3.5.5A Non-Complying Subdivision

C60 1/16 &  
V1-C60 7/18  
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with rule 16.3.5.4A 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 the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

### 16.3.5.6 Prohibited Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)

Except as provided for in rules 16.3.5.1(ca) and 16.3.5.5, subdivision of any allotment:

- in the Rural 1 Closed Zone, or
- the Rural 1 Coastal Zone

is a prohibited activity for which no resource consent will be granted.

C22 2/11

Op 1/15  
C73 12/20  
Op 6/23

**16.3.6 Rural 2 Zone****16.3.6.1 Controlled Subdivision (Rural 2 Zone)**

Subdivision in the Rural 2 Zone is a controlled activity, if it complies with the following conditions:

**Area**

- (a) Except as provided by the minimum area of allotments created by the subdivision is 50 hectares provided that the subdivision is of a title that existed on or before 30 January 2016.
- (aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement.

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

*Item (b) removed as part of plan change 73*

**Existing Buildings and Trees**

- (c) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.
- (d) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

**Building Location Area**

- (dd) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries except where the boundary is to the Residential, Rural Residential or Rural 3 zone.

C60 1/16  
Op 6/19

**Allotments in relation to Existing Dams**

- (e) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

C17 2/10  
Op 4/13

**Transport**

- (f) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.
- (g) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

**Heritage Site or Item**

- (h) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
  - (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B [Protected Trees].

C10 10/07  
Op 3/14  
C16 9/09  
Op 8/12

**Reserves**

- (i) Subject to but not limited by rule 16.4.2.1, in the Richmond West Development Area, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows:
- (i) 70 metre wide reserve along Borck Creek from Lower Queen Street to the Open Space Zone adjoining Waimea inlet to Lower Queen Street and a 61 metre wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet;
  - (ii) 5,500 square metre reserve along the southwest boundary of Part Lot 1 DP 94 fronting Lower Queen Street;
  - (iii) 10 metre wide reserve on Part Lot 1 DP 94 linking the existing indicative road to Borck Creek reserve;

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

*Item (iv) removed as part of plan change 73*

C73 12/20  
Op 6/23

- (j) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4.

C10 10/07  
Op 3/14

**Building Platform Levels**

- (k) In the Richmond West Development Area the building platform level is 4.6 metres above mean sea level (datum reference: NVD55) and constructed in a way which provides a gradual transition between the ground level and 4.6 metres to achieve a visually natural appearance.

A consent notice is to be registered on certificates of titles for allotments pursuant to Section 221 of the Act for any allotment below the 4.6 metres contour above mean sea level.

**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.

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

- (m) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line shown on the planning maps.

**Cultural Heritage Sites**C16 9/09  
Op 8/12

- (n) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary.
- (o) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

**Notes:**C16 9/09  
Op 8/12

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

**A resource consent is required.** The Council has reserved control over the following matters:

- (1) Shape.
- (1A) Effects on productive potential, including the effects of fragmentation of productive land. C60 1/16  
Op 6/19
- (2) Low impact design principles and methods.
- (3) The relationship of any new road with existing roads, adjoining land and any future roading requirements. C69 6/19  
Op 6/20
- (4) Availability and provision of services, including road access, water supply and wastewater and stormwater systems. C60 1/16  
Op 6/19
- (4A) Where any land is subject to any deferred urban zone, the adverse effects of the subdivision 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

(4B)	Effects on the road network.	C60 1/16 Op 6/19
(5)	Location of building platforms.	
(6)	Location and effects of earthworks necessary to achieve (2), (4) and (5).	
(7)	Potential effects on rural character, coastal natural character and amenity values.	C60 1/16 Op 6/19
(7A)	The potential for adverse cross-boundary effects, including reverse sensitivity.	
(7B)	Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.	
(8)	Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage.	C10 10/07 Op 3/14 C60 1/16 Op 6/19
(9)	The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.	C10 10/07 Op 3/14
(10)	The extent and location of reserves.	
(11)	The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.	C17 2/10 Op 4/13
(12)	Financial contributions.	
(13)	All matters referred to in Section 220 of the Act.	
(14)	The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019.	C69 6/19 Op 6/20
(15)	Effective stormwater management, including the use of Low Impact Design solutions.	C7 7/07 Op 10/10
(16)	Where there is a listed cultural heritage site present on any part of the land being subdivided:	C16 9/09 Op 8/12
(a)	any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;	
(b)	any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;	
(c)	any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;	
(d)	any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;	
(e)	any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.	

In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.6.2 Restricted Discretionary Subdivision (Rural 2 Zone – Richmond West Development Area)**

C10 10/07  
Op 3/14

Subdivision in the Rural 2 Zone that does not comply with controlled condition (m) of rule 16.3.6.1 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 the design of the subdivision allows for earthworks, buildings and structures to 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 design of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

**16.3.6.3 Restricted Discretionary Subdivision (Rural 2 Zone – Listed Cultural Heritage Site)**

C16 9/09  
Op 8/12

Subdivision in the Rural 2 Zone that does not comply with condition (n) or (o) of rule 16.3.6.1 is a restricted discretionary activity.

C60 1/16  
Op 6/19

**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:

C16 9/09  
Op 8/12

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
  - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)**

C60 1/16 &  
V1 to C60  
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (a) of rule 16.3.6.1 is a Restricted Discretionary Activity, if it meets the following conditions:

- (a) The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and

EITHER

- (b) The average net area of all allotments that are created by the subdivision is 50 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (c) The subdivision is of a title that existed on or before 31 January 2016, except where that title was created by way of subdivision decision not made under the Act or equivalent previous legislation;

OR

- (d) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision and no allotment that is created is less than 5,000 square metres.

OR

- (e) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

**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) Any matter listed in 16.3.6.1.

**16.3.6.4 Discretionary Subdivision (Rural 2 Zone)**

Except as provided for by rule 16.3.6.4A, subdivision in the Rural 2 Zone that does not comply with the conditions of rule 16.3.6.3A (other than condition (c)) is a discretionary activity.

C60 1/16  
Op 6/19

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.6.4A Discretionary Subdivision (Rural 2 Zone – Cooperative Living)**

C60 1/16  
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (b) of rule 16.3.6.3A is a discretionary activity, if it complies with the following conditions:

- (a) The subdivision is of a title that existed on or before 30 January 2016.
- (b) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.6.2.8A has been submitted with the application for subdivision consent.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

### 16.3.6.5 Discretionary Subdivision (Rural 2 Closed Zone)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 2 Closed Zone off Pupu Valley Road is a discretionary activity if: C73 12/20  
Op 6/23

- (a) it does not create any additional allotments on which a dwelling can be built;
- (b) following subdivision, existing buildings and dwelling meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

### 16.3.6.5A Non-Complying Subdivision

C60 1/16  
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (c) of rule 16.3.6.3A or condition (a) of rule 16.3.6.4A 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 the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

### 16.3.6.6 Prohibited Subdivision (Rural 2 Closed Zone)

*Item (16.3.6.6 a&b) removed as part of plan change 73*

C73 12/20  
Op 6/23

Except as provided for in rule 16.3.6.5, subdivision in the Rural 2 Closed Zone is a prohibited activity.

## 16.3.7 Rural 3 Zone

### 16.3.7.1 Controlled Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone is a controlled activity, if it complies with the following conditions:

#### Area

(a) In the Rural 3 Zone, the minimum area of allotments created by the subdivision is 50 hectares, except for allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) which have no minimum area requirement.

p

(b) The minimum area of allotments created by subdivisions on those parts of records of title 8B/1025, 8B/1026 and 11A/465 shown in the annotated area on the planning maps at Ruby Bay is 2500 square metres, and the land is subdivided in a way that results in the following number of allotments:

Area “A”: 3

Area “B”: 6

Area “C”: 2

**Note:** For Area “D”, rule 16.3.7.3 applies.

#### Frontage

(c) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment, or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

#### Building Location

(d) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are adjoining the Rural 1 or Rural 2 zone.

C60 1/16  
Op 6/19

#### Existing Buildings and Trees

(e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.

(f) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

#### Allotments in relation to Existing Dams

(g) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

C17 2/10  
Op 4/13

**Transport**

- (h) The subdivision complies with the transport conditions in Schedule 16.3B, or unless the subdivision is for a single allotment for a network utility.

**Special Requirement**

- (i) Each application for subdivision consent within those parts of RT 8B/1025 and RT 8B/1026 shown as Areas “A” and “B” in the annotated area on the planning maps at Ruby Bay, must be accompanied by a report prepared by an appropriately qualified and experienced engineering geologist or geotechnical engineer and must show a building platform of no less than 200 square metres in area suitable for the location of a dwelling in each allotment.

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

- (j) In the Rural 3 Zone:

- (i) EITHER

Stormwater from every allotment 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.

**Note:** A discharge consent may be required where new stormwater infrastructure is being created.

**Cultural Heritage Sites**C16 9/09  
Op 8/12

- (k) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.
- (l) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

**Notes:**

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

**A resource consent is required.** The Council has reserved control over the following matters. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

- (1) Shape.
- (2) Access.
- (3) The relationship of any new road with existing roads, adjoining land and any future roading requirements. C69 6/19  
Op 6/20
- (4) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.
- (5) Location of buildings.
- (6) Location and effects of earthworks necessary to achieve (2) to (5).
- (7) Potential effects on rural character and amenity values.
- (8) Effects on natural character and coastal values.
- (9) Provision for esplanade reserves and strips, and pedestrian, cycle and equestrian networks or ways.
- (9A) The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures. C17 2/10  
Op 4/13
- (10) Potential effects on natural and cultural heritage protection.
- (10A) Management of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards. C60 1/16  
Op 6/19
- (11) Bonds, covenants, and financial contributions in addition to those specified in the standards for the Zones.
- (12) All matters referred to in Section 220 of the Act.
- (13) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19  
Op 6/20
- (14) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09  
Op 8/12
  - (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
  - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
  - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
  - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

**16.3.7.2 Restricted Discretionary Subdivision (Rural 3 Zone)**C16 9/09  
Op 8/12

Subdivision in the Rural 3 Zone that does not comply with condition (k) of rule 16.3.7.1 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 the Council has restricted its discretion:

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
  - (e) any matter relevant to the absence of an Authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**16.3.7.3 Restricted Discretionary Subdivision (Rural 3 Zone)**

[16.3.9D Proposed]

Subdivision in the Rural 3 Zone that does not comply with the controlled conditions of rule 16.3.7.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment in which any building is intended to be located has a building location area shown.
- (b) The subject land has not been the subject of a subdivision consent granted after 20 December 2003.
- (c) The subject land is not RT 8B/1025, RT 8B/1026 or RT 11A/465, shown as Area "D" in the annotated area on the planning maps at Ruby Bay.

**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 proposed subdivision retains and protects land with actual and potential productive values.
- (2) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.
- (3) Effects on the rural landscape, on amenity values and on coastal character and values.
- (4) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' (Part II, Appendix 3).
- (5) The interim provision of water supply for the land to be subdivided pending the availability of Council-provided reticulated services.

C6 7/07  
Op 10/10

- (6) The provision for suitable on-site wastewater treatment and disposal services for dwellings likely to be constructed as a result of the subdivision, taking into account the provisions of rules 36.1.3.2 and 36.1.4.2.
- (7) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.
- (8) Long-term legal and physical protection of identified undeveloped open space from inappropriate subdivision and development.
- (9) Management of natural hazards within and beyond the boundaries of the area.
- (10) The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.
- (11) Effects of likely land contamination, such as by pesticide residues, on future activities of land.
- (12) Actual and potential cumulative adverse effects.
- (13) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19  
Op 6/20
- (14) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
- (15) Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.
- (16) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.
- (17) Actual and potential cross-boundary effects, including the potential impact that complaints from new residential activities can have on existing productive activities.
- (18) Noise exposure to the road network.

#### 16.3.7.4 Discretionary Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone that does not comply with the restricted discretionary conditions of rule 16.3.7.3 is a discretionary activity, if it complies with either of the following conditions:

- (a) The subdivision is the relocation or adjustment of an allotment boundary that complies with the following conditions:
  - (i) The subdivision does not create any additional allotment on which a dwelling can be built.
  - (ii) Following subdivision, existing buildings and dwellings meet the relevant permitted conditions for services and boundary setbacks.

OR:

- (b) The subject land is a record of title that is at least 50 hectare in 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 criteria set out in Schedule 16.3A, as well as any other provisions of the Plan and the Act.

### 16.3.7.5 Non-Complying Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone that does not comply with the discretionary conditions of rule 16.3.7.4, 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 the criteria set out in Schedule 16.3A, as well as any other provisions of the Plan or Act.

**16.3.8 Rural Residential and Closed Zones****16.3.8.1 Controlled Subdivision (Rural Residential Zone)**

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

**Area**

- (a) Every allotment has a minimum net area as stated in Figure 16.3C.

**Figure 16.3C: Minimum Allotment Areas in Rural Residential Zone**

[Refer to planning maps for locations]

LOCATION IN RURAL RESIDENTIAL ZONE	MINIMUM NET AREA
Allotments in: George Kidd Street Champion Road & Hill Street North Hill Street South annotated area, Richmond, where wastewater servicing is required to be provided and in the Richmond East Development Area where Schedule 16.3C servicing is required to be provided.	2,000 m <sup>2</sup>
Allotments in other areas with reticulated wastewater servicing or where wastewater servicing is required to be provided, as follows: Pinehill Heights, Ruby Bay      Pohara Valley Road Korepo Road, Ruby Bay      Ligar Bay South Collingwood      Central Takaka	2,500 m <sup>2</sup>
Allotments at Motueka with reticulated wastewater servicing. Allotments at Milnthorpe without reticulated wastewater servicing.	3,000 m <sup>2</sup>
Allotments without reticulated wastewater servicing at: Puponga      Tukuru/Parapara Mackay Pass Road, Bainham      Upper Moutere Eliot Creek, Aorere Valley	4 ha
Allotments without reticulated wastewater servicing at: Kina      Craigieburn Road, West Takaka Redwood Valley      Upper Haile Lane, Pohara Ligar Bay North      Parapara Valley Patons Rock      Rocklands Road North, Clifton Mapua (including Seaton Valley Road) and Waimea Inlet <b>Murchison</b>	2 ha
Allotments in all other parts of the Rural Residential Zone without reticulated wastewater servicing, as follows: Eighty Eight Valley      Alpine Meadows Hill Street South, Richmond      Tophouse Road Extension Haycock Road, Richmond      Onekaka Kina Triangle      Bay Vista Drive, Pohara Permin Road Spot Zone      Riwaka-Kaiteriteri Road, Kaiteriteri (Deferred) Pangatotara      Old Coach Road, Mariri (Deferred)	5,000 m <sup>2</sup>
Allotments without reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred	5,000 m <sup>2</sup>
Allotments with reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred	1,500 m <sup>2</sup>
Allotments at Tata Headland North and Upper Ligar Bay. Allotments without reticulated wastewater servicing in Permin Road (excluding Permin Road Spot Zone).	1 ha
Allotments to be used exclusively as a site for a network utility or public work.	1 m <sup>2</sup>

C20 8/10  
Op 8/12

C75 9/22  
(d 6/23)

C65 10/17  
Op 4/18

**Frontage**

- (b) Every allotment that has a frontage width of at least 25 metres (reducible for serviced allotments to 5 metres in a cul-de-sac head) for front allotments, or at least 5 metres in the case of rear allotments.
- (bb) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are adjoining the Rural 1, Rural 2 or Rural 3 zone. **C60 1/16  
Op 6/19**

**Heritage Site or Item**

- (c) The land being subdivided does not include a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]. **C16 9/09 Op 8/12  
C20 8/10 Op 8/12**

**Existing Buildings and Trees**

- (d) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.
- (e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.

**Transport**

- (f) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

**Stormwater**

- (g) In the Rural Residential Zone: **C7 7/07  
Op 10/10**
- (i) EITHER
- Stormwater from every allotment 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.
- Note:** A discharge consent may be required where new stormwater infrastructure is being created.
- (h) Subdivision in the Richmond East Development Area as shown on the planning maps complies with conditions 16.3.3.1(i) and (n)(ii)(a), (n)(ii)(c) and (n)(ii)(l). **C20 8/10  
Op 8/12**

- |     |   |                     |
|-----|---|---------------------|
| (i) | In the Richmond East Development Area, any land to be subdivided is located at least 32 metres from the centreline of any electricity transmission line as shown on the planning maps.  | C20 8/10<br>Op 8/12 |
| (j) | In the Richmond East Development Area, where a new or balance allotment contains a protected tree or the minimum root protection zone of a protected tree, the boundaries of that allotment are drawn so that the minimum root protection zone of the protected tree, as determined by an appropriately competent person in arboriculture, is wholly contained within the allotment, and the allotment is: <ul style="list-style-type: none"> <li>(i) capable of containing a 20 metre by 20 metre building location area outside the minimum root protection zone; or</li> <li>(ii) to vest as road reserve or other local purpose utility reserve and is capable of containing the required extent of the road or the relevant utility in the reserve outside the minimum root protection zone; or</li> <li>(iii) to vest as local purpose reserve for recreation.</li> </ul> | C20 8/10<br>Op 8/12 |

**Cultural Heritage Sites**C16 9/09  
Op 8/12

- |     |   |  |
|-----|---|--|
| (k) | An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary. |  |
| (l) | Where the listed cultural heritage site is a wahi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.  |  |

**Notes:**

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

**Transmission Lines**C77 9/22  
(d 6/23)

- |     |   |  |
|-----|---|--|
| (m) | <u>In Mangles Valley, Murchison, every allotment on which any habitable building is intended to be located, has a building location area shown which is set back at least 32 metres from the centreline of any electricity transmission line.</u> |  |
|-----|---|--|

**A resource consent is required.** The Council has reserved control over the following matters:

- |     |  |                     |
|-----|--|---------------------|
| (1) | Shape.   |                     |
| (2) | Access.  |                     |
| (3) | The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road. | C69 6/19<br>Op 6/20 |

- (3A) Effects on the road network. **C60 1/16 Op 6/19**
- (4) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.
- (5) The relationship of any new road with existing roads, adjoining land and any future roading requirements. **C69 6/19 Op 6/20**
- (6) Availability and provision of services, including adequacy of water for fire-fighting purposes.
- (7) Location of building platforms.
- (8) Location and effects of earthworks necessary to achieve matters (2), (3) and (4).
- (9) Potential effects on rural character and amenity values.
- (10) In the Richmond East Development Area, the potential effects on the landscape value of the hill slope backdrop to Richmond. **C20 8/10 Op 8/12**
- (11) Potential effects on heritage protection.
- (11A) Management of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards. **C60 1/16 Op 6/19**
- (11B) Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone.
- (11C) Potential for reverse sensitivity effects on an existing, lawfully established quarry which was a quarry on or before 30 January 2016.
- (12) Financial contributions, and for subdivision in the Mapua and Waimea Inlet Rural Residential zones, bonds, covenants and financial contributions in addition to those specified in the standards for the zones.
- (13) All matters referred to in Section 220 of the Act.
- (14) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**
- (15) Effective stormwater management, including the use of Low Impact Design solutions. **C7 7/07 Op 10/10**
- (16) The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse.
- (17) Where there is a listed cultural heritage site present on any part of the land being subdivided: **C16 9/09 Op 8/12**
- (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
  - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
  - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
  - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.
- (18) In the Richmond East Development Area, where land which is the subject of a subdivision proposal contains a protected tree or the minimum root protection zone of a protected tree, any matter necessary to:
- (i) ensure the integrity of the protected tree and its associated amenity values; and
  - (ii) ensure that general construction activities are set back from the protected tree so that adverse effects on the protected tree are appropriately avoided, remedied or mitigated; and
  - (iii) give effect to any matter raised in a report of an appropriately competent person in arboriculture.

C20 8/10  
Op 8/12

In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.8.2 Restricted Discretionary Subdivision (Rural Residential Zone – Listed Cultural Heritage Site)**

C16 9/09  
Op 8/12

Subdivision in the Rural Residential Zone that does not comply with condition (k) of rule 16.3.8.1 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) Where there is a listed cultural heritage site present on any part of the land being subdivided:
  - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
  - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
  - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
  - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
  - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**16.3.8.3 Restricted Discretionary Subdivision (Rural Residential Zone – Specified Location)**

C20 8/10  
Op 8/12

Subdivision in the Richmond East Development Area in the Rural Residential Serviced Zone that does not comply with conditions (i) and (j) of rule 16.3.8.1 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 East Development Area:

- (a) the extent to which the design and construction of the subdivision allows for earthworks, buildings and structures to 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 design and construction of the subdivision (including landscaping) allows for activities to be set back from high voltage transmission lines to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied or mitigated;
- (c) where land, which is the subject of a subdivision proposal, contains a protected tree or the minimum root protection zone of a protected tree:
  - (i) the extent to which the design of the proposed subdivision beneficially or adversely affects the protected tree and its amenity values; and
  - (ii) the extent to which the subdivision proposal provides for activities, including general construction activities, to be set back from the protected tree to ensure that adverse effects on the protected tree are appropriately avoided, remedied or mitigated; and
  - (iii) the extent to which any matter raised in a report of an appropriately competent person in arboriculture is addressed.

C20 8/10  
Op 8/12**Non-Notification**

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

**Note:** 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.

<b>16.3.8.4 Restricted Discretionary Subdivision (Rural Residential Zone – Specified Locations)</b>
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C19 5/10  
Op 8/12

Subdivision in the Mapua and Waimea Inlet Rural Residential zones that does not comply with the conditions of rule 16.3.8.1 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 relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.
- (2) Effects on the rural landscape, on amenity values and on coastal character and values.
- (3) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' for the area.
- (4) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.
- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.
- (6) Management of natural hazards within and beyond the boundaries of the area.
- (7) The ability of the wider landscape to absorb the extent of the development proposed.
- (8) Effects of likely land contamination by pesticide residues on future activities on the land.

C6 7/07  
Op 10/10

- (9) Actual and potential cumulative adverse effects.
- (10) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19  
Op 6/20
- (11) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
- (12) Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.
- (13) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.

**16.3.8.4A Restricted Discretionary Subdivision (Rural Residential Zone)**C60 1/16  
Op 6/19

Subdivision in the Rural Residential Zone that does not comply with condition (a) of rule 16.3.8.1 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) Any matter contained in 16.3.8.1.
- (2) Any matter relating to natural hazard, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards.
- (3) Adverse effects of the proposed development on character and amenity values within the Rural Residential Zone.
- (4) Any matter relating to the effect of the development on rural, landscape or coastal amenity values in the surrounding environment.
- (5) The ability of the land to manage onsite wastewater.

**16.3.8.4B Discretionary Subdivision (Rural Residential Zone – Cooperative Living)**C60 1/16  
Op 6/19

Subdivision in the Rural Residential Zone that does not comply with the conditions of rule 16.3.8.1 other than where it is only subject to rule 16.3.8.2, 16.3.8.3, 16.3.8.4 or 16.3.8.4A is a discretionary activity if it complies with the following conditions

- (a) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.8.2.8A has been submitted with the application for subdivision consent.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.8.5 Discretionary Subdivision (Rural Residential Zone)**C19 5/10  
Op 8/12

Subdivision in the Rural Residential Zone that does not comply with the conditions of rule 16.3.8.1, other than where it is only subject to rule 16.3.8.2, 16.3.8.3, or 16.3.8.4, or prohibited by rule 16.3.8.7, 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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.8.6 Discretionary Subdivision (Rural Residential Closed Zone)**C19 5/10  
Op 8/12

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural Residential Closed Zone is a discretionary activity if:

- (a) it does not create any additional allotments on which a dwelling can be built; and
- (b) following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

**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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

**16.3.8.7 Prohibited Subdivision (Rural Residential Closed Zone)**C19 5/10  
Op 8/12

Except as provided for in rule 16.3.8.6:

- (a) Subdivision in the Rural Residential Closed Zone in Whanganui Inlet, Rangihaeata, Gorge Creek (East Takaka), Tata Headland South, Tata Heights, Awaroa, Boundary Bay, Rocklands Road (south end), Toko Ngawa, Tophouse Road, Marlborough Crescent and Cropp Place (Richmond) and Motueka Quay is a prohibited activity for which no resource consent will be granted.
- (b) Subdivision to an allotment size below 5,000 square metres in the Tophouse Road Extension Rural Residential Zone is a prohibited activity for which no resource consent will be granted, except for a single allotment to be used exclusively as a site for network utilities and/or public works.

**16.3.9 All Other Zones****16.3.9.1 Discretionary Subdivision (Other Zones)**

Subdivision in any zone other than as provided in rules 16.3.3.1 to 16.3.8.5 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 criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

## 16.3.20 Principal Reasons for Rules

### Subdivisions Affecting Heritage Items

Subdivision is a process that results in physical works on a site that can be potentially damaging to heritage items and protected trees. It is also a time when arrangements can be negotiated between landowners and the Council for the protection of heritage items and protected trees.

C10 10/07  
Op 3/14

The subdivision provisions for the Richmond East Development Area Rural Residential Zone introduce a new controlled condition to ensure that protected trees are not adversely affected by subdivision. The standard is based on the Australian Standard AS 4970 2009 'Protection of Trees on Development Sites' and Guidelines. It determines the minimum root protection zone required to safeguard the health and stability of a tree which should be protected from land development activities. The controlled condition is introduced to avoid a subdivision application for land on which a protected tree is located, defaulting to a higher level (restricted or discretionary) activity status. It is intended that these rules will be introduced for general application across the District.

C20 8/10  
Op 8/12

### Residential Subdivision

The minimum net site area ensures a variety of section sizes and a proportion of sections larger than the minimum size prescribed, to provide for the different lifestyles and housing types required by the residents of the District and to provide some visual variety in the settlements. The requirement for larger allotment sizes adjoining industrial and rural zones ensures that these allotments are large enough to enable the location of dwellings with reasonable separation from activities in these adjoining zones.

The larger allotment size at St Arnaud is a means of protecting vegetation from removal and maintaining low-density character. Allotments crossed by the Alpine Fault are not subdivisible to reduce hazard risk to future landowners.

The wider allotments adjoining Rural and Industrial zones are to ensure that the wider setbacks required can be accommodated.

The purpose of the landscaped earth mound adjoining the Heavy Industrial Zone in Old Wharf Road, Motueka, is to maintain residential amenities.

The purpose of the Special Development Area at Mapua is to allow for a more compact and different style of residential development to be located within walking distance of the facilities provided in the town centre, rather than in more remote locations.

C22 2/11  
Op 1/15

### Mapua Development Area

The Mapua Development Area is an expansion of the Mapua urban area intended to cater for residential and business growth to 2031 and beyond. It provides for residential and rural residential development on the hills behind Mapua. It includes an extensive network of streets, walkways and cycleways to connect with the facilities in Mapua, the Rural 3 community and the wider region.

C22 2/11  
Op 1/15

### Richmond South Development Area and Richmond West Development Area

The Richmond South and Richmond West development areas are expansions to the Richmond urban area intended to cater for future residential and business growth to 2026. They provide a choice of living and business opportunities, including the opportunity to establish intensive compact and standard density residential developments similar to the existing Residential Zones, local retail nodes, and a range of mixed business and industrial activities (with the latter two in the Richmond West Development Area) in a high quality, high amenity environment.

C5 3/06  
Op 10/10

C10 10/07  
Op 3/14

C66 10/17  
Op 12/18

The rules reflect the different opportunities and environments being created, including the level of amenity values, infrastructure services, and effects on or from other values and environments.

C5 3/06 Op 10/10  
C10 10/07 Op 3/14

The indicative reserve network is a critical element for the Richmond South Development Area and the Richmond West Development Area. Borck Creek links both development areas and provides an important role in managing stormwater flows in the greater catchment area to reduce the adverse effects of flooding. It also provides an important alternative movement path for pedestrians and cyclists, a link between the two areas and to the coast, as well as supporting and enhancing existing ecological values.

C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14

The indicative road network is also a critical element as it provides well connected and accessible living and business environments. The design of roads also has the potential to contribute to the level of amenity and character of each area. In the Richmond South Development Area and the Richmond West Development Area, the road hierarchy has been identified on the planning maps. The location and construction of indicative roads are subject to rules in chapters 16 and 18, including street tree-planting and landscaping in respect of Richmond West Development Area.

C5 3/06  
Op 10/10  
C10 10/07  
Op 3/14

As subdivision takes place it is important that the bigger picture for both development areas in respect of the environmental outcomes envisaged is considered, the reserve and road networks are created and vested with the Council upon subdivision in accordance with the standards for development or higher standards, and the amenity values of the areas are enhanced.

C5 3/06 Op 10/10  
C10 10/07 Op 3/14

The purpose of condition 16.3.4.1(n) is to discourage the creation of rear allotments, ensuring that each allotment has frontage to a public road or reserve, and thus minimising the use of private rights of way. This facilitates the urban design principles of connectivity, permeability and re-use, where urban environments provide efficient, safe and functional accessibility for all users and also maintain flexibility for future redevelopment of sites and transport options. This rule closely aligns with condition 16.3.4.1(f) where through-connected roads are required and the length of a cul-de-sac is limited to achieve the same urban design outcomes expressed above. There may be some sites where, by virtue of their location, they are unable to comply with this standard. These sites will be assessed on a case-by-case basis as a discretionary consent, alongside any other Plan conditions for which consent is required.

C10 10/07  
Op 3/14

### **Richmond Intensive Development Area**

C66 10/17  
Op 12/18

The purpose of the Richmond Intensive Development Area (RIDA) is to increase the choice of living opportunities and to allow for residential intensification in central Richmond close to the facilities provided in the town centre.

RIDA is intended to absorb some of the further residential growth of Richmond, together with Richmond South, West and East development areas.

In addition to standard density residential development the area provides the opportunity for intensive residential development. Consents for subdivision and residential building activity for intensive development in RIDA can be applied for separately. Subdivision for Intensive housing in RIDA is a Controlled activity provided that a complying building envelope is shown and key standards are met, while land use (building construction) is a Restricted Discretionary activity if key standards are met.

In RIDA, development is managed so that stormwater from additional development does not cause flooding or contribute to any damage caused by flooding. To this end, a permitted stormwater standard provides for onsite stormwater detention for additional site coverage resulting from new development and for specified stormwater flood flow path protection.

**Electricity Transmission Corridor**C20 8/10  
Op 8/12  
C77 9/22  
(d 6/23)

The Richmond West and Richmond East development areas are traversed by high voltage transmission lines which are important elements of the National Grid. Rural Residential areas in Mangles Valley, Murchison, are also within close proximity to a high voltage transmission line. These transmission lines ~~that~~ need to be protected from adverse effects of development. As well, development needs to be protected from risks of the electricity transmission lines.

**Richmond East Development Area**C20 8/10  
Op 8/12

The Richmond East Development Area forms part of the Nelson South/Richmond East precinct which spans both Nelson City and Tasman District.

The Plan change enables part expansion and part intensification of the Richmond urban area. It is intended to cater for the further residential growth of Richmond, together with Richmond South and Richmond West and intensification of central Richmond.

The Plan change proposes utilising the area efficiently for residential development, while retaining and providing a quality urban environment. Specific residential densities are proposed for specific areas within Richmond East, depending on their location and character. South east of Hill Street:

- (a) standard density residential development (minimum lot size of 600 square metres) is a means of retaining the character of the existing residential environment while enabling a measure of intensification;
- (b) low density residential development (minimum lot size of 900 square metres) is a means of enabling a measure of development on relatively shallow sloping land in the east of the Development Area adjoining the Rural Residential Serviced Zone.

The Rural Residential Serviced zoning is being retained for the Highfield Grove precinct where existing development is rural residential in character.

The landscape value of the hills behind Richmond East is being retained by limiting development to the lower hill slopes and providing for lower density rural residential development at the interface with the rural land.

The planning maps show a connected network of streets, walking and cycling routes that traverse and connect the area with the rest of Richmond and Nelson South, particularly the existing green space networks, the proposed Saxton Creek greenway in Richmond and Nelson, and the Saxton Field sports complex.

**Brightwater Development Area**C75 9/22  
(d 6/23)

The Brightwater Development Area is intended to provide for additional residential land to meet the growth projections for the township and the wider region. It is located on land between State Highway 6, Pitfure Stream, and Lord Rutherford Road. For any urban expansion, particularly into the Rural Zones, there is a need to ensure this land is efficiently used. There is also a strong community view, and government policy direction, that residential land needs to be more intensively used, and a diversity of lot sizes and range of housing options achieved. To help achieve this objective, the Brightwater Development Area includes subdivision rules requiring a variety of lot sizes, including smaller lots, when larger blocks are subdivided. These rules mean areas of urban expansion are expected to develop with higher density housing options and a greater variety of lot sizes than may occur through the standard minimum lot size approach. This provides for a more varied neighbourhood of differing types of housing and properties.

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

- Seek efficient use of land and infrastructure,

- Encourage medium density housing development of a high standard in suitable locations.
- Seek a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Brightwater 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.

The Brightwater Development Area includes indicative roads and reserves to ensure appropriate connections are achieved; recreational, amenity and ecological functions are provided for; and stormwater is effectively managed. Flood flows from Pitfure Stream and Watertank Hill (the Katania Heights area) are able to be accommodated within the indicative reserve areas.

In relation to State Highway 6, reverse sensitivity is managed through a requirement to set development back from the state highway, and to provide an acoustic report for subdivision within 100m of the state highway's white edge line. Rules also restrict additional direct vehicle access to the state highway.

### **Wakefield Development Area**

C76 9/22

The Wakefield Development Area is intended to provide for additional residential land supply to meet the growth projections for the township and the wider region. It is located on land between Pitfure Road, Edward Street, and Higgins Road. For any urban expansion, particularly into the Rural Zones, there is a need to ensure this land is efficiently used. There is also a strong community view, and government policy direction that residential land needs to be more intensively used, and a diversity of lot sizes and range of housing options achieved. To help achieve this objective, the Wakefield Development Area includes subdivision rules requiring a variety of lot sizes, including smaller lots, when larger blocks are subdivided. These rules mean areas of urban expansion are expected to develop with higher density housing options and a greater variety of lot sizes than may occur through the standard minimum lot size approach. This provides for a more varied neighbourhood of differing types of housing and properties.

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

- Seek efficient use of land and infrastructure.
- Encourage medium density housing development of a high standard in suitable locations.
- Seek 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.

The Wakefield Development Area includes indicative roads and reserves to ensure appropriate connections are achieved; recreational, amenity and ecological functions are provided for; and

stormwater is effectively managed. The indicative road connection to Higgins Road ensures that the provision of emergency vehicle access via Higgins Road will be provided for. Flood flows from Pitfure Stream are able to be accommodated within the indicative reserve areas.

### Motueka West Development Area

C43 4/13  
Op 1/15

The Motueka West Development Area is designed to provide for the expansion of Motueka to 2056. Additional land provides opportunities to establish a mix of business and living environments between Pah Street and King Edward Street. Because the area is relatively close to the town centre there is an opportunity to establish compact density residential development as well as medium density residential development similar to the existing Residential Zone. Favourable consideration will be given to higher density residential proposals located within walking distance (400 metres) of the town centre. Employment opportunities will be provided in the adjacent business and industrial zones. Larger business sites are designed to provide for the storage and retailing of bulky or larger goods in a Mixed Business Zone.

Several new stormwater features will provide the framework for an integrated linear open space greenway network that will encourage walking and cycling.

The planning maps show a connected indicative road network and rules limit access to Queen Victoria Street.

### Pedestrian or Cycle Linkages

The development of safe, convenient and attractive networks of pedestrian or cycle routes is a key component of the development of a more sustainable transport system.

At Mapua, Seaton Valley Stream links Mapua, Ruby Bay, Seaton Valley and the Waimea Inlet and has an important role in managing stormwater, providing opportunities for off-road cycling and walking along its margins and enhancing ecological values.

C22 2/11  
Op 1/15

### Central Business, Commercial and Tourist Services Zones

In Central Business, Commercial and Tourist Services zones, minimum site areas are set to ensure that sites are created which are usable for a range of likely activities and allow adequate space for landscaping and car parking.

In the Tourist Services Zone, Mapua, the coastline on Lot 1 DP 20295 (area of land at the end of Toru Street) is in part susceptible to erosion and accretion and in low-lying areas to inundation, so further subdivision is discouraged.

In the Tourist Services Zone, Salisbury Road, Richmond, a development plan is required to show how access to Salisbury Road will be limited (i.e. building sites and site accesses to be shown). Access to Salisbury Road is to be limited for traffic safety reasons. Any access onto Salisbury Road from Lot 3 DP 18824 (141 Salisbury Road, occupied by the Aquatic Centre), other than any joint access with Lot 2 DP 18824 (123 Salisbury Road, occupied by the Baptist Church), shall be considered as a restricted discretionary activity for the reasons above.

### Industrial Zones

Larger sites are required in industrial zones to accommodate the larger buildings and parking, storage, and loading areas associated with industrial activities. An overall development plan will be required for subdivision in any of the Rural Industrial Zones to show that the proposal will meet the needs of rural industries.

Individual site access to Stafford Drive is limited between Seaton Valley Stream and Warren Place because of its proximity to the shared path leading to Mapua School.

C22 2/11  
Op 1/15

## Rural Zones

In order to maintain the productive values of land, controls are required on subdivision which allow for a range of soil-based production opportunities to be retained, despite shifts over time in the economic prospects for particular production activities. The Rural 1 Zone contains the small area of the District's land which has high productive value and which is suited to a wide range of uses, including both soil-based production and other uses such as residential. The rules protect this land's productive value for a range of soil-based productive uses. The soils in the Rural 1 Zone are suited to intensive production and the subdivision limits reflect this land's potential for such use. Rural 2 land is less versatile for the range of soil-based productive uses that Rural 1 land is suited for. The land in Rural 2 is more extensively farmed. While most agricultural farm properties are greater than 50 hectares, the subdivision limits for Rural 2 land allow for an optimal range of land uses.

In the Rural 3 Zone, the Plan provides a specific framework (including design guidance through the 'Coastal Tasman Area Subdivision and Development Design Guide') to enable more intensive subdivision and development in appropriate circumstances.

C6 7/07  
Op 10/10

Applications for subdivision in the Rural 3 Zone that meet the conditions will be evaluated as restricted discretionary activities. Applicants are expected to demonstrate compliance with Plan policy and consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' through innovative design approaches.

The Rural 3 Zone is intended to be serviced with a restricted community water supply reticulation and programmed road upgrading, with requirements for long term onsite wastewater servicing, to avoid the cumulative adverse effects of residential development in this rural area. The Council's long term infrastructure services programme for the Rural 3 Zone is contained in the Tasman District Long Term Plan, prepared under the Local Government Act 2002.

The frontage requirements in rural zones ensure access and spaciousness in rural areas, which contributes to its character and amenity values, as well as minimising loss of the land and soil resource, and contributing towards limiting cross-boundary effects such as dust, shading and spray drift, in gaining access to rear properties.

In the Wastewater Management Area that applies to the Rural 3 and adjacent Rural Residential zones, the provisions for considering on-site wastewater options at the time of subdivision enable a consistent and integrated approach to management of land use effects as well as management of effects of discharges.

The Council will particularly require developers to pay attention to site constraints for on-site treatment at the time subdivision plans are being considered. Long-term sustainable provision for on-site wastewater systems will need to be addressed at the time of subdivision. Where future land use or dwelling details are not known, the Council will adopt a default design of a 10-person household.

If the wastewater treatment system is intended to service more than one household, the Council will require discharge permits to be sought at the same time as consent for subdivision is sought. This is to ensure subdivision design and wastewater provision will be integrated into design and construction. It will also consider requiring discharge permits to be sought at the same time as subdivision consents where the wastewater treatment systems are to service single households and where adverse effects of single on-site systems are likely to be significant, or where the default design for a 10-person household is not adopted.

## Rural Residential Zones

The minimum net site area ensures a variety of allotment sizes to cater for different lifestyle needs in different parts of the District.

Two Rural Residential Zone locations in proximity to the Rural 3 Zone are also intended to be serviced with water and wastewater reticulated services, for the same reason as in those zones. Until Council services are available, interim provision of services will be considered in applications for subdivision and residential development. In the Mapua Rural Residential Zone, development to greater densities than provided for on the basis of the subdivision controlled activity lot size is envisaged, subject to detailed

design consideration. In the Waimea Inlet Rural Residential Zone, there may be some limited additional subdivision subject to design guide evaluation.

In the Rural Residential zone at Higgins Road, Wakefield, a range of rural residential options exist on part Lot 1 DP 303114. Adequate stormwater mitigation is required to manage any overflow from uphill dams in an extreme rainfall or other event.

C65 10/17  
Op 4/18

### Rural Residential Closed Zone

Further subdivision is prevented at Awaroa, Toko Ngawa, Tata Heights and Tata Headland, Boundary Bay and Frenchman's Bay and Whanganui Inlet because of proximity to the coast and special landscape features. At Gorge Creek (East Takaka) and Rocklands Road (south end) the standard of road access and geological instability are the reasons. At Rangihaeata significant factors are marginal land soakage, proximity of the aerodrome and coastal erosion. The retention of low-density residential character is important at Tophouse Road; for this reason, the Tophouse Road Extension Zone is shown on the planning maps as "Closed: Deferred". This provides through a combination of controlled and prohibited status for subdivision that the land may be subdivided until the subdivision process is fully completed at an allotment size of no less than 5,000 square metres. Once this level of subdivision has been reached, the closed status will have full effect, and the deferment shown on the planning maps will be removed by Council resolution.

Some larger sites are provided in parts of Golden Bay where land slope is steep or land soakage is poor to moderate.

The reason for the Cropp Place Closed Zone is geological instability.

### Residential Closed Zone

Further residential subdivision in the small enclave of residential allotments at Anchorage is inappropriate because of the proximity of Abel Tasman National Park and poor access.

### Poles and Lines

Above ground telephone and power supplies have the potential to interrupt views and detract from the visual appearance of urban and rural residential areas. As rural residential development has higher building density than the general rural area, the impact of utility wires and poles is potentially greater.

### Rural Closed Zone and Rural 1 Coastal Zone

C22 2/11 Op 1/15

In a small number of circumstances, following submissions on the Proposed Plan, references to the Environment Court resulted in the Council, nearby landowners and residents, and the referrers agreeing to small allotments for primarily rural residential purposes in areas within the Rural 1 and Rural 2 zones. Where part of the agreement has been that there should be no further subdivision of the land, such areas are shown as "closed" on the planning maps and changes to the rules have been made which prevent the creation of additional allotments, but provide for adjustments to existing boundaries subject to a consent process. The reasons for the closed status relate to protecting overall amenity values or the productive potential of the balance land area. In the area shown on the planning maps off Pupu Valley Road, there is no predetermined subdivision pattern, but a maximum number of lots is provided for. In this area, through a combination of controlled and prohibited status, subdivision may proceed until the number of lots specified as a controlled activity is reached. Once this level of subdivision has been reached, the closed status will have full effect.

At Mapua/Ruby Bay on the coastal flats between Mapua and Ruby Bay, the lot sizes are all below the minimum Rural 1 lot size so there is very limited provision for further subdivision as this might encourage additional dwellings in this low-lying area that is likely to be vulnerable to both seawater and freshwater inundation. Rural residential development is already well provided for on the hills to the west and in the Rural 3 Zone.

C22 2/11  
Op 1/15

### Cultural Heritage Sites

C16 9/09  
Op 8/12

The rules seek to manage adverse effects on cultural heritage sites by requiring an authority from Heritage New Zealand Pouhere Taonga where any modification, damage or destruction of a site is

proposed as part of a subdivision. Known cultural heritage sites are listed in Schedule 16.13C and are shown on the planning maps. These are effective ways of enhancing the protection of the values of known sites and ensuring that any site discovered, for example, through land disturbance, is also managed through this approval process.

**Filling of Allotments**

C10 10/07  
Op 3/14

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

**Land Subdivision in relation to Dams**

C17 2/10  
Op 4/13

There are large numbers of water storage dams in the District, especially throughout the Moutere gravel terrain. Many of these were built in compliance with rural standards for irrigation dams. While dams in this terrain have a low probability of failure, dam failures do occur and some existing dams may pose a risk to persons or land beyond the immediate property boundary. It is important that hazards are not created by allowing inappropriate development below these dams. In addition, as subdivision occurs, it is important that additional risks are avoided by establishing new property boundaries so that setbacks from the dam and associated structures can be complied with.

Council will take into account the location of allotment boundaries in relation to any existing dam and its associated spillway and impounded water, so that risks to property from dam failure are not increased as a result of land use changes.

## SCHEDULES

### Schedule 16.3A: Assessment Criteria for Subdivision

*Refer to rules 16.3.3.3, 16.3.3.4, 16.3.3.5, 16.3.3.6, 16.3.4.4, 16.3.4.5, 16.3.5.1, 16.3.5.4, 16.3.5.5, 16.3.6.1, 16.3.6.4, 16.3.6.5, 16.3.7.1, 16.3.7.3, 16.3.7.4, 16.3.7.5, 16.3.8.1, 16.3.8.4, 16.3.8.5, 16.3.8.5, 16.3.9.1, 16.4.2.1, 16.4.2.2.*

When considering an application for a subdivision consent, the Council will have regard to the following criteria:

#### General

- (1) The productive value of the land in Rural 1, Rural 2 and Rural 3 zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.
- (2) The potential effects of the subdivision on the amenity values, including rural character, and natural and physical character of the area. C60 1/16  
Op 6/19
- (3) 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
- (4) The potential effects of the subdivision on the natural character of the coastal environment, wetlands, lakes and rivers.
- (4A) The potential for reverse sensitivity effects on plant and animal production activity. C60 1/16 Op 6/19
- (5) The adequacy of provision for public open space, esplanade reserves and esplanade strips.
- (6) The adequacy of design, capacity, standard and staging of existing or proposed public utilities servicing the subdivision, including any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects on a temporary or permanent basis.
- (7) The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.
- (8) For water supply, the extent of compliance with the "Drinking Water Standards for New Zealand 1995" or any subsequent replacement of this standard.
- (9) The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.
- (10) Where wastewater disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with the AS/NZS 1547:2000, taking into account the requirements of rules in Chapter 36 regulating the discharge of wastewater.
- (11) The adequate provision of potable water and water for fire fighting.
- (12) Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely affect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220(d) of the Act.

- (13) Whether the subdivided land has been, or is, subject to contaminants that may be hazardous to the future occupiers of the land and whether sufficient works or other solutions have been undertaken to avoid, remedy or mitigate the hazardous effects.
- (14) Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.
- (15) Whether engineering design is appropriate for the circumstances.
- (16) Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the functional and aesthetic quality of the area, and potential maintenance costs.
- (17) The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.
- (18) The vesting in Council of any allotment in connection with the servicing of any other land by a stormwater network utility under the control of the Council.
- (19) Proximity of future residential use and development of land to existing transmission lines and provisions to avoid any actual and potential effects on the integrity of existing transmission lines and the health and safety of people.
- (20) The ability of any existing shelter belt, horticultural plantings or plantation forest to comply with height and setback requirements of this Plan.
- (21) (i) The ability of any earthworks and the construction of any subsequent buildings and structures to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001). A copy of this document may be obtained from Transpower New Zealand Ltd.
- (ii) The ability of any vegetation planted to maintain a minimum 4 metres clearance distance from any transmission line conductors, taking into account the mature height of the vegetation.
- (22) In the Richmond West Development Area: C10 10/07  
Op 3/14
- (i) The extent to which access to support structures for emergency, maintenance and upgrading purposes is retained.
- (ii) The extent to which the subdivision would constrain the ongoing operational needs of the National Grid.
- (23) The likely effects of the subdivision on vegetation change having water yield effects.

### Earthworks

- (24) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as water courses.
- (25) The extent to which any cut or fill can be restored or treated to resemble natural landforms.
- (26) The extent to which the earthworks will have an adverse visual effect on the surrounding area.
- (27) Whether the proposed earthworks will increase or decrease the risks from natural hazards either on, or outside, the land being subdivided.

### Stormwater

- (28) The actual and potential adverse effects of the subdivision in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following:

C6 7/07  
Op 10/10

- |        |   |                     |
|--------|---|---------------------|
| (i)    | 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. | C6 7/07<br>Op 10/10 |
| (ii)   | The extent to which the subdivision design has taken into account changes in land cover; and the proposed measures to avoid, remedy or mitigate the effects of those changes on stormwater flows and water quality.                     | C6 7/07<br>Op 10/10 |
| (iii)  | The degree to which the subdivision has used Low Impact Design solutions in the management of stormwater.   |                     |
| (iv)   | The degree of maintenance or enhancement of natural drainage characteristics in the overall subdivision design and allotment layout.  |                     |
| (v)    | The regard for existing and reasonably expected future land-use changes within the catchment of the subdivision.  |                     |
| (vi)   | 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.   |                     |
| (vii)  | The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been applied to the subdivision design.  |                     |
| (viii) | The methods proposed to avoid damage to downstream properties from altered stormwater flows and effectiveness of those methods.   |                     |
| (ix)   | Consistency with mandatory and good practice matters contained within the Nelson Tasman Land Development Manual 2019.   | C69 6/19<br>Op 6/20 |

### Buildings

- (29) The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.
- (30) The effects of existing or future buildings on an allotment in relation to natural hazards and effects on adjoining sites and whether future building or development should be limited to particular parts of the allotment, or minimum floor levels set.
- (31) For a subdivision of a building:
- (i) whether the use of the building complies with this Plan or has resource consents for aspects of non-compliance;
  - (ii) whether the new allotments meet, or can meet, the requirements of Section 46(4) of the Building Act 2004;
  - (iii) if a change of use for the building is proposed, whether the building complies with Section 46 of the Building Act 2004.

### Archaeological or Heritage Sites

- |       |   |                      |
|-------|---|----------------------|
| (32)  | In relation to land, including a heritage site or item referred to in Schedules 16.13A, 18.1A or 16.13C, and a protected tree referred to in Schedule 16.13B:                         | C10 10/07<br>Op 3/14 |
| (i)   | whether the proposed subdivision would have an adverse or beneficial effect on the integrity or heritage and protected tree value of the site or item, and the extent of that effect; |                      |
| (ii)  | the extent to which land integral to the significance of an archaeological site or site of significance to Māori would be separated from that site;                                   |                      |
| (iii) | the provisions of any relevant management plan.   |                      |

**Allotments for Network Utilities**

- (33) Where an allotment is created as a site for a network utility or public work:
- (i) the degree to which the allotment allows sufficient land area to accommodate the activity and associated structures;
  - (ii) landscaping, amenity plantings and location of the utility within the subdivision to mitigate adverse effects of the activity;
  - (iii) whether the allotment should be amalgamated with an adjoining allotment in the event of the utility being removed.

**Site Works Effects**

- (34) The adequacy of provisions for management of construction and site works, including an environmental management plan, to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.

**Transport, Access and Roads**

- |      |   |                      |
|------|---|----------------------|
| (35) | The degree of compliance with mandatory and good practice matters of chapter 4 of the Nelson Tasman Land Development Manual 2019.   | C69 6/19<br>Op 6/20  |
| (36) | The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road, or state highway, including:   | C69 6/19<br>Op 6/20  |
|      | (i) the number of intersections between the frontage of any site and the nearest of those roads;  |                      |
|      | (ii) the driving time between any site and the nearest of those roads;  |                      |
|      | (iii) the walking distance between any site and an arterial or principal road, along public roads, pedestrian ways or footpaths through reserves.   | C69 6/19<br>Op 6/20  |
| (37) | The relationship of any new road with existing roads, including determining the road hierarchy class of any new road, newly formed road or any required upgrading of an existing road.  | C69 6/19<br>Op 6/20  |
| (38) | The extent to which an existing road needs to be up-graded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of chapter 4 of the Nelson Tasman Land Development Manual 2019.   | C69 6/19<br>Op 6/20  |
| (39) | The ability to comply with the site access and vehicle crossing requirements of chapter 4 of the Nelson Tasman Land Development Manual 2019.  | C69 6/19<br>Op 6/20  |
| (40) | The need to provide alternative access for car parking and vehicle loading in the Central Business, Commercial, Tourist Services, Heavy Industrial or Light Industrial zones by way of service lanes at the rear of properties and whether these should be vested in Council.   |                      |
| (41) | The appropriateness of, or need to provide, access by way of a road rather than a private access.   | C69 6/19<br>Op 6/20  |
| (42) | The adequacy of road layout, including road access to adjoining land. In the case of any change from the indicative road positions shown on the planning maps, whether the change will retain the ability to achieve the desired connectivity (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network. | C73 12/20<br>Op 6/23 |
| (43) | The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.   |                      |
| (44) | The effect of roads and private vehicular access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.  |                      |
| (45) | The necessity for, and appropriateness of, sealing rural collector and access roads.  |                      |

- (46) Provision for the vesting of road reserves for the purpose of facilitating connections to future road extensions to serve surrounding land.
- (47) The necessity for, and appropriateness of, the provision of footpaths and kerb drains on rural roads.
- (47A) The potential for adverse cross-boundary effects, including reverse sensitivity. C69 6/19 Op 6/20

### Lighting

- (48) The provision of appropriate standards of street lighting, having regard to the minimum design Standards of New Zealand series of standards AS/NZS 1158 *Lighting for Roads and Public Spaces*.
- (49) Where roads in the subdivision would connect existing roads:
  - (i) the form, location and function of the road connection;
  - (ii) the standard of construction of the connecting road;
  - (iii) the promotion and protection of public health and safety.

### Stopping and Sight Distances

- (50) The effects of road safety where prescribed safe stopping distances and minimum sight distances are not provided.

### Frontage to Unformed Legal Roads

- (51) The appropriateness and cost effectiveness of the formation of the road.
- (52) The need for improvements to intersections.
- (53) The need for and extent of any financial contributions towards the road formation.

### Additional Matters for Land in a Significant Natural Area

- (54) In the case of a subdivision of land that includes land in a Significant Natural Area:
  - (i) whether the land in the Significant Natural Area is fragmented by the subdivision and, if so, the effects on the visual qualities or natural values of the Significant Natural Area;
  - (ii) whether the Significant Natural Area is protected by a covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977 or other mechanism;
  - (iii) whether the need for an effective stock-proof fence to protect the Significant Natural Area has been addressed;
  - (iv) whether the allotment containing the Significant Natural Area contains a stable dwelling site and adequate effluent disposal area and access, outside the Significant Natural Area, will not adversely affect the visual qualities or natural values of the Significant Natural Area;
  - (v) whether the area of other allotments or balance area of the land (outside the Significant Natural Area) complies with the usual requirements of the zone.

### Allotments and Activities in relation to Existing Dams

- (55) The proximity of allotment boundaries and likely future land use activities to existing dam structures, including spillways and impounded water, and potential risks posed by the dam on likely land use activities.

C17 2/10  
Op 4/13

**Schedule 16.3B: Transport Conditions**

*Refer to rules 16.3.3.1, 16.3.3.1B, 16.3.3.2C 16.3.3.3, 16.3.3.4, 16.3.4.1, 16.3.5.1, 16.3.6.1, 16.3.7.1, 16.3.8.1.*

**Roads, Access and Parking**

- (a) All roads, including indicative and connecting roads, are laid out, constructed and vested in the Council in accordance with the road construction conditions specified in section 18.8. **C10 10/07 Op 3/14  
C69 6/19 Op 6/20**
- (b) Every allotment has vehicle access to a formed legal road other than a limited access road (unless written consent is given by the authority controlling the limited access road). Access to allotments is constructed in accordance with section 4.6.1.1 of the Nelson Tasman Land Development Manual 2019. **C69 6/19 Op 6/20**
- (c) Where subdivision creates or alters title boundaries of developed sites, every allotment created (including any balance title) has vehicle parking provided and constructed in accordance with the conditions specified in section 16.2.

**Linking Subdivision Roads to Existing Roads**

- (d) Where any land to be subdivided is subject to a road designation, provision is made for the land to vest in the Council as road at the time of subdivision. Where the land cannot legally vest in the Council as road at the time of subdivision, provision is made to enable the Council to acquire the land, by separately defining the parcels of land, which must be held in conjunction with adjoining land and a Consent Notice pursuant to Section 221 of the Act registered on the title, until such time as the Council acquires the land.
- (e) Where any land to be subdivided is subject to a notation on the planning maps as an “Indicative Road”, a road is laid out and constructed on the general alignment of the indicative road, except that in the Richmond West Development Area, the location of: **C10 10/07 Op 3/14  
C73 12/20 Op 6/23**
- (i) any point of intersection of an indicative road with an existing formed road must not vary;
- (ii) the indicative roads shown adjoining the indicative reserve that contains Borck Creek must not vary from those positions;
- (iii) the indicative roads shown along the boundaries of the locations of the Mixed Business Zone and Residential Zone must not vary from those boundaries;
- (iv) the indicative road shown along the boundary of the Recreation Zone must not vary from that boundary.

The requirement to lay out and construct a road on the general alignment of the indicative road means that desired connectivity, (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network can still be achieved even if the final road location changes from that of the indicative road (except as specified in (i) – (iv) above).

- (f) Where any land to be subdivided is subject to a notation on the planning maps indicating that a “Connecting Road” is required through the land, the road is to be laid out, constructed and vested in the Council at the time of the subdivision.
- Note:** In the Richmond West Development Area, the intersection to be formed between the indicative road and State Highway 60, between State Highway 6 and McShane Road, shown on the planning maps, is subject to approval by the New Zealand Transport Agency under the Government Roading Powers Act 1989. **C10 10/07 Op 3/14**
- (g) Where any new road extends or completes an existing road, the road is constructed at the developer’s cost to the relevant conditions specified in section 18.8. **C69 6/19 Op 6/20**

- |     |  |                      |
|-----|--|----------------------|
| (h) | Except in the Rural 3 Zone and Services Contribution Area, and in the Lower Queen Street and McShane Road in the Richmond West Development Area, where any land to be subdivided has frontage to any existing road that is not constructed to the conditions set out in section 18.8 for the relevant level of the existing road in the Road Hierarchy, the road along the frontage adjoining the land to be subdivided is formed and upgraded by the developer to the conditions of road widths, kerb and channelling and associated drainage attributable to the subdivision, berm, footpath, crossings and street lighting specified in section 18.8. | C10 10/07<br>Op 3/14 |
| (i) | Where any land to be subdivided has a frontage to an existing Council road which has inadequate road reserve width to meet the condition in the Plan, adequate land to meet the condition is vested in the Council at the time of subdivision, at no cost to the Council.  | C69 6/19<br>Op 6/20  |
| (j) | The subdivision provides a safe and efficient road, cycleway and pedestrian access connection to adjoining land and roads, cycleways and pedestrian accessways.  |                      |

**Schedule 16.3C: Services Required on Subdivision in Certain Zones**

*Refer to rules 16.3.3.1, 16.3.4.1, 16.3.3.1B, 16.3.3.2C*

This schedule applies to Central Business, Commercial, Mixed Business, Tourist Services, Heavy and Light Industrial and Rural Industrial zones, and the Residential Zone in the Richmond South, Richmond West, Richmond East, Richmond Intensive, **Brightwater**, Motueka West and Mapua development areas (excluding the Residential Coastal Zone), and the Rural Residential Serviced Zone in the Richmond East and Mapua development areas.

C10 10/07 Op 3/14  
C20 8/10 Op 8/12  
C22 2/11 Op 1/15  
C43 4/13 Op 1/15  
C66 10/17 Op 12/18  
C75 9/22  
(d 6/23)

SERVICE	STANDARD	
Stormwater	<p>The land to be subdivided is connected to a Council stormwater network (including any stream that has been modified to function as a stormwater drain) that is capable of receiving additional stormwater because of the subdivision.</p> <p>OR</p> <p>The discharge complies with 36.4 of this Plan.</p> <p>AND</p> <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.</p> <p>In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the planning maps:</p> <p>(a) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;</p> <p>(b) the flood flow path surface is constructed or treated to prevent erosion of the surface.</p>	<p>C69 6/19 Op 6/20</p> <p>C66 10/17 Op 12/18</p>
Wastewater	The land to be subdivided is connected to a Council wastewater reticulation that is capable of receiving additional wastewater as a result of the subdivision.	
Water Supply	The land to be subdivided is connected to a Council potable water supply reticulation that is capable of providing a potable water supply for each allotment and sufficient water for fire-fighting purposes, unless in the Rural Residential Zone (other than the Rural Residential Serviced Zone in the Richmond East and Mapua development areas), rule 17.8.3.1(m) is complied with.	<p>C20 8/10 Op 8/12</p> <p>C22 2/11 Op 1/15</p>
Electricity	The land to be subdivided is provided with electric power, appropriate to the circumstances.	
Telephone	The land to be subdivided is provided with a telephone system, appropriate to the circumstances.	

**Note:** Schedule 16.3A contains an assessment criterion that refers to this table.

**16.4 ESPLANADE RESERVES, STRIPS AND ACCESS STRIPS***Refer to Policy sets 8.1, 8.2, 9.1, 9.2, 9.3, 13.1, 14.1 – 14.4.***16.4.1 Scope of Section**

This section deals with the subdivision of land adjacent to:

- a river whose bed has an average width of 3 metres or more;
- a lake whose bed has an area of 8 hectares or more; or
- the coastal marine area.

For subdivision of land in these locations, regardless of zone, section 16.4 applies notwithstanding the subdivision rules of section 16.3.

Subdivision of land in any other location is regulated under section 16.3.

Section 16.4 provides for the circumstances where the Act allows an esplanade reserve or esplanade strip to be set aside or created upon subdivision. The general provision of the Act is that where any allotment of less than 4 hectares is created adjacent to the water areas listed above, an esplanade reserve of 20 metres in width is to be provided. However, the Act allows specific Plan rules, or any resource consent, to waive or amend the width of an esplanade reserve.

Where an allotment is 4 hectares or more, the Act provides that a plan rule may require an esplanade reserve or esplanade strip to be set aside, and that a resource consent may waive or amend the width of the esplanade reserve or strip.

The Act also provides that where an allotment of less than 4 hectares is created, no compensation is payable for esplanade reserves or esplanade strips of 20 metres or less in width. Compensation is payable to the registered proprietor for any width above 20 metres. Where an allotment of 4 hectares or more is created, and an esplanade reserve or esplanade strip is required, compensation is payable.

Except for reserves or strips obtained through the rules in this section or as a condition of a resource consent, the acquisition of other reserves (or obtaining agreements for esplanade strips or access strips), is through negotiation with landowners.

**16.4.2 Esplanade Reserves, Strips and Access Strips on Subdivision****16.4.2.1 Restricted Discretionary Subdivision (Esplanade Reserves, Strips and Access Strips on Subdivision — Allotments less than 4 Hectares)**

The subdivision of land where one or more allotments of less than 4 hectares is created, including any balance allotments, adjacent to:

- a river whose bed has an average width of 3 metres or more; or
- a lake whose bed has an area of 8 hectares or more; or
- the coastal marine area;

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) A 20-metre-wide esplanade reserve will be taken for any of the purposes in Section 229 of the Act of:
  - protecting conservation values;
  - enabling public access

### 16.4.2.2 Restricted Discretionary Subdivision (Esplanade Reserves, Strips and Access Strips on Subdivision — Allotments 4 Hectares or More)

- enabling public recreation;
- unless the Council determines otherwise after consideration of:
- (a) Where, having regard to Section 229 and Part II of the Act, it would not be appropriate to set aside an esplanade reserve because:
    - (i) in any working port area, there is a risk to security for activities that are permitted or authorised to operate in any part of the area that would otherwise be an esplanade reserve;
    - (ii) in any working port area, there is a risk to public safety in any part of the area that would otherwise be an esplanade reserve;
    - (iii) the land has little or no value in terms of the purposes of Section 229 of the Act;
    - (iv) there is already adequate protection in place for any value the land may have for purposes in Section 229 of the Act.
  - (b) Whether a reserve of greater than 20 metres width is required for purposes in Section 229 of the Act, and the compensation payable for that additional land.
  - (c) Whether the subdivision is a minor boundary adjustment or relocation.
  - (d) Whether the subdivision is for public utility or infrastructure purposes.
  - (e) Whether an esplanade strip will achieve the purposes in Section 229 of the Act and is preferable because the location is one where there is a high likelihood of movement of the margin through erosion, inundation or land movement.
  - (f) Whether any existing structure on land in the reserve entitlement affects the purposes in Section 229 of the Act, including consideration of the form and width of any reserve, access to and along it, and the use of it.
- (2) Whether, in setting aside or creating a reserve or strip, there is any need to restrict public access in order to:
    - protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
    - protect Māori cultural values;
    - protect public health and safety;
    - ensure a level of security consistent with the purpose of a resource consent (or permitted activity); or
    - in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
  - (3) The assessment criteria set out in Schedule 16.3A.
  - (4) The duration of the consent (Section 123 of the Act).
  - (5) The purpose and timing of any review of consent conditions (Section 128).
  - (6) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Sections 36 and 108).

### 16.4.2.2 Restricted Discretionary Subdivision (Esplanade Reserves, Strips and Access Strips on Subdivision — Allotments 4 Hectares or More)

The subdivision of land where one or more allotments of 4 hectares or more is created, including any balance lot, adjacent to:

- a river whose bed has an average width of 3 metres or more; or
- a lake whose bed has an area of 8 hectares or more; or

- the coastal marine area;
- 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) Whether any land is to be set aside as an esplanade reserve or esplanade strip for any of the purposes in Section 229 of the Act of:
  - protecting conservation values;
  - enabling public access;
  - enabling public recreation;and any compensation is to be paid for that land.
- (2) Whether, if a reserve or strip is to be set aside or created, there is any need to restrict public access in order to:
  - protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
  - protect Māori cultural values;
  - protect public health and safety;
  - ensure a level of security consistent with the purpose of a resource consent (or permitted activity); or
  - in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
- (3) The assessment criteria set out in Schedule 16.3A.
- (4) The duration of the consent (Section 123 of the Act).
- (5) The purpose and timing of any review of consent conditions (Section 128).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Sections 36 and 108).

#### **16.4.20 Principal Reasons for Rules**

It is a matter of national importance to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins; and to maintain public access to and along them (except wetlands). Values that contribute to natural character include the natural functioning of the water body, aquatic and adjacent habitats and water quality.

Council may seek to acquire esplanade reserves or esplanade strips to protect or enhance those values, or to provide for public access and recreation to and in such areas. Access strips may also be sought in some circumstances.

The Act entitles Council to take an esplanade reserve up to 20 metres wide when land adjacent to the sea or major rivers and lakes of the District is subdivided to allotments less than 4 hectares in area. It enables reserves to be sought where larger allotments are created, but makes compensation payable in those circumstances. Compensation is also payable when a reserve wider than 20 metres is sought from allotments less than 4 hectares.

The rule reflects the powers and limitations that the Act gives Council for obtaining reserves when land adjacent to major water features is subdivided.



## **16.5 FINANCIAL CONTRIBUTIONS**

### **16.5.1 Scope of Section**

This section establishes Council's ability to require payment of financial contributions as a condition of subdivision, building development, establishment of plantation forestry in a Groundwater Recharge Protection Area or a Surface Water Yield Protection Area, or resource consents for other purposes.

#### **16.5.1.1 Financial Contributions**

Financial contributions are contributions of land or money that Council may require to assist in managing adverse effects of activities. They can be obtained through conditions on permitted activities or on resource consents.

Financial contributions should be seen in perspective. They are a third level method for managing adverse effects of activities.

The first method is the obligation on an applicant for resource consent to adequately identify likely adverse effects of the proposed activity and to show how those effects will be managed. The second method is for Council, in considering the application, to identify any additional measures it can reasonably require the applicant or persons implementing the consent to carry out to manage effects, and to impose conditions to achieve that end. These may include requiring works and services to be carried out or provided.

Financial contributions are available to redress any residual effects management issues. Usually these will be matters that are more effectively or efficiently carried out by Council, than by individual developers or site users. Contributions would not normally be required for on-site work that a developer would be expected to carry out. They are more likely to be applied where a development creates or contributes to a need for the provision of, or improvements to, off-site facilities provided and operated by Council. These may include roading improvements; upgrades to reticulation or treatment facilities for water supply, or sewage or wastewater disposal; stormwater disposal; or development of reserves and other community facilities; where these cannot be achieved by the developer. They may also include water augmentation measures where adverse water yield effects of new plantation forest cannot be met through conditions on resource consents.

Financial contributions are one of the set of methods to manage effects in this Plan. They are not simply a tax on development. Financial contributions by themselves do not offset adverse effects: they allow some other measure to be purchased or implemented to manage effects. They should not be taken unless they can be applied to a measure to manage identified effects.

Financial contributions are a method applicable to implementing any policy, or achieving any objective, of this Plan.

#### **16.5.1.2 Circumstances where Financial Contributions will be Imposed**

From 1 July 2004 onwards Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act 2002 requires development contributions to be paid on subdivision and building development to contribute to the long term costs of provision of new or expanded road network, wastewater, water supply or stormwater services. Where Council has required development contributions for the same activity and service, Council will not require payment of financial contributions for any of these infrastructure services as a condition of subdivision or building development under the provisions of this section. This statement qualifies the purpose of financial contributions given below to apply after 1 July 2004.

Financial contributions will be imposed when land is subdivided, and when buildings are constructed, to assist in managing effects anticipated to be generated by the subsequent use of those allotments and buildings. They may also be imposed on resource consents for activities that generate effects that cannot be managed by the consent-holder but which can be managed through some Council facility or operation.

Because of the special circumstances of the Rural 3 Zone, and the need for financial contributions to provide for the adequate servicing of the area within these zones and adjacent areas to accommodate new residential development, financial contributions for roading, water supply and wastewater are applied in this area as a standard for all subdivision consents, and for buildings. This also applies in the Mapua and Waimea Inlet Rural Residential Zones and Services Contribution Areas at Mapua and Tasman where improved servicing is needed to provide for existing and future development.

### 16.5.1.3 Purpose of Financial Contributions

Subject to the explanation above concerning the circumstances where financial contributions will be imposed, the primary purpose of financial contributions is to provide an additional step in implementing the principle that the instigators and beneficiaries of activities generating adverse effects should meet the costs of avoiding, remedying, mitigating or offsetting those effects. The complementary purpose is to minimise the extent to which the community at large would otherwise subsidise those activities by meeting the costs of managing any adverse effects they generate. These primary and complementary purposes include the following matters:

- (a) Infrastructure in Tasman District has generally been sufficient to cope with effects generated by the present community. There is a need to upgrade and extend existing services, and to provide new services, to ensure that effects of community growth and development are adequately managed. The cost of such services which is over and above that required by the existing community will be funded by the new subdivision and development that generate the demand.
- (b) The roading network serves the total community and must be maintained and upgraded on a District-wide basis, and will be funded in part by financial contributions. For that reason, a contribution to roading will be levied on all subdivision and development.
- (c) Wastewater reticulation, collection and disposal is designed to serve discrete urban areas. Properties that are unable to benefit from such services will not be required to contribute. They will, however, be required to make suitable provision for the disposal of wastewater independently, as required by any consent.
- (d) Water supply is also designed to serve identified urban areas. Properties that are unable to benefit from such systems will not be required to contribute.
- (e) No provision has been made for a general contribution for stormwater yet. When an assessment has been made of the effects of new growth and the need for stormwater management determined, provision for a contribution may be introduced through a plan change.
- (f) Reserves and community services are considered to be essential facilities for the wellbeing of the people of the District. New growth places a demand to upgrade existing services, to expand, and to develop new facilities. Reserves and community services throughout the District are available to the total community. The cost of enhancing such facilities will be funded in part by new subdivision and development.
- (g) Financial contributions are an appropriate means of addressing effects of activities that warrant measures such as:
  - (i) natural hazard mitigation;
  - (ii) maintenance, enhancement, protection, preservation or restoration of:
    - landscape and natural values;
    - amenity values;
    - habitats and ecosystems;
    - heritage values;
    - water, soil and air quality.

Financial contributions for these purposes may be applied on-site or off-site. Positive effects such as environmental compensation will be taken into account.

#### **16.5.1.4 How Financial Contributions have been Set**

The determination of the financial contribution for each component is derived from the cost of Council's ten-year strategy for infrastructure works, reserves and community services, and the estimated demand for new allotments and development. The amount of funding required is a direct relationship between the strategy and the demand. The amount to be covered as a financial contribution is set for approximately three years. A review through the annual Plan process will be undertaken every three years and, if required, the amount of the contribution required will be altered by a Plan Change.

For land subdivision, the financial contribution will be in two parts. The first will be a dollar value applied to providing, upgrading and extending infrastructure, including the roading network, wastewater and water reticulation, and the control and disposal of stormwater. The second will be a percentage of the land value of new allotments, applied to acquisition and development of land for reserves, and to the development and upgrading of community services.

For building development, the financial contribution will be a percentage of the value of the building work. It will be divided equally between infrastructural needs and those for reserves and community services.

In the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential zones and in the Services Contribution Area at Mapua and Tasman shown on the planning maps, detailed analysis has been undertaken in relation to servicing costs to accommodate growth in accordance with the Plan provisions for the area. These are "end state" calculations based on the expected number of dwellings and a full services development programme, and will provide for roading upgrades and extensions, and provision of water supply and wastewater services over time to the Council's standards. Because of this provision, financial contributions can be determined throughout the area with certainty, and applied as a standard to all controlled and discretionary subdivision in the Zones and Area. Where subdivision consents have already been granted, but building has not yet taken place, these will be required to make a contribution at a reduced rate, as they will also benefit from the Council-provided services in the longer term. In this area, financial contributions for roading, wastewater and water supply will be applied within the area and there will be no requirement for applicants to contribute to such services outside the area. However, the reserves and community services financial contribution applied elsewhere within the District will apply to this area.

### **16.5.2 Financial Contribution on Subdivision**

#### **16.5.2.1 Calculation of Financial Contribution on Subdivision (Except for Rural 3, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

Subject to subsection 16.5.1, and except as provided in 16.5.1.2, the Council may require, as a condition on subdivision consents, that a financial contribution of the amounts stated in Figure 16.5A is payable to the Council with respect to each allotment created by subdivision, less:

- (a) the number of any existing separate certificates of title pertaining to the land being subdivided which have resulted from a previous subdivision consent or equivalent approval;
- (b) any allotment which, by agreement, is to be vested in the Council or the Crown for a public purpose;
- (c) any allotment required by a condition of consent to be amalgamated with another allotment;

provided that the amount of contribution is to be read as having been adjusted annually by adding to the amount, the percentage increase that is the Cost Construction Index annual increase, applicable as at 1 July of each calendar year, and commencing on 1 July 2002.

**16.5.2.2 Financial Contributions on Subdivision in Rural 3, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area**
**Figure 16.5A: Financial Contribution – Subdivision Per New Allotment (Except for Rural 3, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area)**

FINANCIAL CONTRIBUTION – SUBDIVISION PER NEW ALLOTMENT	
Component	Contribution
Road Network	\$1,573
Wastewater Reticulation	\$767
Urban Water Supply	\$731
Stormwater Management	Nil
Reserves and Community Services	5.62% of value ( <i>see rule 16.5.2.4</i> )
<b>Notes:</b>	
(1) The financial contribution is the total of the items set out in Figure 16.5A.	
(2) The financial contribution assessed from Figure 16.5A is inclusive of GST.	
(3) “Reserve” means any land set aside by the Council for a public purpose other than an esplanade reserve or esplanade strip set aside or created under Section 230 of the Act or a reserve for utility purposes.	
(4) “Community services” means any service or facility provided by the Council for a public purpose and includes any associated work.	

**16.5.2.2 Financial Contributions on Subdivision in Rural 3, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area**

Subject to subsection 16.5.1, for each allotment created by subdivision in the Rural 3 Zone, the Mapua and Waimea Inlet Rural Residential zones and the Services Contribution Area shown on the planning maps, less:

- (a) any allotment subject to an exemption under rule 16.5.2.1(a), (b) and (c);
- (b) any allotment that is created to be used exclusively for open space, conservation or productive purposes which is secured by way of a legal instrument and which contains no building location area; and
- (c) any allotment that is to be used exclusively for the purpose of a network utility structure;

a financial contribution is paid to the Council of the amounts stated in Figure 16.5B, provided that the amount is adjusted annually in accordance with the method set out in rule 16.5.2.1.

The required contribution is payable prior to issue of a certificate under Section 224 of the Act.

**Figure 16.5B: Financial Contribution – Subdivision per New Allotment, Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area**

FINANCIAL CONTRIBUTION – SUBDIVISION PER NEW ALLOTMENT	
Component	Contribution
Road Network (except as required in the following line)	\$7,950
Road Network in Rural 3 Zone located west of the NZ Transport Agency designation for the Ruby Bay Bypass (D138) north of Gardner Valley Road	\$12,400
Water Supply	\$9,110
Stormwater Management	Nil
Reserves and Community Services	5.62% of value ( <i>see rule 16.5.2.4</i> )
<b>Notes:</b>	
(1) The financial contribution is the total of the items set out in Figure 16.5B.	
(2) The financial contribution assessed from Figure 16.5B is inclusive of GST.	
(3) The financial contribution for water supply also includes a connection fee.	
(4) “Reserve” means any land set aside by the Council for a public purpose other than an esplanade reserve or esplanade strip set aside or created under Section 230 of the Act or a reserve for utility purposes.	
(5) “Community Services” means any service or facility provided by the Council (other than the infrastructure components itemised in this table) for a public purpose and includes any associated work.	

**16.5.2.3 Reductions, Waivers and Offsets of Financial Contribution on Subdivision (Except for Rural 3 Zone, including Rural 3 Closed Zone, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

Subject to subsection 16.5.1:

- (a) The financial contribution will be reduced by the amount of the wastewater reticulation and urban water supply contributions where the proposed allotments cannot benefit from a Council wastewater reticulation system or a Council urban water supply system.
- (b) The financial contribution will be reduced by the amount of the Reserves and Community Services component where the proposed allotment is for a network utility function, provided that that facility will not result in any demand on reserves or community services.
- (c) The financial contribution may be waived or reduced where, upon request, the Council considers it fair and reasonable having regard to the particular circumstances. Circumstances which may warrant a reduction or waiver include:
  - (i) where work is or has been undertaken or services provided, by agreement between the Council and the subdivider, that are greater than those necessary to manage adverse effects arising from the subdivision;
  - (ii) where an activity is to be established which will have no adverse impact on the environment, particularly the infrastructure, reserves or community services of the District;
  - (iii) where work is or has been undertaken or land set aside that will result in substantial environmental compensation.
  - (iv) where the applicant has previously carried out work or provided services or land, with the agreement of Council, that exceeded the requirements that applied to an earlier subdivision, and the applicant has not been compensated by any other means.
- (d) The cash component of the financial contribution will be offset where, by agreement, work is or has been undertaken or services provided that would have been the responsibility of the Council, and the Council agrees that the value of the work or services is fair and reasonable.

**16.5.2.4 Reserves and Community Services Component of Financial Contribution on Subdivision**

The financial contribution for reserves and community services under Figure 16.5A and Figure 16.5B is assessed as follows:

- (a) 5.62 percent of the total market value (at the time subdivision consent is granted) of all new allotments created by the subdivision, other than allotments exempted by rule 16.5.2.1 from this calculation.
- (b) In assessing the value of any allotment, the valuation shall be based on the area of the allotment or a notional building site on each allotment of 2500 square metres whichever is the lesser.
- (c) If payment is not made within two years of granting of the resource consent, and unless the resource consent specifies otherwise, a revised valuation must be made and the contribution recalculated. The cost of any valuation shall be paid by the subdivider unless the resource consent specifies otherwise.

**16.5.2.5 Non-Complying Activities (Reductions, Waivers and Offsets of Financial Contributions on Subdivision in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

- (d) The financial contribution shall be adjusted to take account of any land set aside and vested for reserve purposes at the request of Council. The market value (at the time subdivision consent is granted) of any such land shall be deducted from the Reserves and Community Services component calculated from conditions (a) and (c) for the remaining allotments.

Where the value of the land being set aside exceeds the amount calculated under conditions (a) and (c) for the remaining allotments, the difference shall be credited or paid to the subdivider. Except that the foregoing provisions of this rule shall not apply in cases where any legislation enables land to be set aside compulsorily and without compensation.

**16.5.2.5 Non-Complying Activities (Reductions, Waivers and Offsets of Financial Contributions on Subdivision in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

A reduction, waiver or offset of the financial contributions in rule 16.5.2.2 is a non-complying activity.

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

**16.5.3 Financial Contributions for New Plantation Forestry**

**16.5.3.1 Financial Contribution Terms for Establishment of New Plantation Forestry**

The establishment of new plantation forestry is subject to the following terms:

- (a) Council may require a financial contribution as a condition of resource consent:
- (i) in the circumstances; and
  - (ii) for the purposes; and
  - (iii) to the level determined in the manner as follows:

**(a) Circumstances**

The Council may require as a condition on a resource consent to establish plantation forestry, a financial contribution of money or land or a combination of these to mitigate the adverse water yield effects of plantation forestry in a Groundwater Recharge Protection Area or a Surface Water Yield Protection Area.

**(b) Purpose**

To offset or otherwise avoid, remedy or mitigate the adverse water yield effects of plantation forestry by providing for water augmentation in affected catchments.

**(c) Manner for Determining Level of Contribution**

Council will assess, firstly, the effects management measures to be undertaken by the consent holder, as incorporated in the particular application or imposed by other conditions of consent. Council will also assess whether it needs to undertake any residual measures to achieve the environmental outcomes required by the consent, and whether the consent holder should contribute to those measures.

The level of financial contribution required to achieve the purpose will be determined by assessing:

- (a) the area of plantation forest to be established; and
- (b) the extent to which water yield will be reduced as a result of the new forest; and
- (c) the extent to which the water affected is used for abstractive uses; and
- (d) the significance of any instream values and uses of the affected water body.

**Note:** The rule applies only to the establishment of new plantation forest, not re-establishment of existing forest.

**16.5.4 Financial Contribution on Building Development****16.5.4.1 Permitted Activities (Financial Contribution on Building Development)**

Subject to subsection 16.5.1, it is a condition on every permitted activity that a financial contribution of the amounts stated in Figure 16.5C is payable to the Council for every development that requires a building consent under the Building Act 2004, except where:

- (a) the activity is a first dwelling on a single record of title; or
- (b) the activity is the replacement of a building by another building of similar character, intensity and scale erected on the same site as the replaced building; or
- (c) the activity involves a repair or renovation work to an existing building where any adverse effects are no greater than previously.

**16.5.4.2 Resource Consents (Financial Contribution on Building Development)**

Subject to subsection 16.5.1, the Council may require, as a condition on any resource consent, that a financial contribution of the amounts stated in Figure 16.5C be payable to the Council with respect to every development that requires a building consent under the Building Act 2004, except where:

- (a) the activity is a first dwelling on a single record of title; or
- (b) the activity is the replacement of a building by another building of similar character, intensity and scale erected on the same site as the replaced building; or
- (c) the activity involves a repair or renovation work to an existing building where any adverse effects are no greater than previously.
- (d) the activity is within the Rural 3 Zone, the Mapua and Waimea Inlet Rural Residential zones, and the Services Contribution Area, where rule 16.5.4.5 applies.

**16.5.4.3 Calculation of Financial Contribution on Development**

Subject to subsection 16.5.1, in making the assessment from Figure 16.5C, the following shall apply:

- (a) The financial contribution shall be assessed as a percentage of the value of the building consent application lodged with the Council.
- (b) The financial contribution shall be determined by taking the total estimated value of the work as required for a building consent and applying each component of Figure 16.5C to that value. The contribution is the sum of the components.

**Example:** The financial contribution under this rule for a building with a total estimated value of \$250,000 will be calculated as:  $(50,000 \times 0) + (150,000 \times 0.51\%) + (50,000 \times 0.25\%) = \$890$ .

**Figure 16.5C: Financial Contribution – Building**

FINANCIAL CONTRIBUTION – BUILDING	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.51%
Building Consent (above \$200,001 value)	0.25%
<b>Notes:</b> (1) The financial contribution is GST inclusive. (2) The building consent value is GST exclusive. (3) The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council’s Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services. (4) The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	

#### **16.5.4.4 Reductions, Waivers and Offsets of Financial Contribution on Building Development**

Subject to subsection 16.5.1:

- (a) Where the development is on a vacant allotment created by subdivision consent given between 8 November 1974 and 25 May 1996, the financial contribution, calculated under Figure 16.5C, will be reduced by the amount of any reserves contribution paid in accordance with a condition imposed on the subdivision consent approval for that allotment. In no case will the amount be reduced below zero.
- (b) The financial contribution may be waived or reduced where, upon request, the Council considers it fair and reasonable having regard to the particular circumstances. Circumstances which may warrant a reduction or waiver include:
  - (i) where work is or has been undertaken or services provided, by agreement between the Council and the applicant, that are greater than those necessary to manage adverse effects arising from the activity requiring consent;
  - (ii) where an activity is to be established which will have no adverse impact on the environment, particularly the infrastructure, reserves or community services of the District;
  - (iii) where work is or has been undertaken or land set aside that will result in substantial environmental compensation.
- (c) The financial contribution will be offset where land is set aside at the request of the Council and vested for reserve purposes. The market value of such land shall be assessed prior to the approval of the proposed development. This condition shall not apply to any esplanade reserve or any other land required to be set aside by the Resource Management Act or any other Act with respect to an allotment less than 4 hectares in area.

#### **16.5.4.5 Financial Contributions on Building Development in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area**

Subject to subsection 16.5.1:

- (a) For building development in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones and the Services Contribution Area, financial contributions are paid as follows:
  - (i) The exceptions in rule 16.5.4.1(b) and (c) apply.
  - (ii) Where the building is a first dwelling on a site and a financial contribution in respect of the site is not payable under rule 16.5.2.2, the financial contribution for the building is calculated as follows:
    - 100% of the Road Network Contribution set out in Figure 16.5B, less roading contributions made at the time that the site was created by subdivision, comprising any road network financial contribution and any direct contribution to a Council road that is external to the area of the subdivision proportioned on a per allotment basis, and
    - 75% of the Water Supply Contribution set out in Figure 16.5B, except where a connection fee has been paid to the Council, or where any financial contribution for water supply was made before 20 December 2003 at the time that the site was created by subdivision.

No Reserves and Community Services or Stormwater Management Contribution is payable. Notes (1) to (3) in Figure 16.5B also apply and the amounts are adjusted annually in accordance with the method set out in rule 16.5.2.1.
  - (iii) Where the building is a second or subsequent dwelling on a single record of title, the financial contribution is calculated as for a subdivision in terms of Figure 16.5B, and the annual adjustment in rule 16.5.2.1 applies.

**16.5.4.6 Non-Complying Activities (Reductions, Waivers and Offsets of Financial Contributions on Building Development in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

- (iv) Where the building is any other building, financial contributions payable are calculated under rule 16.5.4.3.
- (b) Reductions, waivers and offsets of financial contributions set out in 16.5.4.4 do not apply.
- (c) The financial contributions are payable on the issue of a building consent.

**Note:** Where a land use consent for an activity is needed, a financial contribution in addition to that required for the building under this rule may be required as a condition of consent under rule 16.5.12.

**16.5.4.6 Non-Complying Activities (Reductions, Waivers and Offsets of Financial Contributions on Building Development in the Rural 3 Zone, Mapua and Waimea Inlet Rural Residential Zones, and the Services Contribution Area)**

A reduction, waiver or offset of the financial contributions in rule 16.5.4.5 is a non-complying activity.

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

**16.5.5 Financial Contributions on Resource Consent (Other than for Subdivision or Building)**

**16.5.5.1 Requirement for Financial Contribution on Resource Consent (Other than for Subdivision or Building)**

Subject to subsection 16.5.1, the Council may require, as a condition on any land use consent that a financial contribution of money or land, or a combination of these, be made for the following purposes:

- (a) To avoid, remedy or mitigate any identified adverse effect on the environment that is attributable to the activity that is the subject of the consent.
- (b) To attain any defined positive effect on the environment, in order to offset any identified adverse effect attributable to the activity that is the subject of the consent.

**16.5.6 Financial Contribution (Limitations)**

**16.5.6.1 Financial Contribution (Limitations)**

Subject to subsection 16.5.1, general conditions may be imposed requiring an applicant or consent-holder to carry out work or provide services, on or off site. Alternatively, financial contribution conditions may be imposed to meet the full cost of work or services being done by Council. Such work may include: the extension and upgrading of road formation and construction (including footpaths, berms, and kerb and channel), wastewater and water reticulation, stormwater management, and the provision of telecommunication and power systems, on land or roads in the vicinity.

Conditions, whether for works, services or financial contributions, are limited to addressing adverse effects attributed to the subdivision, development or other activity requiring consent, to the extent that those effects need to be avoided, remedied, mitigated or offset.

Where works, services or land are not available, nor likely to be available within a reasonable time scale that are considered necessary to meet the needs of a proposed subdivision or development in order to avoid, remedy or mitigate actual or potential adverse effects on the environment, and the applicant will not accept the responsibility of providing such works, services or land, nor the money needed for Council to undertake them, the Council may refuse to grant resource consent.

## 16.5.20 Principal Reasons for Rules

Activities that involve considerable financing have the potential to greatly benefit the District, but also lead to a strain on infrastructure resources. Accordingly, only activities that are substantial (as determined by their value) or result in a significant change in character (e.g. rural to residential) require a financial contribution.

Financial contributions provide the opportunity and the ability to offset any adverse effects (including cumulative adverse effects) arising from resource use, where it is impossible or unreasonable, to avoid, remedy or mitigate those effects.

Provision has been made for Council to waive or offset part or all of any financial contribution, in order to avoid a disproportionate burden on subdividers and developers. However, these options should only be applied where the primary reason for financial contributions, which is to avoid a disproportionate burden on the community, is achieved.

Subdivision, use and development add traffic to the transport system, creating demand for new or upgraded routes, alternative routes and provision for alternative forms of transport.

Subdivision, use and development impose demands on or for utility services, especially waste disposal, as well as demands for open space - reserves and sports facilities - and community services.

Impacts on natural and amenity values warrant preventive or remedial action, which may be on site or off site.

The rules include provision to reduce or waive financial contributions in circumstances where:

- a developer does more than is necessary to address adverse effects of the particular development;
- a development will have no adverse effect on the environment; or
- where the community gains significant environmental benefit from the development.

This could include setting aside land of significant conservation value, or other means of ensuring community benefit from land containing heritage buildings, specimen trees, archaeological sites, or indigenous flora or fauna.

In the Rural 3 Zones, Mapua and Waimea Inlet Rural Residential zones, and the Services Contribution Area, financial contributions relate directly to the provision of infrastructural services (water supply) and roading within the area, but the reserves and community services contribution will be applied both within and outside the area. The area is expected to experience considerable residential growth over the next two decades, the effects of which cannot be sustainably managed without some infrastructure servicing provided by the Council. Within this area, financial contributions for subdivision apply as a standard for all new subdivisions, and slightly reduced contributions apply for new dwellings where a full contribution has not been paid at the time of subdivision. In this area, waivers or reductions of contributions will only be possible by resource consent.

**16.6 NETWORK UTILITIES AND PUBLIC WORKS**

*Refer to Policy sets 5.1, 6.3, 9.1, 9.3.  
Refer to Rule sections 16.3, 18.8.*

**16.6.1 Scope of Section**

This section contains rules dealing with network utilities and public works, in regard to maintenance or new construction, throughout the District. These rules do not apply to designations that have their own statutory process. Designations are described in Appendix 1 to Part II of the Plan.

**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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**16.6.2 Network Utilities and Public Works****16.6.2.1 Permitted Activities (Network Utilities and Public Works)**

Any upgrading of an existing facility or construction of a new facility for any network utility or public work, or any change in activity within an existing facility, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

*[Condition (a) deleted]*

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**General**

- (b) No above-ground network utility or public work is located in any Open Space Zone, in any Landscape Priority Area, or on any identified ridgeline.
- (c) No network utility or public work is located in the Conservation Zone except for the following:
  - (i) buildings and structures for telecommunication and radio-communication facilities less than 10 square metres in area and 3 metres in height; and
  - (ii) masts, poles and antennas less than 7 metres in height; and
  - (iii) below ground telecommunication facilities; and
  - (iv) upgrading or replacement of existing above-ground telecommunication lines; and C68 7/18  
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  - (v) upgrading or replacement of below ground and ancillary above ground stormwater facilities.
- (d) Condition (c) of this rule does not apply to the upgrading of existing overhead lines as provided for in the Plan's definition of upgrading.
- (e) Sites are landscaped and planted for amenity purposes to screen all structures, parking areas and storage areas from roads and public places, except that this condition does not apply to the following activities:
  - (i) lines and structures used solely to support lines;
  - (ii) radio-communication antennas and structures used solely to support antennas;
  - (iii) street lighting; and C68 7/18  
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- (iii) street lighting; and
- (iv) telecommunication and radio-communication facilities compliant with the exclusions under rules 17.2.2.1(g) and (h), 17.4.2.1(i), and 17.12.2.1(s)(i)(a).

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**Specific**

- (f) The activity is not a refuse transfer station, landfill, airport, or land-based effluent disposal area or oxidation pond.

**Structures**

- (g) All structures associated with any network utility or public work above ground, other than support structures or as provided in (j) or (k) of this rule:

- (i) do not exceed 50 square metres in ground floor area;
  - (ii) do not exceed the permitted building height in the zone in which they are located;
- except that this condition does not apply to the upgrading of existing overhead lines as provided for in the Plan’s definition of upgrading.

- (h) All telecommunications facilities comply with the provisions of Standards New Zealand standards NZS 2772.1:1999 and AS/NZS 2772.2:2016 *Radiofrequency Fields*.

- (i) Network utilities have a gauge pressure of less than 2,000 kilopascals.

- (j) Any freestanding tower, mast, pole, line, aerial, antenna and attached infrastructure does not exceed a height of 10 metres (excluding the antenna and attached infrastructure) and a diameter of 1 metre. Infrastructure (such as antenna, shrouds, lights or other equipment) attached to a freestanding tower, mast or pole, does not exceed a horizontal or vertical cross-sectional area of 4 square metres measured around a notional outline of the external parts of the infrastructure, except for the following:

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- (i) This condition does not apply to the upgrading of existing overhead lines as provided for in the Plan’s definition of upgrading.
- (ii) In the Industrial zones and the Rural Industrial Zone, the zone height applies, except that for slimline, self-supporting masts or poles and attached infrastructure, the following provisions apply:

Zone	Maximum Height	Maximum Diameter	Minimum Setback from any Zone Boundary
Industrial	20m	1m	3m
Rural Industrial	25m	1m	3m

- (iii) In the Rural 1, Rural 2, Mixed Business and Central Business zones, slimline, self-supporting masts or poles may exceed the maximum height of 10 metres if they comply with the following:

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Zone	Maximum Height	Maximum Diameter	Minimum Separation Distance from a Dwelling	Minimum Setback from a Residential Zone Boundary
Rural 1	25m	1m	10m	3m
Rural 2	25m	1m	10m	3m
				Minimum Setback from any Zone Boundary
Central Business	20m	450mm	—	3m
Mixed Business	20m	450mm	—	3m

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**Note:** The maximum diameter restriction for a self-supporting mast or pole only applies to that part of the mast or pole which exceeds the standard zone height. Refer to Chapter 17. (This applies to items (ii) and (iii).)

- (k) Where an antenna is to be attached to a building, the height of the support structure and associated antenna does not exceed the height limit in the zone or the height of the building (whichever is the higher), if existing, by more than 2.5 metres.

### Overhead Lines

- (l) New lines or additions to lines for conveying electricity (and all support structures for those lines) have a maximum voltage of 110 kilovolts, and a maximum design capacity of 100 MVA (megavolts x amps) per circuit. Except that this condition does not apply to the upgrading of existing overhead lines as provided for in the Plan's definition of upgrading.

### Dish Antennae

- (m) The maximum diameter of a dish antenna in the Residential Zone is 0.76 metre if it is either:
- (i) located on the roof of a building; or
  - (ii) located between the building and the road boundary, if it adjoins a public road. **C73 12/20  
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- (n) Dish antennae and supporting structures comply with the locational and daylighting rules for buildings in the zone where they are located, in zones other than the Residential Zone.

### Substations

- (o) New depots or substations and additions to existing substations:
- (i) are located in a Central Business, Commercial, Mixed Business, Light Industrial or Heavy Industrial zone and do not adjoin or face any part of a Residential, Open Space or Recreation zone; except that in the Residential Zone, substations up to a maximum of 36 square metres in area are permitted. **C10 10/07  
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  - (ii) comply with the setback from boundary rules as stated for the zone in which they are located;
  - (iii) comply with the amenity plantings rules as stated for the zone in which they are located.

## 16.6.2.2 Permitted Activities (Aviation and Marine Navigational Aids)

The placement, operation and maintenance of an aviation navigational aid or beacon, or marine navigational aid or beacon, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The navigational aid or beacon is installed for and on behalf of Maritime New Zealand and Airways New Zealand, or the Council, to mark a navigational hazard or for air navigational purposes.
- (b) Light spill to land is avoided as far as practicable, without detracting from the effectiveness of the navigational aid or beacon.
- (c) The navigational aid or beacon does not include an audible navigational warning.
- (d) All structures:
- (i) do not exceed 50 square metres in ground floor area; and
  - (ii) do not exceed 10 metres in height.

**16.6.2.3 Restricted Discretionary Activities (Slimline, Self-Supporting Masts and Poles and Attached Infrastructure)**

The erection of a slimline, self-supporting mast or pole and attached infrastructure that does not comply with the conditions in rule 16.6.2.1(j) 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 consideration of practical alternatives.
- (2) The siting of the structure.
- (3) The visual effects of the structure, including cumulative effects.
- (4) The design and appearance of the structure (including its height and bulk) and method of mounting.
- (5) The shading effects of the structure.
- (6) The provision of landscaping or other appropriate screening.
- (7) The effects on heritage values.

**16.6.2.4 Discretionary Activities (Network Utilities, Public Works, and Aviation and Marine Navigational Aids)**

The upgrading of an existing facility or construction of a new facility for any network utility, public work, aviation or marine navigational aid or beacon, or any change in activity within an existing facility that does not comply with the conditions for a permitted activity, is a discretionary activity; except that this rule does not apply to slimline, self-supporting masts and poles and attached infrastructure.

**A resource consent is required.** Consent may be refused, or conditions imposed. In considering applications and imposing conditions, the Council will have regard to the criteria set out in Schedule 16.6A, as well as other provisions of the Plan and the Act.

**16.6.20 Principal Reasons for Rules****Existing and New Utilities**

These rules apply where existing use rights in terms of Section 10 of the Resource Management Act 1991 do not have effect. Upgraded or new facilities, or a change of activity is permitted where the specified conditions are complied with. In all other cases, a resource consent is required. The Plan cannot anticipate the nature or likely effects of future network utilities and public works, so discretion is generally unrestricted.

In the case of slimline, self-supporting masts or poles for telecommunications (and their attached infrastructure), where the conditions for a permitted activity are not complied with, the activity becomes restricted discretionary. This is because the likely effects of such activities have been identified.

**Landscaping**

The size and visual appearance of network utilities and public works structures can adversely affect the quality of the landscape if they are not carefully sited. Landscaping and planting around structures is a method of mitigating visual effects.

### **Maximum Height, Bulk, Location, Design of Buildings and Structures**

The rules control the visual effects of overhead lines, towers, dish antennae, masts and other structures according to the sensitivity of the environment within particular zones.

### **Visual Effects**

Transmission facilities do not take up large areas of land, but the sites that have a potential for the location of such facilities are limited, particularly in hilly areas where most transmission sites require to be located on strategically important hilltops or ridgelines. The rules seek to mitigate the visual effects of these.

### **Aviation and Marine Navigational Aids**

There are limited siting options for marine navigational aids and beacons to achieve their function of warning of the presence of natural hazards to navigation. Similarly, for aviation navigational aids and beacons, there are limited siting options if the facilities are to achieve their purpose of ensuring safe and efficient air traffic movement within the District. Adverse effects of navigational aids and beacons are likely to be limited, and are considered to be outweighed by the safety need that they serve. Where marine navigational aids are required for any activity in the coastal marine area, such as a structure for aquaculture operations, effects of any necessary navigational aids can be considered as part of the assessment of the consent application for the activity.

**SCHEDULES****Schedule 16.6A: Assessment Criteria – Network Utilities and Public Works**

*Refer to rule 16.6.2.4.*

When considering an application for a resource consent, the Council will have regard to the following criteria:

- (1) The scale, location and potential adverse effects of the activity.
- (2) The potential to avoid, remedy or mitigate any adverse effects by means such as consideration of alternative locations, appropriate colour scheme design and landscaping.
- (3) The effects of structures on visual amenity.
- (4) The environmental setting of the structure having regard to the general locality, topography, geographical features and adjacent land uses.
- (5) The effects on natural character, in particular on the life-supporting capacity of any vulnerable species or examples of significant indigenous community types.
- (6) The effects of activities and structures on the coastal marine area.
- (7) The risk to health and safety or to property posed by the structure or activity.
- (8) Effects in relation to electro-magnetic radiation and radio-frequency emissions, including any cumulative effects.
- (9) The extent to which any cultural or heritage values of the site or adjoining sites might be compromised by the facility.
- (10) The impact on areas of high landscape values and, in particular, on any Landscape Priority Area or on any identified ridgeline.
- (11) The cumulative effect of the activity, particularly in respect of visual amenity, relative to other existing facilities in the locality.
- (12) The potential for the co-location of facilities.
- (13) The effects of noise on the locality in which the proposed facility is to be sited and the noise sensitivity of the receiving environment.
- (14) The effects of lighting and glare from the installation.
- (15) The extent to which the installation has been designed and will be maintained to prevent, as far as practicable, any pollution or contamination of the ground or water.

**16.7 HAZARDOUS SUBSTANCES***Refer to Policy set 5.5***16.7.1 Scope of Section**

This section deals with the use and storage of hazardous substances throughout the District. Chapter 25 contains a rule applying this section to the Coastal Marine Area. Information required with resource consent applications is detailed in Chapter 19.

The rules in this section are regional rules and have effect under Section 20A of the Act, in relation to existing activities.

**16.7.2 Hazardous Facilities****16.7.2.1 Permitted Activities (Hazardous Facilities)**

A hazardous facility is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity:
- (i) has a total quantity ratio calculated in accordance with Schedule 16.7A that does not exceed the consent status index for permitted activities for the zone in which it is located or to be located, as specified in Figure 16.7A; or
  - (ii) is the use or storage of any radioactive material with an activity that:
    - does not exceed 100 terabecquerels; or
    - is specified as an exempt activity in the Radiation Protection Regulations 1982; or
  - (iii) is the bulk storage of less than 5,000 litres of petrol, oil, or diesel, except in the Richmond West Development Area, other than in the Industrial and Rural Industrial Zones within this Area.

C10 10/07  
Op 3/14**Figure 16.7A: Consent Status Table**

ZONE	CONSENT STATUS INDEX				
	FOR ALL PERMITTED ACTIVITIES	FOR EXISTING ① CONTROLLED ACTIVITIES	FOR NEW ② CONTROLLED ACTIVITIES	FOR NEW ② DISCRETIONARY ACTIVITIES	FOR NON COMPLYING ACTIVITIES
Heavy Industrial and Rural Industrial	$\leq 0.75$ $\leq 0.1$ (if within 30m of a Residential Zone)	$> 0.75$ $> 0.1$ (if within 30m of a Residential Zone)	$0.75 - 1.5$ $0.1 - 0.2$ (if within 30m of a Residential Zone)	$> 1.5$ $> 0.2$ (if within 30m of a Residential Zone)	
Light Industrial	$\leq 0.5$ $\leq 0.1$ (if within 30m of a Residential Zone)	$> 0.5$ $> 0.1$ (if within 30m of a Residential Zone)	$0.5 - 1$ $0.1 - 0.2$ (if within 30m of a Residential Zone)	$> 1$ $> 0.2$ (if within 30m of a Residential Zone)	
Mixed Business	$\leq 0.2$ $\leq 0.1$ (if within 30m of a Residential Zone)	N/A	N/A	$> 0.2 \leq 0.65$	$> 0.1$ (if within 30m of a Residential Zone) $> 0.65$ (for new activities)
Rural 1 and Rural 2	$\leq 0.5$	$> 0.5$	$0.5 - 0.8$	$> 0.8$	

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ZONE	CONSENT STATUS INDEX				
	FOR ALL PERMITTED ACTIVITIES	FOR EXISTING ① CONTROLLED ACTIVITIES	FOR NEW ② CONTROLLED ACTIVITIES	FOR NEW ② DISCRETIONARY ACTIVITIES	FOR NON COMPLYING ACTIVITIES
Central Business and Commercial	≤0.2	>0.2	0.2 – 0.4	>0.4	
Central Business and Commercial	≤0.2	>0.2	0.2 – 0.4	>0.4	
Residential and Tourist Services	≤0.02	>0.02		>0.02	
Rural 3, Rural Residential and Papakainga	≤0.1	>0.1		>0.1	
Open Space, Recreation and Conservation	≤0.02	>0.02		>0.02	
<b>Footnotes:</b> ① “Existing” refers to any activity that was existing prior to 25 May 1996 and has effects at the same or similar character, intensity or scale to those which existed before this date. ② “New” refers to activities commencing on or after 25 May 1996. ③ “Existing” refers to any activity that was existing prior to 6 October 2007 for Richmond West Development Area.					

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- (b) The storage of hazardous substances that are agrichemicals in a hazardous facility existing as at 16 December 2000, complies with conditions (c) to (p) after 31 October 2005.

### Storage Tanks

- (c) Tanks for the storage of petroleum products are designed, constructed and operated to prevent any leakage or spills.

### Underground Storage Tanks

- (d) For underground tanks installed after 16 December 2000 in the Aquifer Contamination Risk Area for the storage of petroleum products, the following applies:
- (i) A secondary containment system is installed.
  - (ii) An observation well is installed inside the secondary containment system.
  - (iii) A spill container must be fitted at the fill point of the tank.
  - (iv) An overfill protection device must be fitted to the tank.
- (e) For underground storage tanks existing prior to 25 May 1996 for the storage of:
- (i) more than 5,000 litres petroleum products in areas outside the Aquifer Contamination Risk Area, and
  - (ii) up to 5,000 litres petroleum products in areas inside the Aquifer Contamination Risk Area the following apply:
    - (a) the tank and its pipework shall be leak tested to determine if the pipe or tank has a leak or maintains its integrity by a person suitably qualified and experienced in leak testing either:
      - at intervals of at least every five years; or
      - where stock reconciliation shows stock losses over three consecutive reconciliations; or
      - whichever is the lesser, and;
    - (b) for any tank that has been placed underground for more than 25 years, leak testing as required under item (ii)(a) shall be carried out annually and;

- (c) information about the leak testing and stock reconciliation shall be provided to Council on request.

**Note:** Underground storage tanks older than 25 years are considered to be unsafe.

### Site Design and Layout

- (f) The hazardous facility is designed, constructed and operated in a manner that prevents:
- (i) the unintentional release of the hazardous substance; and
  - (ii) the accumulation of any liquid or solid spills or fugitive vapours or gases in enclosed areas, likely to adversely affect the environment.
- (g) All stormwater grates must be clearly identified.
- (h) Any surface or container used to store or contain any hazardous substance must be sealed or impervious to the hazardous substance.
- (i) A site contingency and stormwater management plan appropriate to the nature and scale of risks of spills or accidents must be prepared and held on site. The plan must be reviewed annually and available for inspection by Council when requested. **C10 10/07  
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- Notes:**
- (1) The Council has prepared guidelines to assist in the preparation of an appropriate site contingency plan.
  - (2) Specific performance requirements for the storage of hazardous substances are covered by HSNO regulations.
- (j) The types and quantities of hazardous substances used or stored on the site (including hazardous wastes generated on site) is recorded in a register kept available for inspection at any time by an enforcement officer of Council.

### Site Drainage Systems

- (k) A site drainage system is designed, constructed and operated in a manner so that:
- (i) any stormwater discharge complies with the Stormwater Discharge rules 36.4.2.1, 36.4.2.2 or 36.4.2.3;
  - (ii) the site drainage system prevents the discharge of any hazardous substance into any wastewater network unless permitted by the network utility operator; and
  - (iii) for any hazardous facility developed after 6 October 2007, 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  
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- Note:** Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the current Council Engineering Standards and Policies.

### Spill Containment System

- (l) Any part of the site of a hazardous facility where a hazardous substance spill may occur is serviced by a spill containment system that is:
- (i) constructed from impervious materials resistant to the hazardous substances used or stored on the site and:
    - (a) for liquid hazardous substances, is able to contain the maximum volume of the largest tank present, plus an allowance for stormwater or water used in fire fighting;

- (b) for drums or other smaller containers, is able to contain not less than 50 percent of the maximum volume of the substances stored, plus an allowance for stormwater or water used in fire fighting; and
- (ii) able to prevent the discharge of any spill or other unintentional release of any hazardous substance, or the discharge of any contaminated stormwater or water used in fire fighting into any wastewater network unless permitted by the network utility operator.

**Note:** An allowance for stormwater is achieved by making the bund deep enough to cope with a 48-hour duration, 20-year storm event. For example, in an area with similar rainfall to Richmond, the bund would need to be an extra 19 centimetres deep.

### Washdown Areas

- (m) Any part of the hazardous facility where vehicles, equipment or containers that are or may be contaminated with hazardous substances are washed, must comply with condition (k).

### Signage

- (n) Any hazardous facility is signposted to indicate the nature of the substances stored or used.

### Waste Management

- (o) Any part of the hazardous facility that generates, uses or stores any process waste containing any hazardous substance, or any other waste containing any hazardous substance on the site, complies with conditions (k) to (p).

### Areas Subject to Inundation

- (p) Any hazardous substance stored in any area subject to inundation from any source, including any area protected by any stopbank, is stored in such a manner that the substance cannot be moved by, released into or contaminates flowing water.

### Means of Compliance

These means of compliance list measures that may be adopted, as appropriate, for complying with the performance standards of rule 16.7.2.1. They are provided as guidance for Plan users. They include:

1. Adherence to relevant Codes of Practice such as:
  - (i) the *Code of Practice for the Management of Agrichemicals* NZS8409:1999 (or more recent edition);
  - (ii) the *Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems* (OSH 1992, or subsequent versions);
  - (iii) the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand* (MfE 1998 or subsequent versions);
  - (iv) the New Zealand and Australian Standards AS 2982:1987 and AS 2243.1:1990 – AS 2243.10:1990 (or subsequent versions);
  - (v) for the storage of LPG, the New Zealand and Australian Standard AS 1596:1997 (or subsequent versions).
2. Use of secondary containment facilities in areas of environmental sensitivity such as aquifer recharge areas.
3. Provision of leak detection or monitoring systems that are capable of detecting failure or breach in the structural integrity of a primary containment vessel.

4. Roofing the hazardous facility.
5. Installing oil-water separators to minimise risk of petroleum products entering stormwater.
6. Ensuring storage areas slope away from the stormwater system.
7. Having interceptor drains to prevent hazardous substances from entering stormwater systems.
8. Using containment or diversion valves, overflow protection devices, holding tanks, sumps and bunds.

### **16.7.2.2 Controlled Activities (Hazardous Facilities)**

A hazardous facility is a controlled activity, if it complies with the following conditions:

- (a) The activity:
  - (i) has a total quantity ratio calculated in accordance with Schedule 16.7A that is within the range of consent status indices for controlled activities for the zone in which it is located as specified in Figure 16.7A; or
  - (ii) is the storage of between 5,000 litres and 100,000 litres of petrol in underground tanks, and between 5,000 litres and 50,000 litres of diesel or oil in underground tanks; or
  - (iii) is the use, storage or disposal of any hazardous substance (other than any bulk hazardous substance storage facility) in any teaching or research laboratory; or
  - (iv) is the lawful storage of any hazardous substance at a hazardous facility existing as at 25 May 1996 where the effects are the same or similar in character, intensity or scale.
- (b) The activity must comply with conditions (c) to (p) of rule 16.7.2.1 except that where the activity was established prior to 25 May 1996, it must comply with condition (k).

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

For activities subject to condition (a)(i) and (iv), if applicable:

- (1) The design and proposed operation of the facility and any spill containment and other risk mitigation measures.
- (2) Emergency and spill contingency plan.
- (3) On-site transport of hazardous substances.
- (4) Site management plan.
- (5) Management of hazardous waste.
- (6) The cumulative effects from the facility itself or in combination with other facilities.
- (7) A register of accidents and incidents.

For activities subject to condition (a)(ii) and (iv), if applicable:

- (1) The location, design, installation and operation of underground storage facilities for petroleum products.
- (2) On-site transport of hazardous materials.
- (3) Emergency and spill contingency plan.

For activities subject to condition (a)(iii) and (iv), if applicable:

- (1) The construction and safety of laboratories.
- (2) Minimising the storage and use of chemicals within laboratories (especially flammable materials) and storage of any excess chemicals in a purpose-built bulk storage facility.
- (3) Management of hazardous wastes.
- (4) Emergency and spill contingency plan.
- (5) A register of accidents and incidents.

For all activities:

- (1) The degree of compliance with any relevant industry codes of practice.
- (2) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and the purpose(s) of reviews (Section 128).
- (3) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative changes.

### Means of Compliance

These means of compliance list measures that may be adopted, as appropriate, for complying with the performance standards of rule 16.7.2.2. They are provided as guidance for Plan users. They include:

1. Adherence to relevant Codes of Practice such as:
  - (i) the *Code of Practice for the Management of Agrichemicals* NZS 8409:1999 (or more recent edition);
  - (ii) the *Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems* (OSH 1992, or subsequent versions);
  - (iii) the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand* (MfE 1998 or subsequent versions);
  - (iv) the New Zealand and Australian Standards AS 2982:1987 and AS 2243.1:1990 – AS 2243.10:1990 (or subsequent versions);
  - (v) for the storage of LPG, the New Zealand and Australian Standard AS 1596:1997 (or subsequent versions);
2. Use secondary containment facilities in areas of environmental sensitivity such as aquifer recharge areas.
3. Provide leak detection or monitoring systems that are capable of detecting failure or breach in the structural integrity of a primary containment vessel.
4. Roofing the hazardous facility.
5. Installing oil-water separators to minimise risk of petroleum products entering stormwater.
6. Ensuring storage areas slope away from the stormwater system.
7. Having interceptor drains to prevent hazardous substances from entering stormwater systems.
8. Using containment or diversion valves, overfill protection devices, holding tanks, sumps and bunds.

**16.7.2.3 Restricted Discretionary Activities (Hazardous Facilities)**

A hazardous facility that does not comply with the permitted conditions of rule 16.7.2.1 or the controlled conditions of rule 16.7.2.2 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity:
- (i) has a total quantity ratio calculated in accordance with Schedule 16.7A that exceeds the maximum consent status index for either permitted or controlled activities in the consent status table for zones in which it is located, as specified in Figure 16.7A, but does not exceed the maximum consent status index for discretionary activities; or
  - (ii) is the use or storage of any radioactive material with an activity greater than 100 TeraBecquerels.

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**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 site design, construction and operation are able to prevent the contamination of air, land or water in the event of a spill or other unintended release of a hazardous substance during its use or storage.
- (2) Possible alternatives including alternatives to the proposed facility or alternative substances, quantities, processes or site management.
- (3) Whether the risks presented by the activity to people, the natural environment and property have been assessed systematically and fully and whether any residual risks are able to be mitigated and controlled adequately.
- (4) Preparation of emergency and spill contingency plans.
- (5) Off-site movement of hazardous substances.
- (6) Site management plans.
- (7) Waste management plans.
- (8) The adverse effects, including adverse cumulative effects of the facility on the risks to people, the environment and to property, either by itself or in combination with other hazardous facilities.
- (9) The degree of compliance with any relevant industry codes of practice.
- (10) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and the purpose(s) of reviews (Section 128).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges

**16.7.2.4 Non-complying Activities (Hazardous Facilities)**C10 10/07  
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Any activity that does not comply with condition 16.7.2.3(a)(i) is a non-complying activity.

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

## 16.7.3 Radioactive Material

### 16.7.3.1 Prohibited Activities (Radioactive Material Generation, Transport, Storage and Use)

No resource consent shall be granted for the following prohibited activities:

- (a) The generation of radioactive material.
- (b) The generation of energy from radioactive material or irradiating apparatus.
- (c) The transport, storage or use of radioactive material; except for the following activities undertaken in accordance with the Radiation Protection Act 1965:
  - (i) the transport, storage or use of radioactive material or the use of irradiating apparatus for industrial, medical, educational or research purposes;
  - (ii) the disposal of radioactive material;
  - (iii) the use of radioactive material in equipment and devices for detection, measurement and testing.

## 16.7.20 Principal Reasons for Rules

### Hazardous Facilities Screening Procedure

The rules, including Schedule 16.7A, incorporate a technical procedure to assess both on-site and off-site risks arising from the use or storage of hazardous substances, in what are called hazardous facilities, in the District. This procedure is called the Hazardous Facility Screening Procedure (HFSP). The HFSP is applied to hazardous facilities to determine whether they are permitted or need a resource consent.

The HFSP as a method focuses on the potential adverse effects or risks of hazardous substances used or stored at a hazardous facility. Effects are broadly divided into the following groups:

- effects caused by fire/explosion;
- effects on human health;
- effects on the natural environment.

Any hazardous facility is assessed under the HFSP as set out in Schedule 16.7A to determine its total potential adverse effect, both on site and off site, or total quantity ratio, and thus its consent status index. Figure 16.7A then shows whether the facility needs a resource consent. The HFSP method is based on accepted risk management theory and scientific evidence concerning hazardous substances.

### Site Design and Management

These conditions should reduce the number of spills and reduce the adverse effects of those that do occur. Signs are important to inform emergency services and others what substances they can expect to find on site.

### Flood Ways

Special storage of hazardous substances is required in areas subject to flooding to ensure they are not swept away.

### Radioactive Material

The prohibition on the generation, use, transport, storage or disposal of radioactive material and irradiating apparatus is because, apart from the stated exceptions, these carry unacceptable risks of contamination and other environmental damage. This is consistent with the Regional Policy Statement.

### Existing Facilities

There are a large number of hazardous facilities in the district that are routinely used for the storage of hazardous substances. While their use may be commonplace, this is not to say that this activity is without risks. Council is seeking to address the risks from these existing facilities as well as new facilities. The mechanism used to achieve this is still the HSFP, which will result in a limit on the amount of hazardous substances able to be stored without the need for a resource consent, depending on the nature of the substance(s) stored, location in a zone and in relation to watercourses. The rules apply equally to existing and to new facilities. The HFSP results in most existing small-scale facilities including on-farm storage of pesticides being permitted activities and subject to minimum performance standards.

The Council also takes into account the expectation of owners or managers of hazardous facilities that their activity be allowed to continue. Existing activities that cannot comply with the performance standards for permitted activities will be considered as controlled activities (with no default to discretionary status). In this way Council can ensure that the risks from existing hazardous facilities that do not meet minimum performance standards can be addressed on a site-by-site basis.

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A lower consent status index means smaller amounts of hazardous substances can be stored as permitted activities. New proposed industrial zones will have infrastructure that better manages cumulative risks of contaminant discharges where there are more likely to be hazardous substances. Higher performance standards for stormwater control in particular, will be integral to new industrial zones.



**SCHEDULES****Schedule 16.7A: Calculation of Cumulative Quantity Ratios**

*Refer to rules 16.7.2.1, 16.7.2.2 and 16.7.2.3.*

**1. Background**

This Schedule shows how to obtain the total quantity ratio for any hazardous facility subject to rules 16.7.2.1, 16.7.2.2 and 16.7.2.3. The system used is the Hazardous Facilities Screening Procedure (HSFP) developed by a working group of local authorities and consultants, and more recently reviewed by a consultant firm for the Ministry for the Environment, in the publication “Land Use Planning Guide for Hazardous Facilities” (1999).

The calculated total quantity ratio is compared with the consent status index in Figure 16.7A referred to in the rules, in order to establish whether the hazardous facility is a permitted, controlled or discretionary activity.

**2. Scope of HFSP**

The HFSP is applicable to existing or proposed hazardous facilities in all land use zones (and in the coastal marine area) in addition to other rules. The procedure is applied to all hazardous facilities, regardless of their type and size. The HFSP is applicable to existing hazardous facilities as well as proposed because section 16.7 is a regional land use rule and Section 20 of the Act applies. Fundamentally, the HFSP is used to screen hazardous facilities *and* their sites. However, where hazardous facilities on the same site are separated more than 30 metres from each other, they are dealt with as a separate facility or hazardous sub-facility and the HFSP is applied to each of them separately.

**3. Terminology**

The HFSP uses a number of terms. These are listed and explained below.

<b>Term</b>	<b>Explanation</b>
Adjusted Quantity (A)	Equivalent to the Base Quantity that has been adjusted using Adjustment Factors.
Adjustment Factor	Pre-calibrated factors that take into account substance, storage and site-specific circumstances.
Base Quantity (B)	The amount (mass in tonnes or m <sup>3</sup> , at 101.3 kPa and 20°C, for compressed gases) of a substance that has been assessed as generating no significant off-site effects on a notional industrial site <u>before</u> site- and substance-specific consideration have been taken into account.
Consent Status Index	Numerical values of any Total Quantity Ratio that are used to determine the consent status of a hazardous facility.
Total Quantity Ratio	The total value of all the Quantity Ratios for each effect type calculated for individual hazardous substances proposed to be used or stored in a hazardous facility.
Effect Type	Three Effect Types are used by the HFSP: <ul style="list-style-type: none"> <li>• Fire/explosion</li> <li>• Effects on human health</li> <li>• Effects on ecosystems</li> </ul>
Hazard Rating	The level of hazard (high, medium or low) applied to a hazardous substance for the purpose of an HFSP calculation, based on its HSNO classification.
Proposed Quantity (P)	The quantity of a hazardous substance proposed to be used or stored on a site.
Quantity Ratio (Q)	The ratio of the proposed quantity of a substance over the applicable Base Quantity.

**4. Overview of HFSP**

The HFSP is designed to assess the environmental effects of hazardous substances proposed to be stored or used on a site, taking into account their quantities, characteristics, location, type of activity and local environmental conditions. This assessment is carried out for three defined effect types:

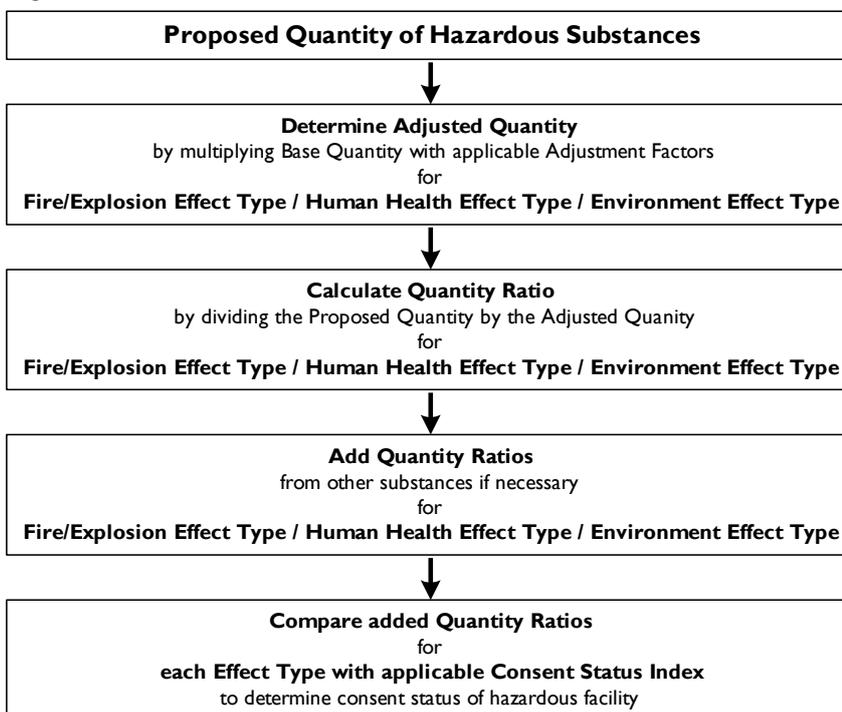
- fire/explosion
- human health
- the natural environment.

The HFSP compares proposed quantities of hazardous substances with maximum allowable quantities (adjusted quantities) which depend on the type of substances, how they are used and stored, and the location of the facility. A quantity ratio is calculated by dividing the proposed quantity of each hazardous substance with the adjusted quantity. The quantity ratios of individual substances are added up for each of the effect types. Total quantity ratios are then compared with defined limits called consent status indices which are listed in Figure 16.7A. If any of the total quantity ratios exceed specified consent status indices, the hazardous facility or sub-facility in question requires a resource consent as either a controlled or discretionary activity.

Some information needs to be assembled at the outset about the hazardous facility and the relevant hazardous substances involved. This includes site layout and location, types of activities as well as the sensitivity of the surrounding environment. In most cases, only a limited number of substances needs to be assessed to determine the resource consent status of a facility. This applies in particular if one, two or three substances are either very hazardous or stored/used in large quantities.

An overview of the HFSP is presented in Figure 16.7B.

**Figure 16.7B: Overview of HFSP**



## 5. Rating Hazardous Substances for the HFSP

To be able to assess any hazardous substance under the HFSP, it must be rated first. These rating criteria are based on the classification system specified by regulations under the Hazardous Substances and New Organisms Act 1996 (HSNO) and are specified in Annex 1 to the Schedule.

For the purposes of the HFSP, each substance is rated on the basis of three effect types:

- **Fire/explosion effects:** concerned with damage to property, the built environment and safety of people.
- **Human health effects:** concerned with the well-being, health and safety of people.
- **Environmental effects:** concerned with damage to ecosystems and natural resources.

Each effect type is divided into a maximum of three hazard levels:

- High
- Medium

- Low

The rating of a hazardous substance for the HFSP requires each substance to be assessed in terms of every hazard category listed in Annex 1. Hazard ratings may be obtained as follows:

- Some commonly used hazardous substances in New Zealand have already been assessed and pre-rated for the HFSP. This information is available from the Council or from the Ministry for the Environment website (<http://www.mfe.govt.nz/about/laws/hsno/hazfacility.htm>).
- Under HSNO, all substances previously controlled by repealed legislation (such as the Dangerous Goods and Toxic Substances Acts) will be classified using HSNO classification criteria. Once a substance is classified under HSNO, it can be rated for the HFSP based on Annex 1. Information on the classification of hazardous substances under HSNO is available from ERMA New Zealand (the Environmental Risk Management Authority) and accessible through the MfE or ERMA websites.

Council will provide a limited list of pesticides with their hazard ratings which have been determined by their aquatic ecotoxicity and their Class 6 packaging groups. This list will be added to as information becomes available. The list is available on the Council’s website, and from the Council.

- Where information for the rating of a hazardous substance for the HFSP is not or only partially available from the above sources, a **precautionary default rating** of ‘medium’ for the fire/explosion and human health effect types, and ‘high’ for the environmental effect type should be applied to the hazardous substance in question.

**6. Step-by-Step Guide to the HFSP**

The total quantity ratio for any hazardous facility or sub-facility [see Chapter 2 definitions] must be calculated by following the steps in Figure 16.7C and Table 1.

To assist with this process, a calculations spreadsheet is provided in Annex 2. This spreadsheet is part of an HFSP calculation spreadsheet package which may be downloaded from the Council website (<http://www.tdc.govt.nz>).

**Figure 16.7C: Step-by-Step Guide to the HFSP**

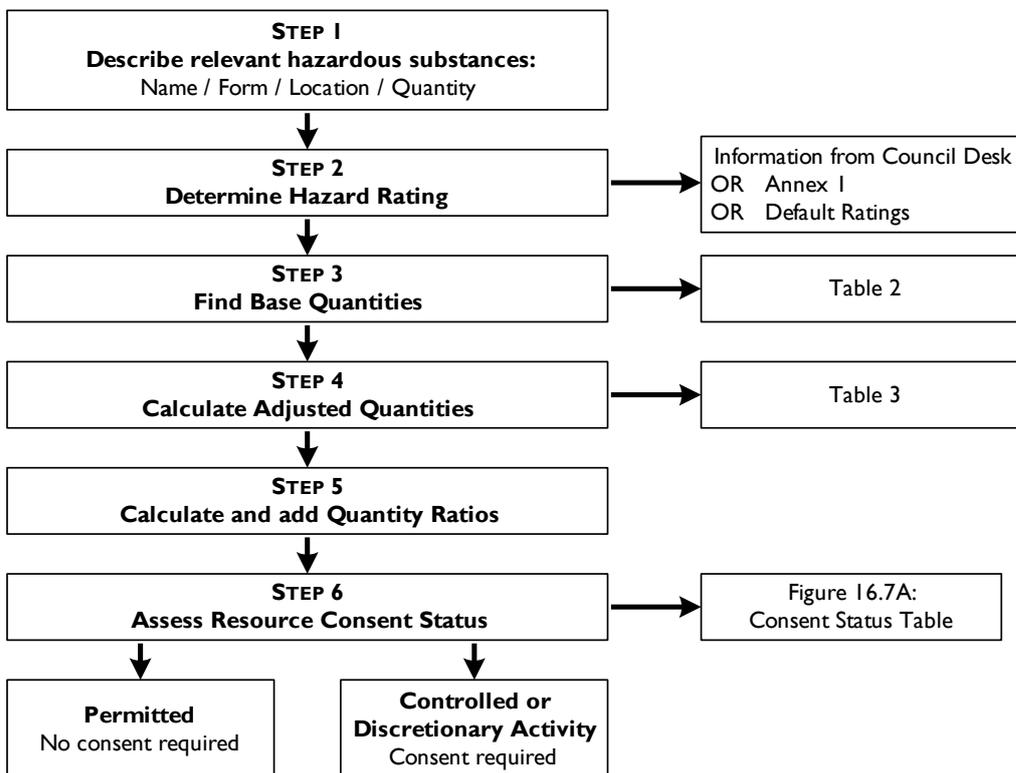


Table 1: HFSP – Step by Step Guide

STEPS	HFSP CALCULATIONS				EXPLANATION	
	Substance Name	Substance Form (liquid, solid, gas)	Location of Substances on Site	Proposed Quantity (P) (tonnes or m <sup>3</sup> )		
<p><b>1. Describe the Hazardous Facility</b></p> <p>Prior to using the HFSP, it is necessary to compile a full description of the hazardous facility in question. This includes the creation of an inventory of hazardous substances held on the site, including:</p> <ul style="list-style-type: none"> <li>names of the hazardous substances;</li> <li>quantities of the hazardous substances;</li> <li>the physical form of the substances at 20°C and 101.3 kPa; and</li> <li>the location of use or storage on the site, including separation distances from the site boundary and neighbouring hazardous facilities (on-site and off-site).</li> </ul> <p>The description should also include site-specific details, including neighbouring land uses and the surrounding environment, with a focus on sensitive land uses and receptors (for example, retirement accommodation, aquifers or wetlands).</p>	Substance 1 Substance 2 ..... Substance 10				<p>The HFSP uses standard units of tonnes (for solids, liquids and liquefied gases) and m<sup>3</sup> (for compressed gases). In some cases, it may therefore be necessary to convert substance quantities to these units. In the case of liquids, specific gravity (or density) must be taken into consideration when converting litres or m<sup>3</sup> to tonnes (i.e.</p> $\frac{\text{volume of liquid (litres)} \times \text{specific gravity}}{\text{tonnes}} = 1000$ <p>Adjustments to quantities are also necessary where a substance is diluted with water or mixed with another substance. In this instance, only the percentage quantity of the hazardous substance or product in the dilution or mixture is assessed for the purposes of HFSP calculations (unless a mixture is more hazardous than its components, in which case data on the mixture need to be used).</p> <p>An exception to this are products or brands that already constitute dilutions or mixtures of hazardous substances and which have been classified in terms of their hazardous properties as the ‘whole’ dilution or mixture for life cycle management purposes. Examples of this are corrosives, oxidising substances and pesticides, which are often sold commercially as standard solutions or strengths. In these cases, quantity adjustments are only applied when these commercially supplied concentrations are further diluted or mixed.</p>	
	<b>EXAMPLE</b>					
		<i>Petrol</i>	<i>Liquid</i>	<i>&lt; 30 metres from site boundary</i>		<i>50 tonnes</i>

STEPS	HFSP CALCULATIONS				EXPLANATION
	Substance Name	Hazard Rating			
Fire/Explosion		Human Health	Environment		
<p><b>2. Determine Hazard Rating</b></p> <p>For the purposes of the HFSP, the effects of substances are categorised into three effect types:</p> <ul style="list-style-type: none"> <li>• Fire/Explosion Effect Type: addressing damage to the built environment and safety of people;</li> <li>• Human Health Effect Type: addressing adverse effects on the well-being, health and safety of people;</li> <li>• Environmental Effect Type: addressing adverse effects on ecosystems and natural resources.</li> </ul> <p>Each effect type is divided into three Hazard Rating Levels:</p> <ul style="list-style-type: none"> <li>• High    • Medium    • Low</li> </ul> <p>The rating levels are predominantly based on the HSNO classification system.</p>	Substance 1 Substance 2 ..... Substance 10	High (H) or Medium (M) or Low (L)	High (H) or Medium (M) or Low (L)	High (H) or Medium (M) or Low (L)	<p>The HFSP rates hazardous substances in terms of each of the three effect types as having a high, medium or low hazard. The hazard rating of a substance is derived from:</p> <ol style="list-style-type: none"> <li>1. The list of HFSP-rated hazardous substances is available from the Ministry for the Environment or Council.</li> <li>2. The HSNO classification (refer Annex 1). Once a substance has been classified under HSNO, Hazard Ratings can be assigned for each effect type as shown in Annex 1.</li> <li>3. Where a substance is neither found in the list of HFSP-rated hazardous substances nor the HSNO databases on the MfE or ERMA websites, default ratings should be used (fire/explosion effect type: <b>Medium</b>; human health effect type: <b>Medium</b>; and environment effect type: <b>High</b>).</li> </ol>
	<i>EXAMPLE</i>				
<p><b>3. Find Base Quantities</b></p> <p>The base quantity (B) is pre-calibrated. It is the amount of a substance that has been assessed as generating no significant off-site effects in a notional heavy industrial area <i>before</i> site and substance-specific considerations have been taken into account (refer Step 4). Base quantities for different hazardous properties and hazard ratings in each effect type are listed in Table 2.</p>	Substance 1 Substance 2 ..... Substance 10	$B^1$ $B^2$ ..... $B^{10}$	$B^1$ $B^2$ ..... $B^{10}$	$B^1$ $B^2$ ..... $B^{10}$	<p>In the example given of petrol, the fire/explosion effect type [sub-category: Flammables] has a base quantity of 10 tonnes for HSNO Class 3A and 3B (<i>see Table 2</i>).</p> <p>Petrol also has an environment effect type hazard rating of High. From Table 2 the base quantity for ecotoxic liquids with a High hazard rating is 1 tonne.</p>
	<i>EXAMPLE</i>				
	<i>Petrol</i>	<i>10 tonnes</i> <i>[Table 2]</i>	-	<i>1 tonne</i> <i>[Table 2]</i>	

STEPS	HFSP CALCULATIONS				EXPLANATION	
	Substance Name	Adjusted Quantities (A)				
Fire/Explosion		Human Health	Environment			
<p><b>4. Calculate Adjusted Quantity (A)</b></p> <p>The pre-calibrated adjustment factors (FF, HF, EF) are multiplied with the base quantities (B) to account for substance properties and site-specific environmental circumstances. This multiplication yields the adjusted quantity (A). Adjustment factors differ for each of the effect types, and take into account the following considerations:</p> <ul style="list-style-type: none"> <li>the physical state of the substance;</li> <li>the type of storage;</li> <li>the type of activity or use;</li> <li>separation distances to the site boundary;</li> <li>the environmental sensitivity of the site location.</li> </ul> <p>The adjustment factors are listed in Table 3.</p>	Substance 1 Substance 2 ..... Substance 10	$A^1$ $A^2$ ..... $A^{10}$	$A^1$ $A^2$ ..... $A^{10}$	$A^1$ $A^2$ ..... $A^{10}$	<p>Different adjustment factors are applied for each effect type [see Table 3]. For example, for the fire/explosion effect type, the separation distance to site boundary is relevant; while for the environment effect type, proximity to a water resource is important.</p> <p>In some instances, more than one adjustment factor within each effect type must be applied, which then need to be multiplied with each other to yield the total adjustment factor for the effect type. When the adjustment factors for each effect type have been calculated, they in turn are multiplied with the base quantity to yield the adjusted quantity).</p> <p>In the example given, the following parameters have been assumed:</p> <ul style="list-style-type: none"> <li>&lt;30 to site boundary;</li> <li>not adjacent to water body;</li> <li>underground storage.</li> </ul>	
	<b>EXAMPLE</b>	<i>Petrol</i>	<i>10 tonnes x 10 = 100 tonnes</i> [From FF3, Table 3]	-	<i>1 tonne x 3 = 3 tonnes</i> [From FE3, Table 3]	

STEPS	HFSP CALCULATIONS				EXPLANATION
	Substance Name	Quantity Ratios (FQ, HQ, EQ)			
Fire/Explosion		Human Health	Environment		
<p><b>5. Calculate and add Quantity Ratios (FQ, HQ, EQ)</b></p> <p>This step requires the calculation of the quantity ratio for each hazardous substance in question. The quantity ratio is a dimensionless number. It is obtained by dividing the quantity of a substance that is proposed to be used or stored on a site, ie the proposed quantity (P) by the adjusted quantity (A).</p> <p>If several hazardous substances are used or stored on a site, the quantity ratios calculated for each of these substances are added up for each effect type, to yield a total quantity ratio.</p> <p>Note that FQ/HQ/EQ<sub>Total</sub> stands for the total sum of quantity ratio values from all assessed hazardous substances, within each effect type.</p>	Substance 1 Substance 2 ..... Substance 10	FQ <sup>1</sup> FQ <sup>2</sup> ..... FQ <sup>10</sup>  <b>FQ<sub>Total</sub></b>	HQ <sup>1</sup> HQ <sup>2</sup> ..... HQ <sup>10</sup>  <b>HQ<sub>Total</sub></b>	Q <sup>1</sup> Q <sup>2</sup> ..... EQ <sup>10</sup>  <b>EQ<sub>Total</sub></b>	<p>By using the dimensionless ratio of the proposed quantity of a hazardous substance over the adjusted quantity, it is possible to aggregate the effects presented by multiple substances held on the same site. Hence, it becomes possible to assess the cumulative potential effects which may be created by several substances present on the same site.</p>
	<b>EXAMPLE</b>				
	<i>Petrol</i>	<i>0.50</i> <i>(50 tonnes / 100 tonnes)</i>	-	<i>16.67</i> <i>(50 tonnes / 3 tonnes)</i>	
	Substance Name	Does Quantity Ratio exceed Consent Status Index?			
Fire/Explosion		Human Health	Environment		
<p><b>6. Assess Resource Consent Status of the Hazardous Facility</b></p> <p>When assessing the resource consent status of a particular hazardous facility or sub-facility, the total quantity ratios for each effect type are compared with relevant consent status indices in the resource consent matrix (Figure 16.7A). If they are exceeded, a resource consent is required.</p>	Substance 1 Substance 2 ..... Substance 10	Yes/No	Yes/No	Yes/No	<p>When examining total quantity ratios against applicable consent status indices, one or several substances may trigger a resource consent. This highlights the fact that when assessing hazardous facilities, it is often sufficient to assess just a few hazardous substances to start off with, mainly those that are either highly hazardous or are used or stored in high quantities.</p> <p>In the petrol example, a resource consent is required because a quantity ratio of 16.67 exceeds 0.75 in Figure 16.7A.</p>
	<b>EXAMPLE</b>				
	In a typical industrial zone:				
	Petrol	No	-	Yes	

**Table 2: Base quantities for All Effects Types and Hazard Levels**

HSNO CATEGORY	UN CLASS EQUIVALENT	HAZARD LEVEL	UNIT	BASE QUANTITY (B)		
				FIRE/ EXPLOSION	HUMAN HEALTH	ENVIRONMENT
<b>Explosiveness</b>						
1.1	Class 1.1	High	tonnes	0.1	-	-
1.2	Class 1.2	Medium	tonnes	1	-	-
1.3	Class 1.3	Low	tonnes	3	-	-
<b>Flammable Gases</b>						
2.1 A+B (LPG)	Class 2.1	Medium	tonnes	30	-	-
2.1 A+B (excluding LPG)	Class 2.1	High	m <sup>3</sup>	10,000*	-	-
<b>Flammable Liquids</b>						
3 A and 3 B	Class 3PGI and 3PGII	High	tonnes	10	-	-
3 C	Class 3PGIII	Medium	tonnes	30	-	-
3 D		Low	tonnes	100	-	-
<b>Flammable Solids</b>						
4.1 (all categories)	Class 4.1	Medium	tonnes	10	-	-
4.2 (all categories)	Class 4.2	High	tonnes	1	-	-
4.3 (all categories)	Class 4.3	High	tonnes	1	-	-
<b>Oxidising Gases, Liquids and Solids</b>						
5.1 (all categories)	Class 5.1	Medium	tonnes (m <sup>3</sup> )	10 (10,000*)	-	-
5.2 (all categories)	Class 5.2	High	tonnes	1	-	-
<b>Toxic Gases, Liquids and Solids</b>						
6.1 A and 6.1 B	Class 6.1 PGI and PGII	High	tonnes	-	0.5	-
6.1 A and 6.1 B	Class 2.3 PGI and PGII	High	m <sup>3</sup>	-	30*	-
6.1 C	Class 6.1 PGIII	Medium	tonnes	-	10	-
6.1 C	Class 2.3 PGIII	Medium	m <sup>3</sup>	-	50*	-
6.7-6.9 (chronic toxicity categories)	OECD	Medium	tonnes	-	10	-
6.1 D		Low	tonnes	-	30	-
6.1 D		Low	m <sup>3</sup>	-	500*	-
<b>Corrosive Gases, Liquids and Solids</b>						
(8A) 6.3-6.4 (corrosives, all categories)	Class 8	Medium	tonnes (m <sup>3</sup> )	-	10	-
<b>Ecotoxic Gases, Liquids and Solids</b>						
9.1A	(OECD 1)	High	tonnes (m <sup>3</sup> )	-	-	1 (30*)
9.1B	(OECD 2)	Medium	tonnes (m <sup>3</sup> )	-	-	30 (50*)
9.1C	(OECD 3)	Low	tonnes (m <sup>3</sup> )	-	-	100 (500*)

\* Base Threshold in m<sup>3</sup> at 101.3 kPa and 20 °C for permanent or compressed gases.

**Table 3: Adjustment Factors**

ADJUSTMENT FACTORS FOR ALL EFFECT TYPES		
Fire/Explosion	Human Health	Environment
<b>FF1: Substance Form</b>	<b>FH1: Substance Form</b>	<b>FE1: Substance Form</b>
Solid = 1	Solid = 3	Solid = 3
Liquid, powder = 1	Liquid, powder = 1	Liquid, powder = 1
Gas (101.3 kPa and 20°C) = 0.1	Gas (101.3 kPa and 20°C) = 0.1	Gas (101.3 kPa and 20°C) = 0.1
<b>FF2: Separation Distance from Site Boundary (sub-facility)</b>	<b>FH2: Separation Distance from Site Boundary (sub-facility) (GASES ONLY)</b>	<b>FE2: Environmental Sensitivity</b>
< 30 metres = 1	< 30 metres = 1	Normal = 1
> 30 metres (>60 metres) <sup>①</sup> = 3	> 30 metres (>60 metres) <sup>①</sup> = 3	< 20 metres from surface water <sup>②</sup> = 0.3
<b>FF3: Type of Activity</b>	<b>FH3: Type of Activity</b>	<b>FE3: Type of Activity</b>
Use = 0.3	Use = 0.3	Use = 0.3
Above ground storage = 1	Above ground storage = 1	Above ground storage = 1
Underground storage <sup>③</sup> = 10	Underground storage <sup>③</sup> = 10	Underground storage <sup>③</sup> = 3
Final Fire/Explosion Adjustment Factor <b>FF = FF1 x FF2 x FF3</b>	Final Human Health Adjustment Factor <b>FH = FH1 x FH2 x FH3</b>	Final Environment Adjustment Factor <b>FE = FE1 x FE2 x FE3</b>
<b>Notes:</b>		
① If the facility is assessed as a sub-facility, the distance to the neighbouring sub-facility must be more than 60 metres (ie 2 x 30 metres) to qualify for an Adjustment Factor of 3.		
② Surface water includes surface water supplies, streams, springs, lakes, wetlands, estuaries and the sea, but does not include entry points to the stormwater drainage network.		
③ Applicable to UN Class 3 substances (flammable liquids) only.		

## Annex 1: HFSP Rating of Hazardous Substances

The full description of HSNO Classes, Sub-classes and Categories is contained in the HSNO Regulations.

HAZARD	HSNO CLASS & CATEGORY	(UN DIVISION)	DESCRIPTION	EFFECT TYPE	HAZARD RATING
<b>Explosiveness</b>	1.1	1.1	Articles and substances having a mass explosion hazard.	Fire/Explosion	<b>High</b>
	1.2	1.2	Articles and substances having a projection hazard, but not a mass explosion hazard.	Fire/Explosion	<b>Medium</b>
	1.3	1.3	Articles and substances having a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. This division comprises articles and substances that: <ul style="list-style-type: none"> <li>give rise to considerable radiant heat, or</li> <li>burn one after another, producing minor blast and/or projection effects.</li> </ul>	Fire/Explosion	<b>Low</b>
	1.4, 1.5, 1.6	1.4, 1.5, 1.6	Not applicable.		
<b>Flammable Gases</b>	2.1A, 2.1B	2.1	Flammable gases: <p>(i) gases which at 20°C and a standard pressure of 101.3 kPa:</p> <ul style="list-style-type: none"> <li>are ignitable when in a mixture of 13% or less by volume with air, or</li> <li>have a flammable range with air of at least 12% regardless of the lower flammability limit; or,</li> </ul> <p>(ii) gases or gas mixtures, other than those of (i) above, that at 20°C and a standard pressure of 101.3 kPa have a flammable range in mixture in air.</p> <p>Flammable aerosols, being a pressurised mixture of containing gas, compressed, liquified, or dissolved under pressure, with or without a liquid, paste or powder; comprising at least 45 % by mass of flammable ingredients, under a pressure greater than 100 kPa, which can be released in a finely divided spray.</p>	Fire/Explosion	<b>High</b>
	-	LPG	LPG	Fire/Explosion	<b>Medium</b>
		2.2	Not applicable.		
<b>Flammable Liquids</b>			Flammable liquids comprising liquids, mixtures of liquids, or liquids containing solids in suspension which give off a flammable vapour at specific temperatures.		
	3A	3 PGI	Flash point: < 23°C Initial boiling point:: < 35°C	Fire/Explosion	<b>High</b>
	3B	3 PGII	Flash point: < 23°C Initial boiling point:: > 35oC	Fire/Explosion	<b>High</b>

HAZARD	HSNO CLASS & CATEGORY	(UN DIVISION)	DESCRIPTION	EFFECT TYPE	HAZARD RATING
	3C	3 PGIII	(a) Flash point: $\geq 23^{\circ}\text{C}; \leq 60^{\circ}\text{C}$ (b) Flash point: $> 60^{\circ}\text{C}$ , but liquid is manufactured, stored, transported or used (except deliberate burning) at a temperature at or above its flash point.	Fire/Explosion	<b>Medium</b>
	3D	Combustible Liquids	Flash point: $> 60^{\circ}\text{C}$ but $\leq 93^{\circ}\text{C}$	Fire/Explosion	<b>Low</b>
<b>Flammable Solids</b>	4.1 All Categories	4.1	<ul style="list-style-type: none"> <li>Flammable solids that are readily combustible or may cause fire easily through an ignition source or friction.</li> <li>Self-reacting substances that are thermally unstable and are liable to undergo a strongly exothermic decomposition even without the participation of oxygen (and related substances).</li> <li>Desensitised explosives: substances that are wetted with water or alcohol or diluted with other substances to suppress their explosive properties.</li> </ul>	Fire/Explosion	<b>Medium</b>
	4.2 All Categories	4.2	Substances liable to spontaneous combustion: <ul style="list-style-type: none"> <li>pyrophoric substances: liquid or solid substances which, even in small quantities, ignite within 5 minutes of coming in contact with air</li> <li>self-heating substances: solid substances which generate heat when in contact with with air without additional energy supply.</li> </ul>	Fire/Explosion	<b>High</b>
	4.3 All categories	4.3	Substances which, in contact with water, become spontaneously flammable, or emit flammable gases.	Fire/Explosion	<b>High</b>
<b>Oxidising Capacity</b>	5.1 All categories	5.1	Oxidising substances: substances which in themselves are not necessarily combustible, but may cause or contribute to the combustion of other materials by yielding oxygen.	Fire/Explosion	<b>Medium</b>
	5.2 All categories	5.2	Organic peroxides: organic substances that are thermally unstable and may undergo exothermic, self-accelerating decomposition. They may: <ul style="list-style-type: none"> <li>be liable to explosive decomposition,</li> <li>burn rapidly,</li> <li>be sensitive to impact or friction,</li> <li>react dangerously with other substances</li> <li>cause damage to the eyes.</li> </ul>	Fire/Explosion	<b>High</b>

HAZARD	HSNO CLASS & CATEGORY	(UN DIVISION)	DESCRIPTION	EFFECT TYPE	HAZARD RATING
Toxicity		6.1	Substances that are liable to cause death or injury or to harm human health if swallowed, inhaled, or contacted by the skin.		
	6.1B	6.1 PGII	Oral toxicity LD <sub>50</sub> (mg/kg): > 5 - 50 Dermal toxicity LD <sub>50</sub> (mg/kg): > 50 - 200 Inhalation toxicity dust/mist LC <sub>50</sub> (mg/l): > 0.5 - 1	Human Health	High
	6.1C	6.1 PGIII	Oral toxicity LD <sub>50</sub> (mg/kg): > 50 - 300 Dermal toxicity LD <sub>50</sub> (mg/kg): > 200 - 1,000 Inhalation toxicity dust/mist LC <sub>50</sub> (mg/l): > 0.5 - 1		Medium
	6.1D	6.1 PGIII	Oral toxicity LD <sub>50</sub> (mg/kg): > 300 - 2,000 Dermal toxicity LD <sub>50</sub> (mg/kg): > 1,000 - 2,000 Inhalation toxicity dust/mist LC <sub>50</sub> (mg/l): > 1 - 5		Low
		2.3	Toxic gases: gases that are known to be toxic or corrosive to humans and pose a hazard to health. This division is divided into the following categories:		
	6.1A	2.3	a) Inhalation toxicity gases LC <sub>50</sub> : < 100 ppm, vapours LC <sub>50</sub> : < 0.5 mg/l	Human Health	High
	6.1B	2.3	b) Inhalation toxicity gases LC <sub>50</sub> : ≥ 100 ppm - 500 ppm, vapours LC <sub>50</sub> : ≥ 0.5 mg/l - 2 mg/l	Human Health	High
	6.1C	2.3	c) Inhalation toxicity gases LC <sub>50</sub> : ≥ 500 ppm - 2,500 ppm, vapours LC <sub>50</sub> : ≥ 2 mg/l - 10 mg/l	Human Health	Medium
	6.1D	2.3	d) Inhalation toxicity gases LC <sub>50</sub> : ≥ 2,500 ppm - 5,000 ppm, vapours LC <sub>50</sub> : ≥ 10 mg/l - 20 mg/l	Human Health	Low
	(8A) 6.4 All categories	8	Eye Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5. Effect: Draize Grade ≥ 1 for either corneal opacity or iritis or Grade 2 for either conjunctival redness or chemosis	Human Health	Medium
	(8A) 6.3 All categories	8	Skin Irritation/Corrosiveness: Chemical Property: 2 > pH > 11.5. Effect: Draize Grade ≥ 1.5 for erythema or oedema	Human Health	Medium
	6.4	(OECD 1 & 2)	Respiratory or contact sensitiser.	Human Health	Medium
	6.7A, 6.7B	(OECD 1 & 2)	Carcinogenicity: Suspected or presumed carcinogen.	Human Health	Medium
	6.9A, 6.9B	(OECD 1 & 2)	Known, presumed or suspected human target organ toxicity.	Human Health	Medium

HAZARD	HSNO CLASS & CATEGORY	(UN DIVISION)	DESCRIPTION	EFFECT TYPE	HAZARD RATING
	6.6A, 6.6B	(OECD 1 & 2)	Substances known or regarded as mutagenic OR Substances which cause concern for man owing to the possibility that they may induce heritable mutations in the germ cells of human.	Human Health	<b>Medium</b>
	6.8C	(OECD)	Effects on or via lactation: Data showing (i) a likelihood that the substance would be present in potentially toxic levels in human breast milk; AND/OR (ii) clearly defined adverse effect in the offspring of animals due to transfer in the milk; OR clearly defined adverse effect on the quality of the milk in animals; AND/OR (iii) human evidence indicating a hazard to babies during the lactation period.	Human Health	<b>Medium</b>
		6.2	Not applicable.		
Ecotoxicity			Ecotoxic substances: any substance exhibiting a toxic effect on ecosystems. This division is divided into three categories.		
	9.1A	(OECD1) 9. Marine pollutants	a) Very toxic to the aquatic environment. 96 hr LC <sub>50</sub> salmonid fish <1.0 mg/l 48 hr EC <sub>50</sub> daphnia <1.0 mg/l 72 hr EC <sub>50</sub> algae <1.0 mg/l	Environment	<b>High</b>
	9.1B	(OECD2)	b) Toxic to the aquatic environment. 96 hr LC <sub>50</sub> salmonid fish 1-10 mg/l 48 hr EC <sub>50</sub> daphnia 1-10 mg/l 72 hr EC <sub>50</sub> algae 1-10 mg/l	Environment	<b>Medium</b>
	9.1C	(OECD3)	c) Harmful to the aquatic environment. 96 hr LC <sub>50</sub> salmonid fish 10-100 mg/l 48 hr EC <sub>50</sub> daphnia 10-100 mg/l 72 hr EC <sub>50</sub> algae 10-100 mg/l	Environment	<b>Low</b>

Annex 2: HFSP Calculation Spreadsheets

Enter Site Reference in This Cell	Ref. No.	UN No.	CAS No.	Effects Type & Rating		Base Quantity		Substance Form	Boundary <30m? SubFacility <60m	< 20 to Surface Water? Yes/No?	Activity-Storage Type	Adjustment Factors			Product of Adj. Factors	Adj. Base Quantity T		Proposed Quantity Q		Pure Conc. Strong Dilute Weak	
						t	m3	solid liquid gas	Yes/No?	Yes/No?		F1	F2	F3	t	m3	t	m3			
Substances on this site:																					
BUTYL ACRYLATE	1	2348	41-32-2	Fire	Medium	30.000		liquid	Yes		Above ground storage	1.0	1.0	1.0	1.0	30.000	0.400				
UN Class Equivalent: 3 PGIII				Health	Low	30.000							1.0	1.0	1.0	1.0	30.000				
Flammable, Toxic				Enviro	High	1.000						No		1.0	1.0	1.0	1.0	1.000			
!Select from Pull-Down List	2	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	3	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	4	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	5	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	6	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	7	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	8	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	9	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
!Select from Pull-Down List	10	0	0	Fire	0	0.000		0				No Data	No Data	No Data	No Data	No Data					
0				Health	0	0.000						No Data	No Data	No Data	No Data	No Data					
				Enviro	0	0.000						No Data	No Data	No Data	No Data	No Data					
Total Quantity Ratio	0.40																				

Site Details	Zones			Consent Status Indices				
<b>Enter Site Reference in This Cell</b>	>30m to Residential Zone Sensitive Use?	Light Industrial		Permitted Activities	Controlled Activities	Discretionary Activities	Total Quantity Ratio	
	<b>Yes</b>	<b>Yes</b>	<b>N/A</b>	<b>=&lt;0.5</b>	<b>&gt;0.5</b>	<b>N/A</b>	<b>0.40</b>	
<b>Preliminary Activity Status</b>		<b>Permitted Activity</b>						
<b>Prescribed Situations</b>								
Note: These only apply if no other chemicals on site exceed Total Quantity Ratio for more onerous class of activity.		Domestic Quantities Use/Storage Only?	Bulk Storage of <5000 litres Fuel/Oil for Site Use Only?	U/G Storage 5-100m3 Petrol or 5-50m3 Diesel	Use/Store/Dispose Non-Bulk Haz Material Ex Teaching/Research Laboratory?	Use/Storage Radioactive Material <100 TeraBecquerels or exempt under Rad. Prot. Regs?	Use/Storage Radioactive Material >100 TeraBecquerels?	
		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
<b>Site Environmental Performance</b>								
Note: Unless a performance standard is impossible to achieve you will be required to fix the problem rather than apply for a Discretionary Activity Consent.		This Cell for UST Situations Only	Site Design and Layout OK?	Site Drainage Systems OK?	Spill Containment Systems OK?	Hazardous Facility Signage OK?	Waste Management OK?	Land NOT Subject to Inundation?
		<b>N/A</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Confirmed Activity Status</b>		<b>Permitted Activity</b>			<b>Note: Existing Use as of 26/5/96</b>			



## **16.8 TEMPORARY ACTIVITIES AND RELOCATED-BUILDINGS**

### **16.8.1 Scope of Section**

This section deals with temporary activities, temporary military training activities and relocation of dwellings throughout the District. Chapter 19 details information required with resource consent applications (*refer, in particular, to 19.2.13*).

C60 1/16  
Op 6/19

### **16.8.2 Temporary Activities**

#### **16.8.2.1 Permitted Activities (Temporary Activities)**

Temporary activity ancillary or incidental to building and construction work limited either to the duration of the project or for a period not exceeding 12 months, whichever is the lesser and the activity complies with the following conditions:

- (a) The activity and building are readily movable.
- (b) The activity complies with the transport rules in section 16.2.
- (c) The Environment and Planning Manager of the Council is notified prior to commencement of the project.

#### **16.8.2.1A Permitted Activities (Temporary Activities that are Construction, Maintenance, or Demolition Work)**

C60 1/16  
Op 6/19

Temporary activity that is construction, maintenance, or demolition work, and associated overnight parking, storage, repair or maintenance is a permitted activity if it complies with the following conditions:

- (a) The activity meets the noise limits provided for in NZS6803:1999 Acoustics – *Construction Noise*.

#### **16.8.2.2 Permitted Activities (Temporary Military Training Activities)**

C60 1/16  
Op 6/19

Temporary military training activity is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Noise standards set out in Figure 16.8A which replace the applicable zone noise standards.
- (b) Any temporary building or structures that are used are removed at the end of the activity.

Figure 16.8A: Noise and Fire Risk Controls

C60 1/16  
Op 6/19

Type of Military Noise Sources	Standards			
<p><b>1. Weapons Firing and/or the Use of Explosives</b></p>	<p>(a) Notice is provided to Council, and where the use of live ammunition or pyrotechnics is proposed to the Waimea Fire and Emergency New Zealand, at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing, the use of explosives or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place; and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.</p>			
	<p>(b) Compliance with the standards below:</p>			
		<p><b>Time (Monday to Sunday)</b></p>	<p><b>Separation Distance required between the Boundary of the Activity and the Notional Boundary to any Building housing a Noise Sensitive Activity</b></p>	
	<p>(i) Live firing of weapons and single or multiple explosive events</p>	<p>0700 to 1900 hours</p>	<p>At least 1500m</p>	<p>Less than 1500m if conditions (a) and (c) below are complied with</p>
		<p>1900 to 0700 hours</p>	<p>At least 4500m</p>	<p>Less than 4500m if conditions (b) and (c) below are complied with</p>
	<p>(ii) Firing of blank ammunition</p>	<p>0700 to 1900 hours</p>	<p>At least 750m</p>	<p>Less than 750m if conditions (a) and (c) below are complied with</p>
		<p>1900 to 0700 hours</p>	<p>At least 2250m</p>	<p>Less than 2250m if conditions (b) and (c) below are complied with</p>
	<p>Conditions to be complied with if minimum separation distances for sources 1(b)(i) and 1(b)(ii) above cannot be met:</p>			
	<p><b>Condition</b></p>	<p><b>Time (Monday to Sunday)</b></p>	<p><b>Noise Level at the Notional Boundary to any Building housing a Noise Sensitive Activity</b></p>	
	<p>(a)</p>	<p>0700 to 1900 hours</p>	<p>Peak sound pressure level of 120 dBC</p>	
<p>(b)</p>	<p>1900 to 0700 hours</p>	<p>Peak sound pressure level of 90 dBC</p>		
<p>(c)</p>	<p>The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> <li>• A description of the site and activity, including times, dates, and nature and location of the proposed training activities.</li> <li>• Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation and timing of noisy activities to limit noise received at sensitive receiver sites.</li> <li>• A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</li> </ul>			

Type of Military Noise Sources	Standards		
		<ul style="list-style-type: none"> <li>A programme for notification and communication with the occupiers of affected noise sensitive sites before the activities commence, including updates during the event.</li> </ul> A method for following up any complaints received during or after the event, and any proposed debriefing meetings with Council.	
	(d)	For temporary military training activities where the use of live ammunition or pyrotechnics is proposed, the activity is undertaken in accordance with a fire preparedness and management plan prepared by a suitably qualified expert and provided to the Waimea Fire and Emergency New Zealand and the adjacent landowners at least 15 working days before the activity commences. The fire preparedness and management plan shall as a minimum contain: <ul style="list-style-type: none"> <li>A description of the site and activity, including times, dates, nature and location of the proposed training activities.</li> <li>An evacuation plan.</li> <li>Provision for on-site fire equipment that will be in a complete state of readiness at all times.</li> </ul>	
<b>2. Mobile noise sources<sup>1</sup>, excluding sources 1(i) and 1(ii)</b>	Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i> , with reference to “construction noise” taken to refer to other, mobile noise sources <sup>(3)</sup>		
<b>3. Fixed (stationary) noise sources<sup>2</sup>, excluding sources 1(i) and 1(ii)</b>	<b>Time (Monday to Sunday)</b>	<b>Noise Level at the Notional Boundary to any Building housing a Noise Sensitive Activity<sup>3</sup></b>	
	0700 to 1900 hours	55 dB L <sub>Aeq</sub> (15 min)	n.a
	1900 to 2200 hours	50 dB L <sub>Aeq</sub> (15 min)	
	2200 to 0700 hours the next day	45 dB L <sub>Aeq</sub> (15 min)	75 dB L <sub>AFmax</sub>
<b>4. Helicopter landing areas</b>	Compliance with noise limits set out in <i>NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> <sup>(3)</sup>		
<b>Footnotes:</b> <ol style="list-style-type: none"> <li>Mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment.</li> <li>Fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</li> <li>Noise levels shall be measured in accordance with <i>NZS6801:2008 Acoustics – Measurement of Sound</i>.</li> </ol>			

C60 1/16  
Op 6/19

### 16.8.2.3 Controlled Activities (Temporary Military Training Activities)

C60 1/16  
Op 6/19

Temporary military training activity that does not comply with the permitted conditions of rule 16.8.2.2 is a controlled activity.

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

- (1) Noise effects.
- (1A) Risk of wildfire.
- (2) Timing, location and duration of the consent.
- (3) Administrative charges pursuant to section 36 of the Resource Management Act.

**16.8.3 Relocation of Buildings**C73 12/20  
Op 6/23**16.8.3.1 Permitted Activities (Relocation of Buildings)**

The relocation of any building to a new site, or the new position within a current site, is a permitted activity, if it complies with the following conditions:

- (a) The building complies with any rules applicable to the construction or alteration of buildings at the new site or new position within the current site; and

C73 12/20  
Op 6/23

For a building which is, or is intended to be, used as a dwelling:

- (b) A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- (c) A report shall accompany the application for a building consent for the destination site, or new position within the current site, that identifies all reinstatement works that are to be completed to the exterior of the building.
- (d) The Council is notified in writing no later than 48 hours prior to the building being relocated to its destination site, or new position within the current site.
- (e) The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.
- (f) All other reinstatement work required by the report referred to in (c) and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site or new position within the current site.

**Note:** The requirements of the Building Act and the New Zealand Building Code also apply.

*Item (a resource consent is required) to be removed as part of plan change 73*

C73 12/20  
Op 6/23**16.8.3.2 Discretionary Activities (Relocation of Buildings)**C73 12/20  
Op 6/23

The relocation of a dwelling to a new site, or new position within the current site, that does not comply with the conditions of rule 16.8.3.1 is a discretionary activity. Relocated buildings, other than dwellings, that may not comply with rules applicable to the construction or alteration of buildings at the new site as per rule 16.8.3.1(a) will be considered under those specific zone rules with no particular resource consent required due to its relocated nature.

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

**16.8.20 Principal Reasons for Rules****Relocated Buildings**C73 12/20  
Op 6/23

Relocated dwellings have the potential to adversely affect the visual amenity of the area in which they are intended to be relocated. The rule addresses this by ensuring the dwelling is placed on permanent foundations and have external reinstatement completed within set time periods. The rule also requires that a building to be used as a dwelling was previously designed, built and used as a dwelling. This is to ensure that to be permitted, the building already appears and functions as a dwelling, which improves compatibility with the destination site or location. Relocated buildings which are not currently a dwelling but are intended to be converted for this purpose require a discretionary activity resource consent. This enables consideration of the visual appearance, appropriateness for the site and neighbourhood, and the timeframe for the conversion to occur.

Other bulk and location matters are controlled through zone and area-based rules in the Plan. Relocated buildings which are not to be used as a dwelling are permitted if they meet these other rules. Other relocated buildings that may not comply with rules applicable to the construction or alteration of buildings at the new site, or new position within the current site, will be considered under those specific zone rules with no particular resource consent required due to its relocated nature.

### Temporary Military Training Activities

C60 1/16  
Op 6/19

Noise effects from temporary military training activities need to be appropriately controlled within the District Plan. To this end, the New Zealand Defence Force has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. Based on this advice, the New Zealand Defence Force developed revised noise control permitted activity standards that it is seeking to have included in district plans nationwide.

The standards divide noise sources from temporary military training activities into three categories: (i) weapons firing and explosions; (ii) other mobile source such as vehicles and earthmoving equipment; and (iii) fixed noise sources such as power generators and water pumping. Each of these noise sources has different noise characteristics and, therefore, a different set of standards applies for controlling noise. The division allows a more comprehensive and appropriate method for controlling noise from temporary military training activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Four separation distances are specified – a night-time and daytime distance for firing of live ammunition and explosives, and a night-time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and analysis of data measured from real military activities to ensure that the sound levels received at the specified distance will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night-time). Using separation distance as a standard has the advantage of being an easy-to-comply-with and easy-to-monitor standard.

C60 1/16  
Op 6/19

Compliance with the construction noise standard NZS6803:1999 *Acoustics – Construction Noise* is considered the most appropriate method for controlling mobile noise sources (other than weapons firing).

Compliance with standards in line with NZS6802:2008 *Acoustics – Environmental Noise* is considered the most appropriate method for controlling noise levels from fixed sources (other than weapons firing and explosives).

Compliance with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* is considered the most appropriate method for controlling noise from helicopters associated with temporary military training activities. The risk of fire from temporary military training activities which involve the use of live ammunition or pyrotechnics needs to be appropriately controlled within the District Plan.



## 16.10 FLOOD HAZARDS

*Refer to Policy sets 8.1, 8.2, 13.1.  
Refer to Rule section 16.3.*

### 16.10.1 Scope of Section

This section deals with land uses in relation to stopbanks and berm lands where flood hazards may occur. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.7*).

**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

### 16.10.2 Land Use

#### 16.10.2.1 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:

##### Stopbank

- (a) Grazing of stopbanks is only by sheep or goats and is undertaken in such a way that a continuous grass sward is maintained.
- (b) Any excavation of a stopbank is only undertaken for the purposes of stopbank reconstruction or maintenance, or the installation or removal of any utility service line, provided that the Riverworks Asset Manager of the Council has been notified.

##### Earthworks

- (c) Any earthwork within 10 metres of the top of any river bank or either toe of any stopbank:
  - (i) is less than 20 square metres in area; and
  - (ii) is open for no more than three days; and
  - (iii) is backfilled with the excavated material and thoroughly compacted; and
  - (iv) does not raise or lower the level of the land; or
  - (v) is associated with the maintenance of road structures.

##### Woody Vegetation

- (d) There is no planting of any woody vegetation or any standing crop of any plant with a mature height greater than 0.5 metres on any berm land unless the vegetation is necessary to maintain the stability of a riverbank and is planted within 10 metres of the bank.

##### Berm Land

- (e) Material deposited on any berm land occupies an area of less than 20 square metres and is deposited for no longer than 10 consecutive days.
- (f) All fences on any berm land are of post and wire construction.

**16.10.2.2 Restricted Discretionary Activities (Land Use)**

Any land use that does not comply with the conditions of rule 16.10.2.1 is a restricted discretionary activity.

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

- (1) The severity and probability of the flood hazard to which the activity is or may be subject, in the light of any available or calculated flooding information.
- (2) The effects on other property owners of the activity, including damage resulting from the damming or diversion of flood waters by structures or plantings.
- (3) The effects on road structures, including the need for larger culverts or bridge clearances.
- (4) The effects of any structure by itself or in combination with other structures on aquatic ecosystems, plant or animal habitat, flow regime or erosion of the river.
- (5) The design, location, construction and maintenance of any structure.
- (6) The health and safety of potential property owners.
- (7) The effects on the community, including physical, economic and cumulative effects.
- (8) The extent to which future owners of the site are likely to be aware of any flood risk before they purchase a property.
- (9) The need for a reference to flood risks to be recorded on the title of the land.
- (10) The extent to which the productivity and versatility of the land may be affected, positively and adversely.
- (11) Whether or not buildings are relocatable.
- (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).

**16.10.3 Buildings, Berm Lands, Stopbanks****16.10.3.1 Prohibited Activities (Buildings, Berm Lands, Stopbanks)**

No resource consent shall be granted for the following prohibited activities:

**Construction or Relocation of Buildings**

- (a) The construction or relocation of any building which has a floor area greater than 15 square metres on any berm land.
- (b) The construction or relocation of any habitable building which has a floor area greater than 10 square metres within:
  - (i) 20 metres of the landward toe of any stopbank, the crest of which is more than 1 metre higher than the immediately adjacent land; or

- (ii) 50 metres of the landward toe of any stopbank the crest of which is more than 2 metres higher than the immediately adjacent land.

### **Berm Land**

- (c) The erection of any fence on berm land, other than a post and wire fence.

### **Stopbank**

- (d) The planting of any woody vegetation on any stopbank.
- (e) The placing of any object on the crest of a Lower Motueka, Waimea, or Wai-iti stopbank that prevents or may prevent any authorised person from passing or driving a motor vehicle along the stopbank.

## **16.10.20 Principal Reasons for Rules**

### **Stocking of Stopbanks**

Grazing can be a valuable stopbank management tool and light animals are unlikely to cause significant damage to stopbanks in dry conditions provided that a continuous grass cover is maintained.

### **Planting of Woody Vegetation on Berms**

Obstructions to flood flow on berms are generally undesirable but there are locations where trees, etc., could be acceptable subject to conditions, and riparian bank protection is usually essential.

### **Deposition of Material**

Obstructions to flood flow are generally undesirable but there are locations where semi-permanent heaps of material is acceptable, subject to conditions. The rules enable minor storage to occur of the type that might be necessary on a farm or roadside aggregate dump or as part of river control activity, but should ensure that larger scale activities will be given due consideration as to adverse effects upon others before commencing. (0.02 hectares is over 14 metres by 14 metres and is therefore a substantial area).

### **Buildings**

The prohibition ensures that berms are kept clear of significant obstructions, that incipient stopbank failures can be observed and attended to, and that substantial buildings are kept clear of the most hazardous locations.

The failure of a stopbank over 2 metres in height could result in serious structural damage to a building up to at least 50 metres away and could occur very suddenly.

### **Fencing**

Control on the type of fencing on berm land helps to ensure that flood flows will not be significantly impeded on berm land.

### **Excavation or Removal of Part of any Stopbank**

Stopbanks are intended to avoid or mitigate damage from floods and their strength must not be adversely affected by any earthwork.

### **Destruction or Removal of Vegetation**

Including grazing by livestock or the excavation or removal of any part of any stopbank is intended to avoid damage to a major public asset and possible disastrous failure of that asset. Cattle, horses and deer are heavy enough to damage stopbanks and pig rooting poses an unacceptable risk.

### **Planting of any Woody Vegetation**

The prohibition helps to ensure that stopbank stability is not compromised.

### **Planting of any Tree or Erection of Structures**

Within 4 metres of the landward toe of any stopbank a restriction on planting and structures helps to ensure that stopbank stability is not compromised and that some access to the toe is possible.

### **Placing of any Object on the Crest of Named Stopbanks**

A restriction on stopbank obstructions is necessary to ensure that access for inspection purposes is always possible during floods.

## 16.11 AIRPORT PROTECTION

*Refer to Rule sections 16.3, 17.1, 17.2, 17.5, 17.6, 17.8.*

### 16.11.1 Scope of Section

This section provides specific rules relating to height of objects in the vicinity of the District's two airports. Resource consent applications must be accompanied by information stated in Chapter 19, as relevant, particularly 19.2.4.

### 16.11.2 All Zones

#### 16.11.2.1 Permitted Activities (All Zones)

Any structure or vegetation which is within an area shown on Schedule 16.11A or 16.11B as subject to Airport Height Control, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not exceed the height limits shown on Schedule 16.11A or 16.11B.

**Note:** The height limits are referenced to zero metres at each end of the runway. The topography of the site will thus affect the interpretation of the height limits shown.

#### 16.11.2.2 Restricted Discretionary Activities (All Zones)

Any structure or vegetation which is within an area shown on Schedule 16.11A or 16.11B as subject to Airport Height Control and which does not comply with the conditions of rule 16.11.2.1, 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 effects on the safe and efficient operation of the airport and airport users.
- (2) Any physical and visual impact of the structure or vegetation on the matters stated in (1).
- (3) The duration of the consent.
- (4) The timing of reviews of conditions and purpose of reviews (Section 128 of the Act).
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**Note:** The height limits are referenced to zero metres at each end of the runway. The topography of the site will thus affect the interpretation of the height limits shown. An applicant will be required to demonstrate the extent to which the proposal exceeds the height provisions, as noted in 16.11.2.1.

### 16.11.20 Principal Reasons for Rules

#### Control of Height in Vicinity of Airports

The rule provides for the long-term protection of the existing physical resources of the two airports in the District. The rules are based on Civil Aviation Authority Circulars.

## SCHEDULES

### Schedule 16.11A: Areas to which Height Control Provisions Apply – Motueka Airport



CL20A  
U69  
7/22

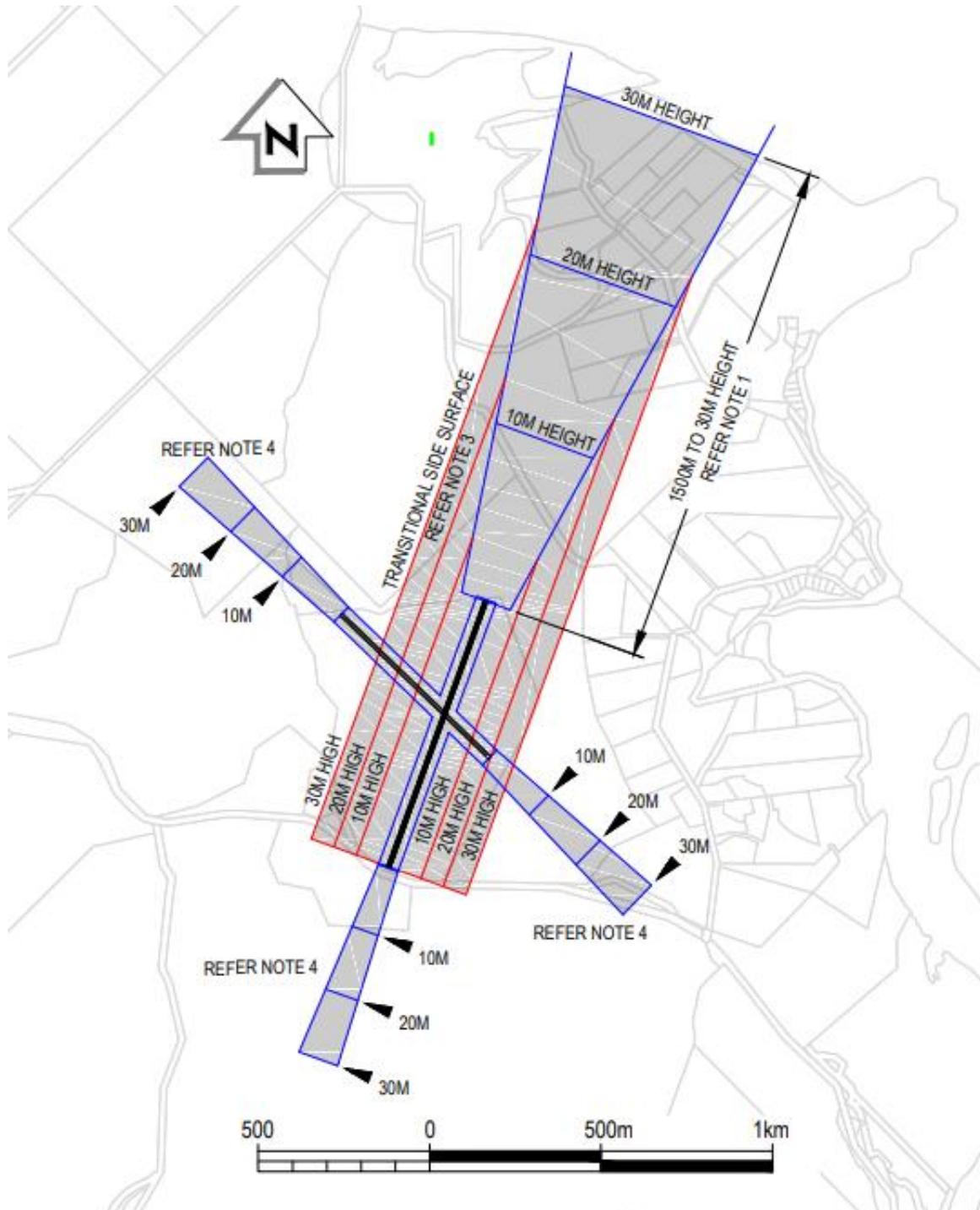
#### Notes:

1. Obstacle limitation surface continues out to 15 km horizontally from the end of the runways. Illustrated is the first 1.5 km. Inclination 1:50. Sides splay out at 1:6.6.
2. The limitation on height is based on each end of the runway being at reference level 0. Topographic variations above and below this reference level must be taken into account in applying the relevant rules.
3. Transitional side surface continues out to 315 metres from the outside edges of the runway strip. Illustrated is the first 210 metres. Inclination 1:7.
4. The runways and runway strips shown in the diagram above are as they existed in January 1999, before extensions were made at both ends of the paved runway. The length of the shown runways is 724 metres. The northern end of the runways is 82 metres from the road boundary angle to the northeast. The combined runway strips are 50m wide with the middle line located 10 metres on the southeast side from the centreline of the paved runway. (Include annotation CL20A 7.22).

CL20A  
U69  
7/22

### Schedule 16.11B: Areas to which Height Control Provisions Apply – Takaka Airport

CL20A  
U69  
7/22



#### Notes:

1. Obstacle limitation surface continues out to 15 km horizontally from the end of the runway. Illustrated is the first 1.5 km. Inclination 1:50. Sides splay out at 1:6.6.
2. The limitation on height is based on each end of the runway being at reference level 0. Topographic variations above and below this reference level must be taken into account in applying the relevant rules.
3. Transitional side surface continues out to 315 metres from the edge of the runway strip. Illustrated is the first 210 metres. Inclination 1:7.
4. Obstacle limitation surface continues out to 1200 metres horizontally from the end of the runway. Illustrated is the first 600 metres. Inclination 1:20. Sides splay out at 1:20.

CL20A  
U69  
7/22



## 16.12 BORE CONSTRUCTION OR ALTERATION

*Refer to Policy set 30.1.*

C12 7/08  
Op 8/14

### 16.12.1 Scope of Section

This section deals with the construction or alteration of bores throughout the District. Relevant policies are in Chapter 30 and rules about the taking of water from bores are in Chapter 31. Information required with resource consent applications is detailed in Chapter 19.

C12 7/08  
Op 8/14

**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

### 16.12.2 Bore Construction or Alteration

#### 16.12.2.1 Permitted Activities (Bore Construction or Alteration)

The construction or alteration of a bore is a permitted activity and may be undertaken without the need for a resource consent, if it complies with the following conditions:

- (a) The bore extends to a depth of no more than 8 metres below the natural ground level.
- (b) The bore is not within 20 metres of the bank of any watercourse.
- (c) The bore is not within 20 metres of any stopbank measured from the landward limit of the toe of the stopbank.
- (d) The bore is not within any floodway of any river.
- (e) The bore is not drilled.
- (f) The bore is not within 20 metres of any domestic wastewater treatment and disposal system.
- (g) The bore is not in the coastal margin of the Hau Plains or Delta zones or in the coastal margin of the Marahau Zone.
- (h) The bore is sited, lined and capped to prevent surface water or other contaminants entering the bore.

**Note:** The construction of a bore as a permitted activity does not confer any right to take water.

#### 16.12.2.2 Controlled Activities (Bore Construction or Alteration)

The construction or alteration of a bore that does not comply with the permitted conditions of rule 16.12.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The bore is in a water management zone listed in Figure 16.12A and spacing between the proposed bore and any existing bore complies with the distances specified, but setbacks do not apply to bores used only for monitoring water quality or water quantity.

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C13 12/08  
Op 8/14

- (b) The bore is not in the coastal margin of the Hau Plains or Delta zones or in the Marahau Zone.
- (c) The bore is not within 20 metres of the bank of any watercourse.
- (d) The bore is not within 20 metres of any stopbank measured from the landward limit of the toe of the stopbank.
- (e) The bore is not within any floodway of any river.
- (f) The bore is not within 20 metres of any domestic wastewater treatment and disposal system.

**Figure 16.12A Minimum Bore Spacing and Bore Casing Requirements**C12 7/08  
Op 8/14

BORE SPACING		
Water Management Zones	Depth of Existing Bore (metres)	Minimum Bore Spacing ① (metres)
<b>Moutere Zones</b>		
Eastern, Southern, Coastal and Western Groundwater	<120	300 between bores regardless of the depth of the proposed bore
	>120	300 between bores if the proposed bore is less than 120 metres deep
	>120	600 between bores if the proposed bore is more than 120 metres deep
	Any	200 between bores where rates of take are no more than 5 cubic metres per day
<b>Motueka/Riwaka Plains Zones</b>		
Central Plains King Edward Riwaka	Any	75 between bores ( <i>see Note 1</i> )
Hau Plains Umukuri Swamp	Any	150 between bores ( <i>see Note 1</i> )
<b>Upper Motueka Zones</b>		
Tapawera and Glen Rae	Any	100 from the Motueka River 50 from the Hinetai Spring
Motupiko	Any	50 from the Motupiko River
Rainy	Any	50 from the Rainy River
<b>Waimea Zones</b>		
Lower Confined Aquifer Upper Confined Aquifer Hope and Eastern Hills	Any	100 between bores
Golden Hills	Any	50 between bores
Reservoir Waimea West	Any	50 between bores and at least 100 from the Waimea or Wairoa Rivers
Delta	Any	50 between bores and at least 100 from the Waimea River
Wai-iti	Any	50 between bores and at least 100 from the Wai-iti River
Redwood	Any	100 between bores
Wai-iti Dam Service	Any	50 between bores
<b>Note:</b> (1) Upon or following construction of the Waimea Community Dam, the setbacks are as specified for structures in the relevant zones.		
[Waimea Zones (WITH the Lee Valley Community Dam) section deleted]		

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Op 8/14C24 12/08  
Op 8/14C52 1/15  
Op 7/17C55 9/15  
Op 9/16C46 4/13  
Op 9/13C46 4/13  
Op 9/13C55 9/15  
Op 9/16C55 9/15  
Op 9/16

BORE CASING		
Water Management Zones	Depth of Bore (metres)	Minimum Bore Casing (metres)
<b>Moutere Zones</b>		
Southern and Coastal Groundwater zones within 500 metres of MHWS	<120	60
	>120	120
Eastern and Western Groundwater zones	<120	30
Coastal and Southern Groundwater zones more than 500 metres from MHWS	>120	120
<b>Footnote:</b>		
① Setback requirements do not apply to individual bores in the same bore field.		
<b>Note:</b>		
(1) Where both bores are only for domestic water supply, the setback is 5 metres between bores and 2.5 metres from property boundaries, or is no more than 5 metres from any existing bore that is being replaced.		

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Op 8/14C24 12/08  
Op 8/14

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

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- (1) Bore logs, including the taking of rock samples.
- (2) Minimum casing depth, placement within the bore, and type of bore screen.
- (3) Pump tests, including constant discharge, step drawdown, static and dynamic tests, and water quality analyses, including a step drawdown test for bores greater than 60 metres deep.
- (4) Method of drilling, bore casing and protection of groundwater.
- (5) Location, depth and spacing of the bore, except as provided for in Figure 16.12A.
- (6) Monitoring mechanisms, including provision of access for measuring water level, water pressure or water quality, and provision made for water meter installation.
- (7) Degree of compliance with NZ Standard for Drilling of Soil and Rock: NZS 4411:2001 (or subsequent versions).
- (8) Measures to ensure conservation of water, including sealing artesian bores.
- (9) Sealing or decommissioning the bore.
- (10) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 16.12.2.3 Restricted Discretionary Activities (Bore Construction or Alteration)

C12 7/08  
Op 8/14

The construction or alteration of a bore that does not comply with the controlled conditions of rule 16.12.2.2 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Where the bore is in the Moutere Groundwater zones, the bore complies with the setback distances from existing bores and casing specifications specified for these zones in Figure 16.12A.

**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) The particular characteristics of the aquifer, including permeability of the aquifer, water yield required from the bore, water yields from existing bores, potential impact on water levels in adjacent bores, and potential impact on river or spring flows.
- (2) Bore logs, including the taking of rock samples.
- (3) Minimum casing depth placement within the bore and type of bore screen.
- (4) Pump tests, including constant discharge, step drawdown, static and dynamic tests and water quality analyses, including a step drawdown test for bores greater than 60 metres deep.
- (5) Method of drilling, bore casing and protection of groundwater.
- (6) Location, depth and spacing of the bore, including as provided for in Figure 16.12A.
- (7) Monitoring mechanisms, including provision of access for measuring water level, water pressure or water quality, and provision made for water meter installation.
- (8) Degree of compliance with NZ Standard for Drilling of Soil and Rock: NZS 4411:2001 (or subsequent versions).
- (9) Measures to ensure conservation of water, including sealing artesian bores.
- (10) Sealing or decommissioning the bore.
- (11) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (12) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

#### **16.12.2.4 Non-Complying Activities (Bore Construction or Alteration)**

C12 7/08  
Op 8/14

The construction or alteration of a bore that does not comply with the restricted discretionary conditions of rule 16.12.2.3 is a non-complying activity.

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

#### **16.12.20 Principal Reasons for Rules**

Shallow bores are unlikely to have any significant adverse effects and the rules permit such activities while deeper bores or those near stopbanks or watercourses require consents. Council requires information about and from the construction of bores to assist in gathering more information about the District's water resources and to ensure such activities do not cause adverse effects.

In particular, the adverse drawdown effects of deep bores in the Moutere Groundwater Zones are potentially very significant in an area of very low transmissivity where drawdown can extend over a wide area. The setback thresholds provide a limit to the concentration of deep bores and ensure interference effects are kept to a minimum.

C12 7/08  
Op 8/14

## 16.13 HISTORIC HERITAGE

C16 9/09  
Op 8/12

*Refer to Policy set 10.2.*

### 16.13.1 Scope of Section

This section deals with any land use activity that may have an effect on values associated with heritage buildings and structures, protected trees, and cultural heritage sites in the Tasman District. Schedule 16.13A records heritage buildings and structures, and Schedule 16.13B lists protected trees. All cultural heritage sites, including archaeological sites and wāhi tapu or wāhi tapu areas, that are known to Council are included in a database. This database forms the basis of Schedule 16.13C which includes those sites listed for protection through Plan provisions. Rules in this section relate to the scheduled sites or items. Scheduled sites or items are also shown on the planning maps.

### 16.13.2 Minor Repair or Addition to Heritage Building or Structure

C16 9/09  
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#### 16.13.2.1 Permitted Activities (Minor Repair to Heritage Building or Structure)

Minor repair of any heritage building or structure listed in Schedule 16.13A is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The work is confined to conservation, reassembly, reinstatement, repair or stabilisation of the original character, fabric, or detailing of the heritage building or structure.
- (b) The work is carried out to the same design and using original or similar materials to those originally used and will not detract from the character and appearance of the heritage building or structure, which led to its protection in the Plan.
- (c) The work does not involve the demolition, removal, or destruction of any part of any heritage building or structure listed in Schedule 16.13A.

#### 16.13.2.2 Restricted Discretionary Activities (Minor Repair or Addition to Heritage Building or Structure)

Any:

- (i) minor repair to any heritage building or structure listed in Schedule 16.13A that does not comply with the permitted conditions of rule 16.13.2.1; or
- (ii) addition to any heritage building or structure listed in Schedule 16.13A;

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 impact the proposal has on the integrity and value of the heritage building or structure, including the nature, form and extent of the proposed development, alteration or change.
- (2) The importance attributed to the heritage building or structure by the wider community, including categorisation of the item in the New Zealand Heritage List.
- (3) The importance of land surrounding the heritage building or structure.

- (4) The degree to which the proposal will promote heritage conservation.
- (5) Effect on amenity values, especially visual amenities.
- (6) Whether the addition is in sympathy with the heritage building or structure's original design and materials.
- (7) Minimising internal changes to listed buildings where internal features are listed as contributing to the historic or architectural interest.
- (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).

**Note:** The rule only applies in respect of external alterations to the building or structure except where the interior has been specifically listed in the Schedule.

### **16.13.3 Destruction or Removal of Heritage Building or Structure**

C16 9/09  
Op 8/12

#### **16.13.3.1 Restricted Discretionary Activities (Destruction or Removal of Heritage Building or Structure)**

Destruction or removal of any Category II heritage building or structure in Schedule 16.13A 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) Any immediate or cumulative effects of loss of the item on the heritage values of the neighbourhood and district.
- (2) With respect to removal, the extent to which the heritage value is attached to the site, and whether the choice of the new site mitigates the effects of removal by making the building more visible or accessible.
- (3) The ability of the applicant to reasonably use the site without demolition or removal of the building or structure.
- (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).

#### **16.13.3.2 Non-Complying Activities (Destruction or Removal of Heritage Building or Structure)**

Destruction or removal of any Category I heritage building or structure in Schedule 16.13A is a non-complying activity.

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

## 16.13.4 Trimming or Pruning of Protected Tree

C16 9/09  
Op 8/12

### 16.13.4.1 Permitted Activities (Trimming of Protected Tree)

Minor trimming or maintenance of any protected tree listed in Schedule 16.13B is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) That the work is undertaken in accordance with accepted arboricultural tree care standards.

#### Means of Compliance

The current arboricultural tree standard used by the Council is the American National Standard for Tree Care Operations 2008 – ANSI A300 (Part 1) - 2017 Pruning.

### 16.13.4.2 Controlled Activities (Pruning of Protected Tree)

Pruning and trimming of any protected tree listed in Schedule 16.13B is a controlled activity, if it complies with the following conditions:

- (a) The work is undertaken in accordance with expert arboricultural advice.
- (b) The work does not result in the destruction or removal of the tree.
- (c) The pruning work is not in the root zone of the tree.

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

- (1) Location, manner and timing of pruning and trimming.
- (2) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (3) Bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### Non-Notification

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

## 16.13.5 Destruction or Removal of Protected Tree

C16 9/09  
Op 8/12

### 16.13.5.1 Restricted Discretionary Activities (Destruction or Removal of Protected Tree)

Destruction or removal of any Category B or C protected tree listed in Schedule 16.13B 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) Whether the tree is causing or likely to cause serious damage to buildings, persons or services.
- (2) The extent to which any hardship or nuisance caused by the tree can be mitigated.

**Non-Complying Activities (Destruction or Removal of Protected Tree)**

- (3) Whether any compensatory tree planting or landscape work is necessary on site and whether the tree could be relocated.
- (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) Bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**16.13.5.2 Non-Complying Activities (Destruction or Removal of Protected Tree)**

Destruction or removal of any Category A protected tree listed in Schedule 16.13B is a non-complying activity.

A resource consent is required and may include conditions.

**16.13.6 Cultural Heritage Sites**C16 9/09  
Op 8/12**16.13.6.1 Permitted Activities (Land Use)**

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

**Cultural Heritage Sites**

EITHER

- (a) There is no listed cultural heritage site or precinct as listed in Schedule 16.13C present on any part of the land.
- OR
- (b) There is a listed cultural heritage site present on any part of the land and the proposed activity will not modify, damage or destroy it.
- OR
- (c) The activity is the maintenance and repair of a listed cultural heritage site.
- OR
- (d) There is a listed cultural heritage site or precinct present on any part of the land; and:
    - (i) an authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary; and
    - (ii) the listed cultural heritage site is not a wahi tapu site or highly significant site as identified in Schedule 16.13C.

**Notes:**

1. The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
2. If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

### 16.13.6.2 Controlled Activities (Land Use)

C16 9/09  
Op 8/12

Any land use activity that does not comply with the permitted conditions of rule 16.13.6.1 is a controlled activity, if it complies with the following conditions:

#### Cultural Heritage Sites

- (a) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary; and
- (b) Where the listed cultural heritage site is a wahi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

#### Notes:

1. An assessment may be required in accordance with requirement 19.2.1.14.
2. Any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site.

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

#### Cultural Heritage Sites

- (1) Any matters raised in a report prepared in accordance with requirement 19.2.1.14.
- (2) Any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 that are relevant to the control of the design and construction of the proposed activity.
- (3) Any matter necessary to ensure the protection of a cultural heritage site.
- (4) Any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area.
- (5) Any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the proposed activity.

### 16.13.6.3 Restricted Discretionary Activities (Land Use)

C16 9/09  
Op 8/12

Any land use activity that does not comply with the controlled conditions of rule 16.13.6.2 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 Council has restricted its discretion:

#### Cultural Heritage Sites

- (1) Any matters raised in a report prepared in accordance with requirement 19.2.1.14.
- (2) Any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site.
- (3) Any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area.

- (4) Any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the proposed activity.
- (5) Any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

## 16.13.20 Principal Reasons for Rules

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The heritage rules are arranged in a hierarchy, with the most stringent rules for the most important items.

### Demolition or Removal of Built Heritage and Protected Trees

A resource consent for the removal, demolition and destruction of the most important heritage items gives the Council the opportunity to assess the value of the heritage item and what alternatives, including a heritage order, may be appropriate.

### Alterations or Additions to Heritage Buildings or Structures

The special character of listed heritage buildings and structures can be destroyed or impaired by unsympathetic additions or alterations. The proposed rule enables Council to regulate proposals and provide advice where necessary. The discretionary activity status enables modifications to heritage building and structures to be assessed and, if necessary, declined.

### Protected Heritage Trees

To ensure trees are not damaged by poor arboricultural practice, it is necessary to seek expert advice before pruning or trimming protected trees. The Council will assist with such advice.

### Minor Repair of Heritage Buildings

Minor repair of heritage buildings and structures is provided as of right as this is recognised as important for the survival of the building. Protection only applies to the exterior of buildings unless “includes interior” is noted in Schedule 16.13A.

### Accidental Damage by Fire, Earthquake, Flooding, Landslip

Natural hazards can occur which destroy the heritage values of listed items. There is often a need to clear debris and remove hazards after such events.

### Cultural Heritage Sites

The rules require for any land use activity that the modification, damage or destruction of any cultural heritage site, including archaeological sites and wāhi tapu and wāhi tapu areas, is authorised by an authority approved by Heritage New Zealand Pouhere Taonga. Consent is required where the known site is more recent than 1900. Known sites are listed in Schedule 16.13C and are shown on the planning maps. These are effective ways of enhancing the protection of the values of known sites and ensuring that any site discovered, for example, through land disturbance, is also managed through this approval process.

**SCHEDULES****Schedule 16.13A: Heritage Buildings and Structures**C16 9/09  
Op 8/12**Note:** A listing number “H...” indicates a Council listing rather than a New Zealand Heritage List listing.

CATEGORY I HERITAGE BUILDINGS AND STRUCTURES					
Name	Location	Valuation No.	Legal Description	Listing No.	Area Map No.
Bank of New Zealand	57 Commercial Street, Takaka	1874017807	Pt DP 433, being Pt Sec 18 Takaka District	5112	112
Belgrove Railway Windmill	State Highway 6, Belgrove	1937016201	L37087, Lot 4 LO 16247, Lot 14 LO 14404, Blk XV Wai-iti SD	244	27
East Takaka Church	East Takaka Road, East Takaka	1870022100	Pt Sec 27 Sq 11 Blk III Takaka SD	5113	14
Former Post Office	Tasman Street, Collingwood	1862008800	Sec 311 Takaka District	5111	72
Redwood Racing Stables Site	State Highway 60 (next to O'Connor's Bridge), Appleby	1939006100 and road reserve	Lots 1 & 2 DP 13960, Lots 1-3 DP 12738 Waimea West Blk I	246	56
St Cuthbert's Church (Anglican)	15 Elizabeth Street, Collingwood	1862010100	Lot 1 DP 18207	1626	72
St John's Church (Anglican)	120 Edward Street, Wakefield	1937027400	Sec 5 & Pt Sec 179 Waimea South District, Blk XVI Wai-iti SD	40	91
St Michael's Church (Anglican)	Waimea West Road, Waimea West	19390/16800	Pt Sec 124 Waimea West District, Blk V Waimea SD, CTs 63/165, 166	248	56
Stafford Place (former Redwood Home)	Redwood Road, Redwood Valley	1939006200	Lot 1 DP 20249	1678	56
The Gables (Dwelling) (includes interior)	398 Waimea West Road, Waimea West	1939027802	Lot 2 DP 495495	247	56
Tophouse Accommodation House	Tophouse Road, St Arnaud	1925060606	Secs 6, 8 & 9 Blk X Motupiko SD	2969	31
Williams Higgins Gallery (Cobb Cottage)	State Highway 6, Spring Grove	1937042500	Lot 1 DP 18429	1632	58

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CATEGORY II HERITAGE BUILDINGS AND STRUCTURES					
Name	Location	Valuation No.	Legal Description	Listing No.	Area Map No.
<b>Golden Bay Ward</b>					
Bainham Store	Rockville-Bainham Road, Bainham	1862033300	Lot 1 DP 4868, Blk VII Aorere SD	5110	8
Bank of New Zealand Outhouse (behind BNZ)	57 Commercial Street, Takaka	1874017807	Pt DP 443, being Pt Sec 18 Takaka District	5130	112
Carson's Boarding House	State Highway 60, Upper Takaka	1870033600	Pts Lot 2/3 DP 1419, Blk XV Takaka SD	5139	81
Church	94 Commercial Street, Takaka	1874014400	Lot 2 DP 17809	H2	112
Council Chambers	78 Commercial Street, Takaka	1874021100	Pt Sec 18 Takaka SD	H1	112
Collingwood Museum (former Council Office)	2 Tasman Street, Collingwood	1862008400	Lot 2 DP 7277 Gibbstown	5125	72
Courthouse (former)	Cnr Elizabeth St and Gibbs Rd, Collingwood	1862010000	Lot 1 DP 13776, Blk XV Pakawau SD	1544	72
East Takaka School (former)	East Takaka Road, East Takaka	1870022200	Sec 148 Sq 11 SO 13933 Blk III Takaka SD	5138	14
Ellis' Barn	Bird Road, Clifton	1871007700	Pt Secs 154 & 204 Takaka District, Blk VIII, Secs 1, 4 & 26 & Pt 2 Blk XI	5134	77
Ellis' Lime Kiln	Bird Road, Clifton	1871007700	Pt Secs 154 & 204 Takaka District, Blk VII & Secs 1, 4 & 26 & Pt 2 Blk XI	5131	77
Ellis' Winery	Bird Road, Clifton	1871007700	Pt Secs 154 & 204 Takaka District, Blk VII & Secs 1, 4 & 26 & Pt 2 Blk XI	5133	77
Exton House	54 Beach Road, Collingwood	1862013600	Lot 2 DP 286, Blk XV Pakawau SD	5124	72

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CATEGORY II HERITAGE BUILDINGS AND STRUCTURES					
Name	Location	Valuation No.	Legal Description	Listing No.	Area Map No.
Fair Holm (Dwelling)	East Takaka Road, East Takaka	1870022905	Lot 1 DP 445527	5145	14
Globe Hotel	20 Waitapu Wharf Road, Waitapu	1871023700	Pts 10-12 Sec B District of Takaka, Blk VI Waitapu SD	5127	50
Harwood House	Glensview Road, Motupipi	1871029700	Lot 1 DP 5083 Blk X Waitapu SD	5137	76
House	Waitapu Wharf Road, Waitapu	1871023905	Pt Sec 8 Res B Takaka District	5128	50
Lock-up (former)	Haldanes Road, Takaka	1871023101	Lot 1 DP 10691, Blk VI Waitapu SD	H24	110
Lime Kiln	Devils Boot Road, Rockville, Collingwood	1862022001	Pt Sec 18 Aorere Dist	5122	4
Motupipi Coal Mine Site, Lime Burning Kiln and Gold Working Site	Motupipi		Section 159, Takaka District	H18	76
Old Collingwood Cemetery	Orion Street, Collingwood		SO 36/A; SO 10755	H17	72
Old Post Office (Takaka Museum)	73 Commercial Street, Takaka	1874018301	Sec 1 SO 14334, Blk X Waitapu SD	1624	112
Onekaka Wharf and Remnant of Tramline	Onekaka	Not assessed	Blk I Waitapu SD, Pt Lot 2 DP 6566, DP 1615, Sec 100	5126	5
Rocklands	Rocklands Road, Clifton	1871009400	Lot 1 DP 5588, Blk XI Waitapu SD	5136	76
Hillcrest (Sparrow House)	1057 – 1075 State Highway 60 (Takaka Valley Highway), Uruwhenua, Takaka	1870026905	Lots 1-3 DP 349243, Nelson Land District	1627	13
Telegraph Hotel	2 Motupipi Street, Takaka	1874025300	Lot 1 Deeds 203	H3	112
Waitapu Road Tramline, State Highway 60	State Highway 60, Waitapu	Not assessed		5129	
Waimea Moutere Ward					
Brightwater Playcentre Building	Lord Rutherford Road, Brightwater	1937048900	Lot 2 DP 14970	1631	58
Brightwater Primary School	106 Ellis Street, Brightwater	1939035400	Sec 3 SO 14663, Sec 175, Lot 1, Pt Lot 2 DP 1829, Blk IX Waimea SD	1629	90
Church (Methodist)	3 Ellis Street, Brightwater	1939038200	Lot 2 DP 12, Blk IX Waimea SD	2968	90
Cob Kiln	Hoult Valley Road, Hoult Valley, Wai-iti	1937020100	Pt 3 of Sec 143 Waimea South District, Blk XVI Wai-iti SD	5150	22
Harvey Hop Kiln and Workers Cottage	269 George Harvey Road, Mahana	1938063104	Pt Sec 1 Sec 32A Moutere Hills District	9308	53
Hop Kiln	State Highway 6, Belgrove	1937017000	Lot 1 DP 8410, Pt Secs 160 & 160A, Pt Sec 164 Waimea South District	1639	27
House	90 Ellis Street, Brightwater	1939035703	Lot 2 DP 9264, Blk IX Waimea SD	2975	90
House	49 Ellis Street, Brightwater	1939039300	Lot 1 DP 13609, Blk IX Waimea SD	1642	90
House	36 River Terrace Road, Brightwater	1939030500	Lot 2 DP 326160	1645	90
House	79 Ellis Street, Brightwater	1939040200	Pt Sec 2 Waimea South District, Blk IX Waimea SD	2976	90
House	23 River Terrace Road, Brightwater	1939041103	Lot 1 DP 415863	1640	90
House	102 Ellis Street, Brightwater	1939035303	Lot 2 DP 12782 Waimea South, Blk IX Waimea SD	2974	90
House (Bensemenn)	Opposite School, Moutere Highway, Upper Moutere	1936007400	Lot 1 DP 5134	1647	88
House (Cob)	125 Ellis Street, Brightwater	1939040906	Lot 2 DP 7881, Blk IX Waimea SD	1644	90
House (Miss Price)	State Highway 6, Foxhill, Belgrove	1937017200	Pt Sec 160 Waimea South District, Blk XV Wai-iti SD	2978	27
House (Springfield)	Corner of State Highway 60 and Cotterell Road, Appleby	1938088800	Lot 1 DP 4170, Blk II Waimea SD	1646	56
House	50 Lord Rutherford Road North, Brightwater	1939035218	Pt Lot 2 DP 10693 Waimea SD	H4	90
Neudorf School Hall	252 Neudorf Road	1936019201	Lot 2 DP 495538	H22	53
Old Flour Mill	Pigeon Valley Road, Wakefield	1937006800	Pt Sec 108 Waimea South District, Blk XII Wai-iti SD	1649	91
Painton's General Store	35 Edward Street, Wakefield	1937038800	Lot 1 DP 12986, Blk XII Wai-iti SD	1650	91
Shed (Wharf Building)	6 Aranui Road, Mapua	1938046600	Pt DP 495, Blk II Moutere SD	1666	87

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CATEGORY II HERITAGE BUILDINGS AND STRUCTURES					
Name	Location	Valuation No.	Legal Description	Listing No.	Area Map No.
Somerset Farm Settlers Cottage	314 George Harvey Road, Mahana, Upper Moutere	1938063001	Lot 1 DP 14172, (RT NL9B/1380), Nelson Land District	5153	53
Peninsula Bridge	Peninsular Road, Ngatimoti	Not assessed	Legal Road, Nelson Land District	5144	18
Pise House (1)	103 Aranui Road, Mapua	1938036300	Lot 2 DP 15192, Blk II Moutere SD	2972	87
Pise House (2)	107B Aranui Road, Mapua	1938024012	Lot 3 DP 546114	2973	87
Pise House (McKee)	3 Aporo Road, Ruby Bay	1928077300	DP 715 & Pt Lot 15 DP 328	2971	86
Post Office (former)	21 Edward Street, Wakefield	1937035100	Sec 1 SO 14333, Blk XII Wai-iti SD	1651	91
Post Office (former)	43 Ellis Street, Brightwater	1939036002	Lot 1 DP 16981, Pt Sec 18 Waimea South, Blk IX Waimea SD	2979	90
Sarau School (former)	Moutere Highway	1936007800	Pt Lot 3 Deed 184	H23	88
St James' Anglican Church	Waiwhero Road, Ngatimoti	1928056100	Lots 2 & 3 DP 2544, Blk X Motueka SD	5143	18
St John's Church Hall	120 Edward Street, Wakefield	1937027400	Sec 5 & Pt Sec 179 Waimea South District, Blk XVI Wai-iti SD	1657	91
St Joseph's Church and cemetery (Catholic)	62 Pitfure Road, Wakefield	1937010300	Pt Sec 78 Waimea South District, Blk XII Wai-iti SD, 8094 m <sup>2</sup>	1658	91
St Luke's Church (Anglican)	State Highway 6, Foxhill	1937013700	Lot 1 DP 2730, Blk XV Wai-iti SD	4901	27
St Paul's Church (Anglican)	68 Waimea West Road, Brightwater	1939044300	Pt Sec 33, Blk IX Waimea SD	1661	90
St Paul's Church (Lutheran)	Supplejack Valley Road, Upper Moutere	1936005100	Pt Sec 173, Blk XVI Motueka SD	1660	88
Stables (Newman)	111 Lord Rutherford Road, Brightwater	1939034502	Sec 4 SO 15189 Blk IX Waimea SD	2982	90
Three Bridges Traders' Building	48 Ellis Street, Brightwater	1939036300	Pt Sec 18 Waimea South District, Blk IX Waimea SD	2983	90
Tyndale-Biscoe House	199 Stafford Drive, Ruby Bay, Upper Moutere	1938007000	Lot 1 DP 10394 Moutere Hills District, Blk II Moutere SD	1663	87
Wai-iti Hop Kiln	Hoult Valley Road, Hoult Valley, Wai-iti	1937002906	Pt Sec 7 143, Waimea South District	5149	22
<i>[Wai-iti Railway Station has been demolished]</i>					
Wakefield Public Library	61 Edward Street, Wakefield	1937032800	Pt Section 85 Waimea South District	1665	91
Wakefield School (old block)	66 Edward Street, Wakefield	1937030500	Lot 2 DP 7008 & Lot 1 Pt 2 DP 6556, Blk XII Wai-iti SD	1664	91
Waimea West Hall	Waimea West Road	1939027400	Section 170 Waimea West District	H21	56
Win Hop Kiln	Dovedale-Pigeon Valley Road, Dovedale	1936032000	Lot 1 DP 13291	5152	21
<b>Lakes-Murchison Ward</b>					
Barn	Motueka Valley Road, Stanley Brook	1925007500	Sec 188, Pt Sec 121, Sq 6, Blk VIII Wangapeka SD	5146	20
Commercial Hotel Stables	35 Fairfax Street, Murchison	1915034401	Lot 2 DP 401161	1634	92
Council Chambers	92 Fairfax Street, Murchison	1915036800	Lot 2 DP 7755, Sec 57 Murchison Town	1635	92
Glenhope Railway Station	State Highway 6, Glenhope	1925043400	Sec 1 SO 409328	5172	25
Hodgsons Store and Stables	46 Fairfax Street, Murchison	1915035500	Pt Secs 63, 64 Town of Murchison	2970	92
Mararewa Flour Mill	Motueka Valley Road, Mararewa	1925049700	Lot 2 DP 380480	5147	21
Post Office House	60 Fairfax Street, Murchison	1915036001	Sec 1 SO 14331	H28	92
St George's Church (Anglican)	State Highway 6, near Motupiko River, Motupiko	1925027701	Pt Sec 23, Sq 5, Lots 1 & 2 DP 627, Blk IV Tadmor SD	1655	26
St Paul's Church (Anglican)	Fairfax Street, Murchison	1915038900	Lot 1 DP 15116, Blk I Tutaki SD	1659	92
Theatre	27 Fairfax Street, Murchison	1915034500	Lot 1 DP 2621 Town of Murchison	1636	92
Horse Terrace Bridge	Upper Matakītaki	Not Assessed	-	H27	34

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CATEGORY II HERITAGE BUILDINGS AND STRUCTURES					
Name	Location	Valuation No.	Legal Description	Listing No.	Area Map No.
<b>Richmond Ward</b>					
Bonningtons Cob Cottage	77 Hill Street, Richmond	1961034000	Lot 2 DP 324500	1675	130
Church of the Holy Trinity (Anglican)	Church Street and 27 Dorset Street, Richmond	1959016400	Lot 1 DP 3956	250	128
Cob House, Hoddy's Orchard	16 Aniseed Valley Road, Hope	1943040806	Lot 3 DP 482413	1633	131
Currie House	13 Washbourn Drive, Richmond	1960060000	Lot 2 DP 13802	1676	129
Dorset House	321 Dorset Street, Richmond	1959016000	Lot 2 DP 7002	5154	128
Waimea-Grandstand	358 Queen Street, Richmond	1957021200	Sec 218 District of Waimea East (RT NL56/164), Nelson Land District	2987	124
House	10 Wensley Road, Richmond	1959009100	Sec 246	3005	129
House	8 Edward Street	1960091900	Lot 4 DP 5235	H5	129
House	3 Rosevale Place	1960015600	Lot 7 DP 6377	H6	129
Richmond Lock-up (Former)	15 Oxford Street, Washbourn Gardens, Richmond	1960060700	Pt Sec 11 Sec 26 Waimea East District (RT NL9/49), Nelson Land District	1677	129
St Alban's Church (Anglican)	State Highway 60, Appleby	1938096400	Pt Sec 191 Waimea East District, Blk II Waimea SD	1654	57
<b>Motueka Ward</b>					
Bedford House	191 High Street, Motueka	1955019100	Pt Lots 1, 2 DP 1728 Lot 2 of Sec 153	H14	116
Flett House	3 Flett Road, Lower Moutere	1928032500	Lot 1 DP 417432	H26	19
Former BNZ Building	145 High Street, Motueka	1955017501	Lot 2 DP7061	H16	116
Greenwood Dwelling	276 Whakarewa Street, Motueka	1933061600	Lot 1 DP 9672, Motueka Rural, Blk III Motueka SD, CTs 2A/904, 2B	1668	52
Hop Kiln (Pratt's)	Chamberlain Street, Motueka	1933081106	Lot 2 DP 451456	1667	52
House	428 High Street, Motueka	1956044900	Pt Lot 1 DP 4716	5142	119
House	504 High Street, Motueka	1956049000	Lot 6 DP 1525	H11	119
House	38 Pah Street, Motueka	1956015000	Pt Lot 34 DP 1599	H8	116
House	65 Greenwood Street, Motueka	1955025101	Lot 1, DP 5283	H9	117
House	496 High Street, Motueka	1956048700	Lot 3 DP 18761	H10	119
House	55 Whakarewa Street, Motueka	1956032900	Lot 1 DP 1985	H12	116
House (Goodman)	72 High Street, Motueka	1956010100	Lot 1 DP 15847	H7	116
Manoy House	78 Poole Street, Motueka	1956002001	Pt Lot 1 DP 231	1669	116
Motueka Museum	140 High Street, Motueka	1956026801	Sec 299 District of Motueka	1670	116
Ex New Zealand Post Building	123 High Street, Motueka	1955017100	Sec 1, 2 SO14345	H15	116
Old Catholic Church	31 High Street, Motueka	1955005300	Lot 5 DP 319	1671	114
Old Cederman House	State Highway 60, Riwaka	1933049200	Lot 2 DP 9661, Blk X Kaiteriteri SD	5141	84
Motueka Wharf (Former) and Memorial	Motueka Quay, Motueka	-	Pt Sec 143MR Motueka Dist and Sec 100 Sq 3 (NZ Gazette 1989, p2377)	2985	120
Ex Phyllis Moffatt Hospital	High Street, Motueka	1956048300	Lot 1 DP 17037	H19	119
Rothmans' Clock Tower	400 High Street, Motueka	1956039502	Lot 1 DP325562p	H13	119
St Andrew's Church	64 High Street, Motueka	1956009900	Pt Sec 160 Motueka SD	2986	116
St Thomas' Church (Anglican)	101 High Street, Motueka	1955009600	DP 1940	1672	116
Te Ahurewa Māori Church (Anglican)	Pah Street, Motueka	1956051400	Lot 2 DP 1506	1673	52
The Gables (dwelling)	116 Thorp Street, Motueka	1955023700	Lot 1 DP 9584	1674	117

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**Schedule 16.13B: Protected Trees**

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Refer to sections 16.13.4 and 16.13.5.

**Note:**

1. Trees have been inspected and scored on the attributes of size, age, health and historical associations using the Standard Tree Evaluation Method (STEM). See Schedule 10B and Council's Tree Register for further details.
2. In Golden Bay some trees are identified by grid reference only.

PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
<b>Golden Bay Ward</b>					
T1 T2 T3	A A A	Quercus robur Quercus robur Quercus robur	Abel Tasman Drive, Takaka	1871018800	113
[Protected tree T4 removed as part of Plan Change 73]					
T5	B	Dacrycarpus dacrydioides	1 km from end of McShane Road on right, Wainui Bay	1871004403	10
T6	A	Coastal podocarp broadleaf forest	Junction of McShane & Totaranui Rds, Wainui Bay	1871004500	10
T7	A	Quercus robur	Carlyle Street, Clifton, N26 989402	1871007800	76
T8	A	Tilia species	Abel Tasman Drive, Motupipi, N26 977393	1871009702	76
T9	B	Cedrus atlantica	State Highway 60 near hospital on roadside, N26 945364	1871040407	50
T10 T11	A A	Tilia x europaea Tilia x europaea	Waitui Road, Upper Takaka, near end of road at homestead, N26 940156	1870038300	13
T12 T13	A A	Sequoia sempervirens Sequoia sempervirens	McKay Pass Road, Bainham, N25 734489	1862031400	8
T14	A	Metrosideros robusta	Abel Tasman Drive, Tarakohe Cliffs, west of cement works silos	1871006400	77
T15	B	Pocket of rare locally indigenous trees on both sides of road	Abel Tasman Drive, Tarakohe Cliffs, east of cement works silos, N25 012417 to 014424	1871006400	77
T16	A	Platanus x hispanica (17)	Totaranui Road, Totaranui, N25 102427	1871000112	11
[Protected tree T17 died]					
T18	B	Rhododendron arboreum	Totaranui Road, DOC Education Centre, Totaranui	1871000112	11
T19 T20	C B	Metrosideros umbellata (5) Dacrycarpus dacrydioides (1)	Abel Tasman Drive, past Takapou on roadside, Wainui	Road Reserve	78
[Protected tree T21 removed as part of Plan Change 73]					
T22	B	Coastal podocarp broadleaf forest	McShane Road, Wainui Bay	1871004403	10
T23	B	Quercus robur	100 m past McShane's Road on Totaranui Road	Road Reserve	
T25	B	Metrosideros robusta	1 km from end of McShane's Road on right, Takapou Bay	1871004403	
T26	B	Dacrydium dacrydioides	McShane's Road, Takapou Bay, 0.85 km from Totaranui Road junction		
[Protected tree T28 died]					
T29	B	Quercus robur (3)	At junction of McShane's Road and Totaranui Road	1871005911	78
T30 T31 T32	B B C	Castanea species Buxus sempervirens (2) Jacaranda mimosifolia	Abel Tasman Drive, Takapou Village, Wainui Bay	1871005900	
				1871005910	
[Protected tree T21 removed as part of Plan Change 73]					
T34	C	Juglans regia	Haile Lane, behind pump station, Pohara Valley	1871006520	77
T35	C	Juglans regia (1)	Pohara Valley Road, Tarakohe	1871006556	77
[1 x Protected Tree T35 fell in a storm]					
T36	B	Magnolia x soulangeana	Carlyle Street, Clifton	1871017200	76
T38	B	Picconia excelsa	Boyle Street, Clifton	1871008500	76
T39	A	Coastal podocarp broadleaf forest	Abel Tasman Drive, Motupipi, N26 977393	1871009702	76
T40	B	Quercus robur			
T41 T41 T42	B B B	Dacrycarpus dacrydioides (3) Laurelia novae-zelandiae Acer campestre (2)	Motupipi School, N26 975393	1871026700	76

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T43	B	Coastal podocarp broadleaf forest	Behind Motupipi School, 387 Abel Tasman Drive, N26 974393	1871026904	76
T44	B	Magnolia x soulangeana	Packard Road, Motupipi, N26 972383	1871038102	76
T45	C	Cupressus sempervirens (9)	Glenview Road Substation, Motupipi	1871037700	76
T46	B	Liquidambar styraciflua			
T47	B	Quercus robur	Central Takaka Road at Glenview Road junction, N26 953356	1871042700	50
T49	B	Cupressus macrocarpa			
T50	A	Sequoiadendron giganteum	State Highway 60 north west of Park Ave, N26 944374	1871040405	50
T51	B	Magnolia x soulangeana	Golden Bay Health Centre, 12 Motupipi Street, near Telegraph Hotel, N26 937385	1874025100	112
T52	B	Magnolia x soulangeana	Golden Bay Work Centre, 84 Commercial Street, Takaka, N26 937387	1874020801	112
[Protected tree T53 removed without consent]					
[Protected tree T54 died]					
[Protected tree T55 removed without consent]					
T56	C	Phoenix canariensis	96 Commercial Street, Takaka	1874014301	112
[Protected tree T21 removed as part of Plan Change 73]					
T58	C	Metasequoia glyptostroboides	83 Motupipi Street, Takaka	1874008516	112
T59	B	Cupressus torulosa			
T61	C	Podocarpus totara	Near Motupipi Butcher Shop, N26 972390	1871028400	76
T63	B	Podocarpus totara	387 Abel Tasman Drive, Motupipi, N26 972390	1871026902	76
T64	B	Podocarpus totara			
T65	B	Quercus robur	Abel Tasman Drive, Takaka	1871018800	113
T66	B	Ulmus species	156 & 160 Commercial Street and 5 Lake Crescent, Takaka	1874011100 1874010901	112
T67	B	Podocarpus totara	17 Edinburgh Street, Takaka	1874015311	112
T68	B	Podocarpus totara			
[Protected tree T71 removed as part of Plan Change 73]					
T73	B	Ulmus glabra 'Horizontalis'	177 Commercial Street, Takaka	1874015500	112
T76	B	Metrosideros umbellata	Boyle Street, Clifton	1871016902	76
[Protected tree T21 removed as part of Plan Change 73]					
T78	B	Pseudotsuga menziesii	State Highway 60, Takaka Hill-Takaka, near Payne's Ford, N26 942360	1871040300	50
T79	B	Dacrydium cupressinum	Glenview Road, Takaka	1871036100	76
T81	B	Metrosideros robusta			
T82	C	Buxus sempervirens			
[Protected tree T84 removed by resource consent RM120653]					
[Protected tree T86 deleted from the Schedule]					
T87	C	Acer palmatum	State Highway 60, Upper Takaka, N26 952193	1870033600	81
T88	B	Magnolia species			
T90	C	Aesculus hippocastanum	Waitui Road, Upper Takaka, N26 945176	1870038300	13
T91	C	Aesculus hippocastanum			
T92	C	Aesculus carnea			
[Protected tree T93 fell in storm]					
T94	B	Eucalyptus globulus	Checkmate Farm, State Highway 60, Upper Takaka, N26 939286	1870026903	13
T96	B	Eucalyptus globulus			
[Protected tree T97 died]					
T99	C	Magnolia x soulangeana	95 Commercial Street, Takaka	1874017200	112
T100	C	Agathis australis	117 Commercial Street, Takaka	1874016600	112
T101	B	Dacrycarpus dacrydioides	Near 11 Waitapu Road	SH Road Reserve	112
T102	A	Agathis australis	40 Waitapu Road, Takaka	1874002100	110
T103	B	Elaeocarpus dentatus			
T104	C	Elaeocarpus dentatus			
T105	B	Metrosideros excelsa			
T106	B	Podocarpus totara	159 Commercial Street, Takaka	1874015900	112
T107	B	Ulmus glabra 'Horizontalis'	Golden Bay High School, 12 Waitapu Road, Takaka	1874002805	110
T108	B	Ulmus glabra 'Horizontalis'			
T109	B	Quercus palustris	Golden Bay High School, 14 Waitapu Road, Takaka	1874002815	110
T110	B	Quercus palustris			
T111	B	Quercus coccinea	Golden Bay High School, 12 Waitapu Road, Takaka	1874002805	110
T112	C	Aesculus hippocastanum			

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T114	B	Laurelia novae-zelandiae (group)	Te Kakau Stream esplanade reserve	1874014914	110
T115	B	Acer pseudoplatanus	State Highway 60 (Waitapu Road)	Road Reserve	50
T116	A	Quercus robur		1871023905	
T117	B	Dacrycarpus dacrydioides	Waitapu Wharf Rd, behind River Inn, other side of stream, N25 933415	1871023905	110
T118	B	Tilia x europaea	Pupu Springs Road, N25 916409	1870008300	50
T119	C	Phoenix canariensis	Near Otere Stream Bridge and State Highway 60 beside cottage, Onekaka, M25 862481	1862049101	9
T121	B	Ficus carica	Tukurua Point on north side of Tukurua river mouth	1862045000	73
T122	B	Dacrycarpus dacrydioides	On stream bank, Tukurua Road, Tukurua	1862045276	5
T123	B	Populus deltoides	Tukurua campground, Tukurua Road, Tukurua	1862045200	73
[Protected tree T124 removed as part of Plan Change 73]					
T125	B	Metrosideros umbellata	End of Gibbs Road beside walkway down to town and 24 Gibbs Road, Collingwood and legal road.	Road Reserve	72
T126	C	Metrosideros umbellata	Haven Road, Collingwood	1862010400	72
[Protected tree T127 removed as part of Plan Change 73]					
T129	B	Dacrycarpus dacrydioides	Puramahoi River (Pt Sec 73 Takaka Dist)	1870001906	74
T130	B	Quercus robur (5)	Puramahoi, M25 891444	1870005201	74
T131	B	Lowland podocarp broadleaf forest	Puramahoi, beside State Highway 60, M25 892444		
T132	B	Podocarpus totara	Collingwood-Puponga Main Road, 80 m south, Inlet Backpackers sign, Waikato, M25 827648	1860013002	5
T133	B	Quercus robur (5)	Waikato Inlet, Pakawau, M25 827648	1860013002	5
T135	B	Metrosideros excelsa	975 Collingwood-Puponga Main Road, M25 830656	1860013000	5
T136	B	Coastal podocarp broadleaf forest	1775 Collingwood-Puponga Main Road, South Puponga, M24 and N24 863737	1860000724	3
T137	C	Eucalyptus ficifolia	Seddon Street, Puponga	Road Reserve	70
T138	C	Kunzea ericoides	Along coastal strip, south Puponga, M24 and N24 866743, 768747	Road Reserve	70
T139	B	Lowland podocarp beech broadleaf forest	Balck Road, Takaka, near river, N25 918406	1870008900	50
T140	B	Agathis australis	Aorere Valley Road, Bainham, M25 726482,	1862034000	8
[Protected tree T142 removed as part of Plan Change 73]					
T143	B	Cupressus sempervirens	Swamp Road, Collingwood, M25 793587	1862018200	4
T145	C	Acer pseudoplatanus	Waitapu Road, Waitapu, N25 932413	1871023905	50
T146	C	Acer pseudoplatanus			
T147	B	Cedrus deodora	168 Waitapu Road, Waitapu	1871023500	50
[Protected tree T148 deleted from the Schedule]					
T150	C	Magnolia x soulangeana	11 Commercial Street, Takaka, N26 935385	1874020101	112
T151	C	Fraxinus excelsior			
T152	B	Populus deltoides	2 Rose Road, Takaka	1871028700	112
[Protected tree T153 fell in storm]					
T154	C	Metrosideros robusta	1 Commercial Street, Takaka	1874020400	112
T155	B	Tilia x europaea	SH 60, Waitapu on right over Takaka River Bridge	1870008000	75
T156	B	Tilia x europaea			
[Protected tree T157 removed as part of Plan Change 73]					
T158	B	Populus deltoides	SH 60, Waitapu, 30 m from river, N25 927424	1870008000	75
T159	B	Dacrycarpus dacrydioides			
T160	B	Dacrycarpus dacrydioides	Corner of Grant Road and State Highway 60, Puramahoi, M25 878458	1870004409	74
T162	B	Eucalyptus species	208 Patons Rock Road, M25 898465	1870002901	74
T163	B	Eucalyptus species	Patons Rock Road, M25 899465	1870002902	74
T164	C	Metrosideros excelsa	On point east end of Patons Rock Beach, M25 901467	1870002900	
T165	C	Eucalyptus globulus	135 Clifton Road, Clifton	1871008107	77
T166	C	Rhododendron arboreum	86 Commercial St, Takaka, N26 937387	1874020700	112

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
[Protected tree T168 & 169 removed as part of Plan Change 73]					
[Protected tree T171 died]					
[Protected tree T174 died]					
T175	C	Rhododendron species	State Highway 60, Onekaka	Road Reserve	9
T176	C	Metrosideros excelsa	Beach Road, Collingwood, M25 834587	Road Reserve	72
T177	C	Podocarpus totara	1900 Takaka Valley Highway	1871040301	50
T178	C	Fraxinus excelsior			
T179	B	Cupressus sempervirens	1908 Takaka Valley Highway	1871040300	50
T180	A	Araucaria heterophylla			
T859	B	Quercus robur	110 Abel Tasman Drive	1871035300	113
T913	B	Metrosideros excelsa (Pohutakawa)	21 Rocklands Rd, Clifton	1871009400	76
T914	B	Cupressus macrocarpa Monterey cypress	Awaroa Road Reserve	Legal Road	11
<b>Riwaka</b>					
T181	C	Cornus capitata	55 Old Mill Road	1933068000	52
T182	B	Fagus sylvatica 'Purpurea',			
T184	C	Dacrycarpus dacrydioides,			
T185	C	Alectryon excelsus			
T187	B	Corynocarpus laevigatus			
Protected tree T186 deleted from the Schedule]					
T188	B	Cupressus sempervirens (4)	55 Old Mill Road	1933068000	52
T189	C	Dacrycarpus dacrydioides	Prime Pine mill yard, Little Sydney Road, Brooklyn	1933003200 1933003202	52
T190	C	Dacrydium cupressinum			
T191	B	Quercus coccinea	142 Little Sydney Road, Brooklyn	1933003300	52
T195	B	Prumnopitys taxifolia	In bush behind woolshed at 105 Dehra Doon Road	1933009600	52
T196	B	Metasequoia glyptostroboides	58 Dehra Doon Road	1933007000	52
T197	A	Eucalyptus globulus	332 Main Road	1933045800	84
T198	B	Stand of Eucalyptus	488 Main Road	1933028506	84
T199	B	Lowland podocarp beech broadleaf forest	433 Main Road	1933049401	84
T202	B	Quercus robur (2)	Riwaka-Kaiteriteri Road, Kaiteriteri – 100m from State Highway 60/100m from road edge	1931060800	84
T203	B	Lowland podocarp beech broadleaf forest	End of Moss Road, Sandy Bay, near farmhouse	1931022500	14
T204	A	Liriodendron tulipifera	33 Old Mill Road	1933064300	52
T205	B	Betula pendula	217 Umukuri Road, next to shop	1933056711	52
T208	C	Fraxinus excelsior	105 Umukuri Road	1933057400	84
T209	C	Cupressus sempervirens	65 Westbank Road	1933069700	18
T210	B	Rhododendron arboreum (7)			
T211	C	Pyrus variety "Doyenne de Comice"	Treedimension Nursery, Shaggy Road	1933086403	18
Protected tree T213 fell]					
T214	C	Quercus palustris	317 Main Road, Riwaka	1933045400	84
T216	C	Dacrydium cupressinum	310 Main Road, Riwaka	1933045600	84
T217	B	Cupressus sempervirens	300 and 317 Main Road, State Highway 60, west of Lodders Lane	1933045400	84
[Protected tree T223 deleted from the Schedule]					
T224	C	Quercus coccinea	Opposite 27 Green Tree Road	Road Reserve	84
T225	B	Nothofagus solandrii			
Delete protected tree T226]					
T227	C	Phoenix canariensis (6)	Wharf area, opposite 53 Green Tree Road	Road Reserve	84
T228	C	Betula pendula	Riwaka Memorial Domain, 526 Main Road, Riwaka	1933023200	84
T229	C	Betula pendula	521 Main Road, Riwaka	1933026500	84

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T230	B	Totara, Phoenix palm	494 Main Road, Riwaka, near butcher shop	1933029100	84
T231	C	Betula pendula	488 Main Road, Riwaka, north of St Barnabus' Church	1933028506	84
T234	C	Eucalyptus globulus	In field at Riwaka/Kaiteriteri Road/State Highway 60	1931060800	84
[Protected tree T235 deleted from the Schedule]					
T236	B	Nothofagus solandrii and fusca species (several)	Along coast strip south of Anarewa Crescent, Stephens Bay	1931053300	83
T238	C	Metrosideros excelsa	Kaiteriteri-Sandy Bay Road adjoining Lot 1 DP 20096, Kaiteriteri	Road Reserve	83
[Protected tree T240 deleted from the Schedule]					
T241	C	Populus nigra variety 'Italica'	25 Harvey Road, Marahau	1931007600	82
[Protected tree T243 removed by resource consent RM180413]					
T244	C	Magnolia x soulangeana	Motueka River Westbank Road	1933069700	18
T245	C	Dacrydium cupressinum	Dehra Doon Road, Riwaka	1933006500	84
T246	B	Rhododendron arboreum	River Road, Riwaka	1933060100	52
T249	B	Betula pendula	150 m from Marahau Beach corner, Sandy Bay-Marahau Road	1931009300	82
[Protected tree T251 deleted from the Schedule]					
T253	B	Fagus sylvatica 'Purpurea'	90 Anderson Road, Riwaka	1933056800	52
T255	C	Chamaecyparis lawsoniana	River Road, Riwaka	1933058300	84
[Protected tree T259 deleted from the Schedule]					
T260	C	Quercus rubra	Umukuri Road, Riwaka	1933057400	84
T261	C	Tilia x europaea			
T262	B	Abies alba	Motueka River West Bank Road, Motueka	1928007900	18
T263	A	Cedrus deodara		1933068600	
T264	B	Sequoia sempervirens	Road Reserve – 1660 Motueka River Westbank Road	Legal Road	18
<b>Motueka Ward</b>					
T266	A	Metrosideros robusta	440 High Street	1956045300	119
T267	A	Metrosideros robusta			
T268	A	Metrosideros robusta			
T269	B	Quercus robur	492 High Street	1956049101	119
T270	B	Quercus robur			
T271	B	Sequoiadendron giganteum	502 High Street	1956048900	119
T272	B	Quercus ilex	57 Lyndhurst Drive	1933059105	114
T273	B	Quercus robur	Pioneer Park, Thorp Street	1955016700	117
T275	C	Corymbia calophylla	400-404 High Street	1956039500	119
T277	A	Quercus robur	Parker Street Reserve	1956007703	114
T278	B	Quercus robur			
T279	B	Chamaecyparis lawsoniana	Presbyterian Church, 64 High Street	1956009900	116
T281	A	Quercus robur	Anglican Church, 101 High Street	1955009600	116
T282	A	Araucaria bidwillii			
T283	B	Metrosideros robusta	Te Awhina Marae, 133 Pah Street	1956051400	52
T284	A	Cedrus deodara	Parklands School, High Street	1956026800	116
T285	B	Populus nigra 'Italica' (11)	Motueka High School, 52 Whakarewa Street	1956023200	116
T286	B	Quercus coccinea	34 High Street	1956009400	114
T287	B	Podocarpus totara	State Highway 60 road reserve	1955006200	116
T288	B	Ginkgo biloba	Pethybridge Rose Garden, 59 High Street (TDC reserve)	1955006400	116
T289	C	Eucalyptus leucoxydon 'Rosea'	6 Harbour Road	1955001602	117
T291	B	Dacrycarpus dacrydioides (11)	Fearon's Bush, 10 Fearon Street (recreation reserve)	1955003900	114
[Protected tree T291 (1 of 12 only) removed by resource consent RM191130]					
T292	B	Lowland podocarp beech broadleaf forest	Marchwood Park	1956053900	52
[Protected tree T294 removed by resource consent RM180611]					

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T295	C	Fraxinus excelsior	269 College Street, Motueka	1933075911	52
T299	B	Chamaecyparis lawsoniana	Road reserve	-	118
T302	B	Dacrycarpus dacrydioides	3 Woodland Avenue, Motueka	1955029000	116
T303	B	Rhododendron cv	141 King Edward Street, Motueka	1956056901	118
T304	B	Quercus coccinea	Motueka South School, 450 High Street	1956045602	119
[Protected tree T306 removed by resource consent]					
T307	B	Fagus sylvatica	Hospital, 492 High Street	1956049101	119
T308	C	Podocarpus totara (6)	494 High Street	1956048600	119
T310	C	Tilia x europaea	502 High Street	1956048900	119
T311	C	Quercus robur			
T313	C	Quercus robur			
[Protected tree T314 fell in a storm]					
T316	B	Phillyrea latifolia	80 King Edward Street	1956041400	119
T317	B	Rhododendron species			
[Protected tree T318 removed by resource consent]					
T319	B	Chamaecyparis lawsoniana	27 Tudor Street	1955026600	116
T321	C	Podocarpus totara	328 High Street	1956035900	116
[Protected tree T323 removed as part of Plan Change 73]					
T324	B	Liriodendron tulipifera	41 King Edward Street	1956043700	119
[Protected tree T328 removed following storm damage]					
T330	C	Acer pseudoplatanus	67A King Edward Street	1956043100	119
T331	B	Cedrus deodara	80 King Edward Street	1956041400	119
[Protected tree T332 died]					
[Protected tree T333 removed by resource consent RM180171]					
T334	C	Podocarpus totara	Te Awhina Marae, 133 Pah Street	1956051400	52
[Protected tree T339 removed by resource consent]					
T340	B	Cedrus deodara	Memorial Park, 12 Pah Street	1956015200	116
T341	B	Quercus bicolor			
T342	B	Liriodendron tulipifera			
T343	B	Quercus palustris	Parklands School, 19 Pah Street	1956026800	116
T344	C	Liquidambar styraciflua	59 Poole Street	1956019200	116
T345	B	Prumnopitys taxifolia	43 Poole Street	1956018400	116
T346 died removed as part of CL 20A					
T347	B	Dacrydium cupressinum	23 Poole Street	1956017400	116
T348	C	Dacrydium cupressinum	10 Poole Street	1956010300	116
T351	B	Quercus robur	Fearon Street	1955004602	115
T352	B	Nothofagus solandrii 'Cliffortioides'	39 Fearon Street	1955016800	115
T353	B	Araucaria heterophylla			
T354	C	Araucaria heterophylla			
T356	B	Platanus x hispanica	Fearon's Bush, 10 Fearon Street (recreation reserve)	1955003900	114
T357	C	All Eucalyptus species of stature	Golf-course, Motueka Quay	1955001800	117
T358	B	Eucalyptus globulus subsp. maidenii	Motueka Quay	Crown Land	117
T359	B	Eucalyptus globulus subsp. maidenii			
T360	B	Eucalyptus globulus subsp. maidenii			
T363	C	Corymbia ficifolia	423 High Street	1955033300	119
T370	B	Picea species (2)	502 High Street	1956048900	119
T371	C	Abies pinsapo			
T374	C	Magnolia grandiflora	3 Staples Street	1955003001	114
T375	C	Acer palmatum	8 High Street North	1955003000	
T376	B	Rhododendron species			
[Protected tree T374 deleted]					
T378	C	Araucaria heterophylla	50 Tudor Street	1955022300	117
T379	C	Cedrus deodara	White Elephant, 55 Whakarewa Street	1956032900	116
T380	C	Cedrus deodara			
T381	B	Abies cephalonica			
T382	C	Fagus sylvatica 'Purpurea'			

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T384	C	Phoenix canariensis	80 Whakarewa Street	1956021500	116
T387	B	Metrosideros excelsa	186 Whakarewa Street	1956049600	52
T388	B	Metrosideros excelsa			
T389	B	Metrosideros excelsa			
<i>[Protected Tree T392 was removed as largely dead]</i>					
T392	C	Acer palmatum species	57 Atkins Street	1956013800	116
T396	C	Totara (group)	94 High Street	1956016000	116
T397	B	Quercus robur	37 College Street	1956055000	52
T398	B	Quercus rubra	44 Queen Victoria Street	1956051301	52
<i>[Protected Tree T400 was removed due to nuisance]</i>					
T403	B	Quercus palustris	26 Tudor Street	1955020601	116
T410	B	Sequoiadendron giganteum	Memorial Park, 12 Pah Street	1956015200	116
T413	C	Acer pseudoplatanus	Parklands School, 19 Pah Street	1956026800	116
T414	C	Acer pseudoplatanus			
T417	C	Quercus robur			
T419	C	Liquidambar styraciflua (2)			
<i>[Protected Tree T415 deleted]</i>					
<i>[Protected Tree T423 removed by resource consent]</i>					
T424	B	Populus hybrid	Motueka High School, 52 Whakarewa Street	1956023200	116
T427	C	Elm (2), Oak (6 robur, 2 coccinea), Birch (3)			
T431	C	Podocarpus totara	22 Saxon Street	1955007401	116
T435	C	Juglans regia	39 Poole Street	1956018200	116
T436	C	Podocarpus totara	23 Poole Street	1956017400	116
T440	B	Podocarpus totara	Totara Park, Totara Park Ave (TDC reserve)	1955031750	117
T442	C	Populus hybrid (stand)	Motueka Golf Course, Motueka Quay	1955001800	117
T446	C	Podocarpus totara	39 Fearon Street	1955016800	115
T447	C	Chamaecyparis lawsoniana			
T448	C	Podocarpus totara			
T449	C	Podocarpus totara			
<i>[Protected Tree T447 deleted]</i>					
<i>[Protected Tree T450 removed as unsafe]</i>					
<i>[Delete protected tree T451]</i>					
T456	B	Araucaria heterophylla	Beachfront/Beach reserve, Wharf Road	1955042900	120
T457	B	Araucaria heterophylla			
T458	C	Araucaria heterophylla	Corner Old Wharf and Motueka Quay, beach reserve	Road Reserve	120
T459	C	Araucaria heterophylla			
T460	C	Araucaria heterophylla			
T461	B	Eucalyptus macarthurii	Motueka Quay, beach reserve	Road Reserve	117
T462	B	Eucalyptus globulus subsp. maidenii			
T463	B	Eucalyptus viminalis			
T464	B	Eucalyptus globulus subsp. maidenii			
T465	B	Eucalyptus globulus subsp. maidenii			
T467	B	Eucalyptus macarthurii	Motueka Quay, beach reserve	Road Reserve	117
T468	C	Pinus pinaster			
T469	B	Podocarpus totara	Motueka Golf Course, Harbour Road	1955001800	117
T472	C	Quercus robur	Robinson Road, Lower Moutere	Road Reserve	19
T479	C	Metrosideros excelsa	276 Whakarewa Street, Motueka	1933061600	52
T485	C	Quercus robur	Motueka Golf Course, Motueka Quay	1955001800	117
T488	B	Liriodendron tulipifera	Moutere Highway, Moutere	1928033500	19
T490	C	Agathis australis	276 Whakarewa Street, Motueka	1933061600	52
T491	B	Tilia x europaea	110 Thorp Street, Motueka	1955023800	117
T492	C	Dacrydium cupressinum	8A Inglis Street, Motueka	1955006801	116

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T493	B	Eucalyptus leucoxylon	Wharf Road, Motueka	1955042900	120
[Protected tree T494 fell in storm]					
[Protected tree T497 removed as part of Plan Change 73]					
T498	B	Quercus robur	2201 Coastal Highway, Appleby-Motueka	1928042300	129
T499	A	Sequoiadendron giganteum	Central Road, Lower Moutere	1928035001	18
T500	B	Quercus coccinea		1928035000	
T501	B	Aesculus hippocastanum		1928023201	19
T504	B	Cedrus deodara	75 Wildman Road, Motueka	1928017807	119
T505	B	Sequoiadendron giganteum	Moutere Highway, Moutere	1928067000	19
T506	B	Sequoia sempervirens			
T915	C	Podocarpus totara (4) Podocarpus dacrydiodes	39 Fearon St, Motueka	1955016800	117
T917	B	Quercus robur	276 Whakarewa St, Motueka	1933061600	52
Waimea/Moutere Ward					
T507	B	Cryptomeria japonica	Sts Peter and Paul Catholic Church, Cnr Moutere Highway and Waimea West Road	1939018200	56
T508	A	Sequoiadendron giganteum	Corner Old Coach, Dominion, George Harvey Roads, Mahana	1938062100	53
T509	A	Sequoia sempervirens	State Highway 6, Foxhill	1937017700	27
T510	A	Sequoia sempervirens	Corner Eighty-Eight Valley & Quail Valley Rds, Wakefield	1937063802	27
T511	A	Cupressus sempervirens	St Michaels, Waimea West Road	1939016800	56
T512	B	Cupressus sempervirens			
T513	A	Cupressus sempervirens			
T514	B	Cupressus sempervirens			
T515	B	Cupressus sempervirens			
T516	B	Cupressus sempervirens			
T517	B	Cupressus sempervirens			
T518	B	Sequoia sempervirens	Stanley Brook Memorial Recreational Reserve, Corner Motueka Valley Road and Sunday Creek Road, near hall	1925007300	20
T519	B	Sequoia sempervirens			
T520	B	Sequoiadendron giganteum			
T521	B	Quercus robur	Wakefield Recreation Reserve	1937029700	91
T522	A	Cedrus deodara			
T523	A	Sequoia sempervirens			
T524	A	Podocarpus totara			
T525	A	Quercus robur	Riversdale Farm, Pigeon Valley Road, Wakefield	1937006800	91
T526	A	Quercus robur			
T527	B	Juglans regia			
T528	A	Sequoia sempervirens	St John's Church, 120, 130, 136 Edward Street, Wakefield	1937027400	91
T529	A	Sequoia sempervirens			
T530	A	Sequoiadendron giganteum			
T531	A	Sequoiadendron giganteum			
T532	A	Quercus coccinea			
T533	B	Cedrus atlantica 'Glaucua'			
T534	B	Cedrus deodara (2)	31 Factory Road, Brightwater	1939029400	90
[Two of four Protected Tree group T534 above removed by resource consent]					
T535	A	Sequoia sempervirens	Spring Grove Recreation Reserve, Lord Rutherford Road South, Brightwater	1937048900	58
T537	B	Cupressus sempervirens	Higgins Road, Spring Grove	1937045200	58
T538	B	Quercus robur			
T539	B	Quercus robur			
[Protected Tree T540 died]					
T541	B	Eucalyptus camaldulensis	Barton Lane, Spring Grove	1937047400	58
T543	B	Rhododendron arboreum 'Robert Peel'	Appleby Estates, Moutere Highway	1939004000	56
T544	B	Eucalyptus viminalis			
T545	A	Sequoia sempervirens (4)	Moutere Highway, just past Redwood Cellars	1938080901	56
T546	B	Acer palmatum	Opposite Shell service station, Main Road, Spring Grove	1937046100	58
T547	B	Tilia x europaea	In paddock, SH 6, north-east of Bird Lane, Spring Grove	1937041200	58
T548	B	Quercus robur	Appleby School grounds, Moutere Highway	1939003600	56
T549	A	Platanus x hispanica	Sts Peter and Paul Catholic Church, Cnr Moutere Highway and Waimea West Road	1939018200	56

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T550	B	Fagus sylvatica 'Purpurea'	"Golden Acres", Moutere Highway, Appleby	1939004100	56
T551	A	Eucalyptus globulus	Westbourne Farm, Moutere Highway	1939004500	56
T552	B	Quercus coccinea			
T553	B	Ligustrum lucidum	229 Moutere Highway	1939006405	56
T554	B	Ligustrum lucidum			
T555	B	Cupressus sempervirens			
T557	B	Sequoia sempervirens	Redwood Cellars, Moutere Highway	1938081100	56
T558	B	Quercus robur	Moutere Highway, north of Sunrise Valley Road, Upper Moutere	Road Reserve	88
T559	B	Quercus robur	Five Oaks Farm, Moutere Highway, Upper Moutere	1936009200	88
T560	B	Quercus robur (4)			
T561	A	Eucalyptus macarthurii	Cnr Moutere Highway and Neudorf Road (landmark tree)	1936016701	53
T562	B	Sequoiadendron giganteum	Old House Road, Upper Moutere	1928088103	53
T564	C	Phoenix canariensis	187 Whitby Road, Wakefield	1937008500	91
<i>[Protected tree T565 removed by resource consent]</i>					
T567	B	Quercus palustris	39 Pitfure Road, Wakefield	1937031201	91
T568	B	Quercus robur	5 Fitzsimmons Way, Wakefield	1937024300	91
T569	A	Tilia x europaea	111 State Highway 6, Wakefield	1937022800	58
T570	B	Quercus petraea			
T571	B	Quercus robur	Emergency no. 1681, State Highway 6, Wakefield	1937021402	58
T572	A	Sequoia sempervirens	Cnr Baigent Valley Road and State Highway 6, Wakefield	1937021403	58
T573	A	Quercus robur	Cnr Hoult Valley Road and State Highway 6, Wakefield	1937020200	22
T574	A	Sequoia sempervirens	State Highway 6, Foxhill	1937017700	27
T575	B	Quercus coccinea	Foxhill School, State Highway 6, Foxhill	1937013900	27
T576	A	Sequoia sempervirens	Eighty-Eight Valley Road, Wakefield	1937064301	28
T577	B	Cedrus deodara	Corner of Eighty-Eight Valley and Quail Valley Roads	1937063802	27
T580	A	Sequoiadendron giganteum	Coastal Highway, near J Richards' orchard stall	1938069400	54
T581	B	Pinus muricata	120 Higgs Road, Mapua	1938029302	87
T582	B	Araucaria bidwillii	Waimea West Road, near Sts Peter & Paul Church	1939018100	56
T583	B	Cedrus deodara			
T584	B	Aesculus hippocastanum			
T585	B	Tilia x europaea			
T586	C	Quercus ilex	Waimea West Road	1939018100	56
T587	B	Quercus robur	Waimea West Road	1939017800	56
T588	B	Quercus robur			
T589	B	Quercus robur			
T590	B	Quercus robur	Waimea West Road	1939016700	56
T591	B	Quercus robur			
T595	B	Acer palmatum 'Atropurpureum'	66 Whitby Road, Wakefield	1937036200	91
T596	B	Cunninghamia lanceolata	16 Treeton Place, Wakefield (Faulkners Bush)	1937027300	91
T597	C	Cupressus lusitanica			
T598	B	Cedrus deodara	Eighty-Eight Valley Road, Wakefield	1937064301	28
T599	B	Sequoiadendron giganteum			
<i>[Protected tree T600 deleted from the Schedule]</i>					
T601	B	Morus nigra	Casually Cottage, Main Road, Spring Grove	1937044900	58
T602	C	Quercus robur	112 Golden Hills Road, Waimea West	1939018503	56
<i>[Protected tree T612 removed by resource consent]</i>					
T613	C	Ulmus glabra 'Camperdown'	31 Aranui Road, Mapua	1938054200	87
T614	C	Ulmus glabra 'Camperdown'			
T615	B	Rhododendron (Lord Roberts)			
T619	C	Acer palmatum	State Highway 6, Spring Grove	1937042400	58
T620	C	Magnolia x soulangeana	Lord Rutherford Road South, Brightwater	1937048800	58
T622	B	Tilia x europaea	State Highway 6, near Bird Lane, Wakefield	1937041200	91
<i>[Protected tree T623 blown down in a storm]</i>					
T624	B	Ilex aquifolium	Westbourne Farm, Moutere Highway	1939004500	90

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T627	C	Eucalyptus obliqua 'Messmate stringbark'	54 Higgs Road, Mapua	1938031200	87
T644	B	Cedrus atlantica 'Glaucua'	Neudorf Road, Neudorf	1936016400	53
T647	B	Eucalyptus macarthurii	Dominion Road, Mahana	1938061500	54
T648	C	Quercus ilex	The Coastal Highway, Mapua (Aranui Park)	1938024300	87
T650	C	Cedrus atlantica 'Glaucua'	Mapua Domain	1938038000	87
T651	C	Quercus palustris			
T652	B	Cupressus macrocarpa	Higgins Road, Spring Grove	1937046102	58
T653	B	Cedrus deodara	70 Pitfure Road, Wakefield	1937010213	91
T654	C	Cedrus deodara	60 Pitfure Road, Wakefield	1937010217	91
T655	B	Cupressus torulosa			
<i>[Protected tree T656 removed by resource consent]</i>					
T657	C	Quercus robur	16 Treeton Place, Wakefield	1937027300	91
T658	B	Sequoia sempervirens	Wakefield Domain	1937029700	91
T659	C	Cedrus libani			
T661	B	Sequoia sempervirens			
T662	C	Betula pendula	57 Edward Street, Wakefield	1937033000	91
T663	B	Sequoiadendron giganteum	62 Pitfure Road, Wakefield	1937010300	91
T664	B	Tilia x europaea	Roughton Lane, Brightwater	1937044100	22
T666	C	Metasequoia glyptostroboides	Appleby School, Moutere Highway, Moutere	Unmatched	56
T667	B	Ulmus glabra 'Pendula'		1939003600	56
T671	B	Sequoia sempervirens	Tasman School, The Coastal Highway	1928082500	85
T672	C	Quercus robur	Moutere Highway, Moutere	1936005600	88
T673	C	Cinnamomum camphora	The Coastal Highway, Appleby-Motueka	1938078600	54
T679	B	Sequoia sempervirens	Apple Valley Road, Mahana	1938067300	53
T680	C	Pinus nigra 'Nigra'			
T683	B	Quercus robur	Dovedale Road, Dovedale	1936029000	21
T688	A	Cupressus torulosa	68 Waimea West Road, Waimea West	1939044300A	90
T689	C	Cupressus sempervirens x 4	Palmer Road, Waimea West	1939023700	56
<i>[Protected tree T692 removed by resource consent RM060281]</i>					
T693	C	Quercus robur	105 Eighty-Eight Valley Road, Wakefield	1937025500	91
T694	C	Abies nordmanniana			
T695	C	Cedrus (libani?)			
T860	A	Sequoia sempervirens	395 Main Road, Lower Moutere	1928033500	19
T867	C	Fraxinus spp	15 Pine Hill Road	1938000300	87
T909	B	Liquidambar styraciflua	86 Higgs Road	1938026708	87
T910	B	Eucalyptus leucoxylon 'Rosea'			
T911	B	Taxus baccata (Yew)	St Albans State Highway 60, Appleby	1938096400	57
T912	B	Quercus robur	252 Neudorf Road	1936019201	91
<b>Richmond Ward</b>					
<i>[Protected tree T696 blown down in a storm]</i>					
T697	B	Quercus robur	Whites Road, Hope	1943017100	133
T698	B	Tilia x europaea	Jubilee Park, 22 Gladstone Road	1957005000	124
T699	B	Tilia x europaea			
T700	B	Quercus robur			
T701	B	Quercus palustris			
T702	A	Eucalyptus globulus subsp. bicostata	Holy Trinity Church, 27 Dorset Street	1959016400	128
T703	C	Liriodendron tulipifera 'Aureomarginatum'	Washbourn Gardens, 15 Oxford Street	1960060700	129
T704	B	Sophora japonica			
T706	B	Row of Quercus robur	Lower Queen Street	1957019202	121
<i>[Protected tree T707 removed by resource consent RM180649]</i>					
T709	B	Prumnopitys taxifolia (x 2)	Aniseed Valley Road, Aniseed Valley	1943044800	23
T711	B	Ulmus procera	27 Bramley Street	1960020127	128
T712	B	Ulmus procera			

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T713	A	Alnus glutinosa	Hart Road drainage reserve	1960020055	128
T714	C	Ulmus procera	Richmond Cemetery, Wensley Road	1959076000	128
T715	C	Fraxinus excelsior			
T717	A	Quercus palustris			
T718	A	Cedrus deodara	8 Surrey Road	1960010100	129
T719	A	Araucaria heterophylla	34 Wensley Road	1959004901	129
T720	B	Liriodendron tulipifera	19 Dorset Street	1959015900	129
T723	B	Liquidambar styraciflua	189 Queen Street	1958035800	129
T724	C	Rhododendron species	15A Edward Street	1960093200C	129
T726	C	Podocarpus totara	133 Queen Street	1960051800	129
T727	B	Podocarpus totara			
<i>[Protected tree T728 removed following storm damage]</i>					
T729	C	Liriodendron tulipifera 'Aureomarginatum'	206 Hill Street	1960071000	129
T730	C	Ginkgo biloba	Easby Park, Marlborough Crescent	1961053400	135
T731	B	Populus trichocarpa	Waimea College, Salisbury Road	1961002700	125
T732	B	Eucalyptus globulus			
T733	A	Eucalyptus globulus			
T734	B	Araucaria bidwillii	357 Lower Queen Street	1957019100	124
T735	A	Quercus robur (51)			
T736	B	Carpinus caroliniana	389 Lower Queen Street	1957014500	124
T738	B	Ulmus carpinifolia	452 Lower Queen Street	1957020000	124
T740	B	Quercus robur			
<i>[Protected tree T741 removed by resource consent]</i>					
T742	B	Quercus robur	452 Lower Queen Street	1957020000	124
T743	B	Quercus robur			
T744	B	Quercus robur			
T745	B	Quercus robur			
T746	B	Quercus ilex			
<i>[Protected tree T746 removed by resource consent]</i>					
T747	C	Magnolia grandiflora	189 Queen Street	1958035800	129
T748	C	Chamaecyparis nootkatensis	183 Queen Street	1958036000	129
<i>[Protected tree T751 fell in storm]</i>					
T754	B	Ginkgo biloba	3 Holdaway Grove	1961000500	130
T755	B	Morus nigra			
T756	C	Quercus robur	2 Holdaway Grove	1961000606	130
T758	B	Platanus x hispanica (group of 9)	Alexandra Grove	Road Reserve	130
<i>[Protected tree T759 deleted from the Schedule]</i>					
T760	A	Pyrus communis	599 Hill Street South, Hope	1943045300	133
<i>[Protected tree T761 felled in error]</i>					
T762	B	Liquidambar styraciflua	31 Wensley Road	1960018900	129
T763	B	Cryptomeria japonica	3 Rosevale Place	1960015600	129
T764	B	Acer palmatum	68 Wensley Road	1959000600	128
T765	B	Acer palmatum	71 Wensley Road	1960005500	128
T766	B	Quercus cerris	18 King Street	1959066000	128
T768	B	Pyrus communis	Salisbury School, Salisbury Road	1958001700	125
T769	B	Fagus sylvatica 'Purpurea'			
T770	B	Fagus sylvatica			
T771	B	Crataegus lavalleyi			
T772	B	Cedrus deodara			
T773	B	Quercus ilex			
T774	B	Quercus ilex			
T775	B	Quercus robur			
T776	A	Cedrus deodara			
T777	B	Quercus coccinea			
T779	B	Quercus robur	Pugh Road/State Highway 60, Appleby	1939015203	123

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T780	B	Quercus robur	249 Appleby Highway (State Highway 60), Appleby	1939013701	57
T782	B	Brachychiton acerifolium	413 Main Road, Hope	1943039303	131
T785	C	Melia azedarach			
T786	C	Arbutus unedo			
<i>[Delete protected trees T785 and T786]</i>					
T783	B	Cupressus sempervirens	Eden Road, Hope	1943014100	131
T787	B	Araucaria cunninghamii	4 Malone Crescent	1957014453	124
T790	B	Ulmus x hollandica	Transit Gardens, Appleby Highway, Appleby	1943011601	123
T792	B	Podocarpus totara (x 2)	Aniseed Valley Road, Aniseed Valley	1943044800	23
T793	B				
T795	B	Sequoia sempervirens	15 Oxford Street, Richmond	1960060700	129
T796	B	Acer campestre Ilex aquifolium (x 2)	Richmond Cemetery, Wensley Road, Richmond	1959076000	128
T797	B				
T798	B				
T801	C	Sophora microphylla	18A George Street, Richmond	1960078800	129
T802	C	Podocarpus totara			
T803	A	Avenue of Trees	A&P Showgrounds, 358 Lower Queen St	1957021200	124
T804	C	Quercus robur	Bill Wilkes Reserve, adjacent to 38 Washbourn Drive, Richmond	1960060400	129
T805	B	Fagus sylvatica 'Purpurea'	14 Hunter Avenue, Richmond	1960036000	129
<i>[Protected tree T807 removed by resource consent RM180295]</i>					
T810	C	Quercus palustris	271 Hill Street, Richmond	1961090500	129
<i>[Protected tree T809 removed as died]</i>					
T811	C	Podocarpus totara	273 Hill Street, Richmond	1961090504	129
T812		Vitex lucens			
T813		Nothofagus solandrii			
T814	C	Nothofagus solandrii	271 Hill Street, Richmond	1961090500	129
T815	B	Nothofagus solandrii			
T816	C	Podocarpus totara			
T817	C	Knightia excelsa			
<i>[Protected tree T818 removed as unsafe]</i>					
T819	B	Nothofagus fusca	271 Hill Street, Richmond	1961090500	129
T820	C	Agathis australis			
<i>[Protected tree T821 removed as died]</i>					
T822	B	Quercus coccinea	15 Oxford Street, Richmond	1960060700	129
T823	C	Podocarpus totara			
T824	C	Nothofagus solandrii			
T828	B	Eucalyptus regnans	White Road, Hope	1943017200	133
T831	C	Quercus coccinea	127 Queen Street, Richmond	1960051400	129
T834	C	Betula pendula	208 Hill Street, Richmond	1960071000	129
T872	A	Quercus robur (77) Quercus cerris (1) Fraxinus excelsior (3)	Lower Queen Street	1938098902	124
T873	B	Phoenix canariensis	A&P Showgrounds, 358 Lower Queen Street	1957021200	124
<i>[Protected tree T874 removed]</i>					
T875	A	Quercus robur (48)	387 Lower Queen Street	1957014404	124
T876	A	Exotic woodland	A&P Showgrounds, 358 Lower Queen Street	1957021200	124
T877	B	Quercus robur	40 McShane Road	1938098905	124
<i>[Protected trees T878 and T879 removed]</i>					
T880	C	Betula spp.	24 Champion Road, Richmond	1961000106	130
T881	C	Quercus robur	3 Regent Lane, Richmond	1961028301	130
T882	A	Populus trichocarpa (2)	Meadowlane walkway, 138 Salisbury Road, Richmond	1961000410	130
T883					
T884	C	Fraxinus spp.	2 Park Drive, Richmond	1961032102	130
T885	A	Quercus robur			
T886	B	Quercus robur (2)	Highland Drive, Richmond	1961035480	135
T887	C	Quercus robur	Park Drive, On frontage of section near walkway	Road Reserve	135

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PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T888	C	Quercus robur	77 Hill Street, Richmond	1961034000	130
T889	C	Phoenix canariensis	7 Dunstan Grove, Richmond	1961035501	130
T890	C	Quercus spp. & Liquidambar spp. (15)	Angelus Ave	Road Reserve	135
<i>[Protected tree T891 removed by resource consent RM120576]</i>					
T892	C	Quercus spp. (20)	16 Angelus Avenue, Richmond 18 Angelus Avenue, Richmond 22 Angelus Avenue, Richmond 24 Angelus Avenue, Richmond 26 Angelus Avenue, Richmond	1961037711 1961037523 1961037542 1961037502 1961044205	135
T893	C	Cedrus deodara	134 Champion Road, Richmond	1961031508	130
T894	B	Podocarpus totara	Reservoir Creek, Forestry area, Richmond	1943046202	135
T895	B	Prumnopitys taxifolia	Jimmy Lee Creek, Kingsland Forest, Richmond	1943046202	134
T896	B	Dacrycarpus dacrydioides	Reservoir Creek, Forestry area, Richmond	1943046202	135
T897	A	Eucalyptus regnans	Reservoir Creek, Forestry area, Richmond	1943046202	135
Lakes/Murchison Ward					
T616 T617	B B	Quercus robur Sequiodednron giganteum	Tadmor Valley Road, Tapawera	1925012801	89
T838	A	Abies nordmanniana	Motueka Valley Highway, Tapawera	1925049700	21
T839	A	Cupressus sempervirens	Kohatu Hotel, Motueka Valley Highway	1925053000	27
T841	B	Eucalyptus viminalis	St George's Church, State Highway 6, Motupiko	1925027701	26
T842	B	Sequoia sempervirens	134 Kohatu-Kawatiri Highway	1925053904	27
T843	B	Quercus robur	Opposite Quinney's Bush, State Highway 6	1925027601	26
T847 T848	C C	Pseudosuga menziesii (3) Pinus muricata	By Rotoroa Lodge, Lake Rotoroa (TDC road reserve)	-	93
T849	C	Magnolia x soulangeana	Fern Flat, Murchison	1915002000	33
T850	C	Quercus robur	Sunday Creek Road (near bridge on right) Stanley Brook	1925007700	21
T851	C	Quercus robur	Sunday Creek Road, Thorpe	1925047000	21
T852	B	Quercus robur (stand of 22)	Forest Creek Road, Stanley Brook	1925048502	21
T856	C	Fraxinus excelsior	Fern Flat, Murchison	1915002000	33
T858	B	Dacrycarpus dacrydioides	Near Cole Road, Murchison	Road Reserve	92

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**Schedule 16.13C: Cultural Heritage Sites**C16 9/09  
Op 8/12*Refer to section 16.13.6 and Part II: Land – Cultural Heritage Maps*

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
	AF14	Te Waikoropupu natural springs	Wahi Tapu		Yes	
L25-002	AE06	Midden/Oven	4b-unknown			
L25-003	AE06	Midden/Oven	4b-unknown			
L25-004	AE07	Midden/Oven	4b-unknown			
L25-005	AE07	Midden/Oven	4b-unknown			
L25-006	AE07	Midden/Oven	3-DOC			
L25-009	AE06	Midden/Oven	3-DOC			
M24-001	AA14	Defensive-Pa	1-Precinct	Triangle Flat		
M24-002	AA13	Midden/Oven	3-DOC			
M24-003	AA14	Pit/Terrace	1-Precinct	Triangle Flat		
M24-004	AA14	Cave/rockshelter	1-Precinct	Triangle Flat		
M24-005	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-006	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-007	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-008	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-009	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-010	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-011	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-012	AA14	Midden/Oven	3-DOC			
M24-013	AA14	Midden/Oven	3-DOC			
M24-014	AA14	Pit/Terrace	3-DOC			
M24-015	AB12	Midden/Oven	3-DOC			
M24-016	AB13	Midden/Oven	1-Precinct	Te Rae		
M24-017	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-018	AB11	Midden/Oven	2b-Site (not assessed)			
M24-019	AB12	Pit/Terrace	3-DOC			
M24-020	AB12	Cave/rockshelter	2a-Site (assessed)			Yes
M24-021	AA12	Working area	4b-unknown			
M24-022	AB14	Midden/Oven	2a-Site (assessed)			
M24-023	AB12	Midden/Oven	2a-Site (assessed)			
M24-025	AB12	Working area	2a-Site (assessed)			
M24-026	AB11	Midden/Oven	2a-Site (assessed)			Yes
M24-027	AA12/AA13	Midden/Oven	3-DOC			
M24-028	AA12	Midden/Oven	2a-Site (assessed)			Yes
M24-029	AB11	Midden/Oven	2b-Site (not assessed)			
M24-031	AB11	Midden/Oven	2a-Site (assessed)			
M24-033	AB11	Midden/Oven	2a-Site (assessed)			
M24-034	AB12	Cave/rockshelter	2a-Site (assessed)			Yes
M24-036	AA13	Pit/Terrace	3-DOC			
M24-037	AB11	Midden/Oven	2a-Site (assessed)			
M24-038	AB11	Midden/Oven	2a-Site (assessed)			
M24-039	AA14	Working area	4b-unknown			
M24-040	AB14	Midden/Oven	2a-Site (assessed)			
M24-041	AB14	Unclassified	2b-Site (not assessed)			
M24-042	AB14	Pit/Terrace	2a-Site (assessed)			Yes
M24-043	AA13	Coal mining	3-DOC			
M24-044	AB14	Coal mining	3-DOC			
M24-045	AA14	Coal mining	3-DOC			
M24-046	AA12/AA13	Midden/Oven	3-DOC			
M24-047	AA14	Working area	2a-Site (assessed)			
M24-048	AA14	Midden/Oven	2a-Site (assessed)			
M24-049	AA13	Pit/Terrace	3-DOC			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M24-050	AA13	Midden/Oven	3-DOC			
M24-051	AA13	Midden/Oven	3-DOC			
M24-052	AA13	Midden/Oven	3-DOC			
M24-053	AA12/ AA13	Midden/Oven	3-DOC			
M24-054	AB14	Midden/Oven	2a-Site (assessed)			
M24-055	AA12/AA13	Midden/Oven	3-DOC			
M24-056	AB12	Midden/Oven	2a-Site (assessed)			
M24-057	AB14	Midden/Oven	2a-Site (assessed)			Yes
M24-058	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-060	AA14	Midden/Oven	1-Precinct	Triangle Flat		
M24-061	AA14	Historic-domestic	1-Precinct	Triangle Flat		
M24-062	AA14	Agricultural-pastoral	1-Precinct	Triangle Flat		
M24-063	AA14	Defensive-Military	3-DOC			
M24-064	AA14	Midden/Oven	2a-Site (assessed)			
M25-002	AB13	Midden/Oven	3-DOC			
M25-003	AC9	Midden/Oven	4b-unknown			
M25-004	AB13	Midden/Oven	4b-unknown			
M25-005	AB13	Midden/Oven	1-Precinct	Te Rae		
M25-006	AB13	Midden/Oven	1-Precinct	Pakawau		
M25-007	AB13	Midden/Oven	1-Precinct	Pakawau		
M25-008	AB13	Midden/Oven	1-Precinct	Pakawau		
M25-009	AC13	Defensive-Pa	1-Precinct	Taimatea		
M25-010	AD13	Midden/Oven	1-Precinct	Parapara Inlet	Yes	
M25-011	AD13	Midden/Oven	1-Precinct	Parapara Inlet	Yes	
M25-012	AD13	Midden/Oven	1-Precinct	Parapara Inlet	Yes	
M25-013	AE14	Defensive-Pa	2a-Site (assessed)		Yes	Yes
M25-015	AD13	Midden/Oven	4b-unknown			
M25-016	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-017	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-018	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-019	AD13	Midden/Oven	2a-Site (assessed)			
M25-020	AD13	Pit/Terrace	2a-Site (assessed)			
M25-021	AE14	Midden/Oven	4b-unknown			
M25-022	AE14	Midden/Oven	2b-Site (not assessed)			
M25-024	AB13	Coal mining	3-DOC			
M25-025	AB13	Coal mining	3-DOC			
M25-026	AE13	Industrial (unspecified)	3-DOC			Yes
M25-027	AC10	Midden/Oven	4b-unknown			
M25-028	AC10	Pit/Terrace	4b-unknown			
M25-029	AD13	Midden/Oven	2b-Site (not assessed)			
M25-030	AE14	Midden/Oven	4b-unknown			
M25-031	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-032	AD13	Midden/Oven	3-DOC			
M25-033	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-034	AD13	Midden/Oven	4b-unknown			
M25-035	AD13	Midden/Oven	1-Precinct	Parapara Inlet		
M25-036	AE14	Pit/Terrace	2a-Site (assessed)		Yes	Yes
M25-037	AE14	Midden/Oven	2b-Site (not assessed)			
M25-038	AE14	Midden/Oven	2b-Site (not assessed)			
M25-040	AE13/AE14	Midden/Oven	2a-Site (assessed)			
M25-041	AD09	Burial-cemetery	3-DOC			
M25-043	AD13	Midden/Oven	2a-Site (assessed)			
M25-044	AE14	Artefact find	4b-unknown			
M25-045	AE13	Industrial (unspecified)	1-Precinct	Aorere		
M25-046	AE13	Gold mining	1-Precinct	Aorere		
M25-047	AE13	Gold mining	1-Precinct	Aorere		

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M25-048	AE13	Gold mining	1-Precinct	Aorere		
M25-049	AE13	Transport-communication	1-Precinct	Aorere		
M25-050	AE13	Gold mining	1-Precinct	Aorere		
M25-051	AE13	Gold mining	1-Precinct	Aorere		
M25-052	AE13	Gold mining	1-Precinct	Aorere		
M25-053	AE13	Gold mining	1-Precinct	Aorere		
M25-054	AE12	Gold mining	1-Precinct	Aorere		
M25-055	AE12	Gold mining	1-Precinct	Aorere		
M25-056	AE12	Gold mining	1-Precinct	Aorere		
M25-057	AE12	Gold mining	1-Precinct	Aorere		
M25-058	AE12	Unclassified	1-Precinct	Aorere		
M25-060	AE12	Gold mining	1-Precinct	Aorere		
M25-061	AE12	Historic-settlement-township	1-Precinct	Aorere		
M25-062	AE12	Gold mining	1-Precinct	Aorere		
M25-063	AE12	Historic-settlement-township	1-Precinct	Aorere		
M25-064	AE12	Historic-settlement-township	1-Precinct	Aorere		
M25-065	AE12	Gold mining	1-Precinct	Aorere		
M25-066	AE12	Gold mining	1-Precinct	Aorere		
M25-067	AE12	Unclassified	1-Precinct	Aorere		
M25-068	AE12	Historic-settlement-township	1-Precinct	Aorere		
M25-069	AE13	Gold mining	1-Precinct	Aorere		
M25-070	AE13	Gold mining	1-Precinct	Aorere		
M25-071	AD11	Gold mining	4b-unknown			
M25-072	AF11	Gold mining	3-DOC			
M25-072	AF12	Gold mining	3-DOC			
M25-073	AE12	Gold mining	1-Precinct	Aorere		
M25-074	AE12	Gold mining	1-Precinct	Aorere		
M25-075	AE12	Gold mining	1-Precinct	Aorere		
M25-076	AE12	Gold mining	1-Precinct	Aorere		
M25-077	AE12	Gold mining	1-Precinct	Aorere		
M25-078	AE12	Transport-communication	1-Precinct	Aorere		
M25-079	AB11	Midden/Oven	2a-Site (assessed)			
M25-080	AD09	Gold mining	3-DOC			
M25-081	AD09	Gold mining	3-DOC			
M25-082	AD09	Gold mining	3-DOC			
M25-083	AD09	Gold mining	3-DOC			
M25-084	AD09	Gold mining	3-DOC			
M25-085	AD09	Gold mining	3-DOC			
M25-086	AD09	Gold mining	3-DOC			
M25-087	AB11	Midden/Oven	2b-Site (not assessed)			
M25-088	AB11	Midden/Oven	2a-Site (assessed)			
M25-090	AB12	Midden/Oven	3-DOC			
M25-091	AC09	Historic-settlement-township	3-DOC			
M25-092	AB11	Midden/Oven	3-DOC			
M25-093	AB11	Midden/Oven	2b-Site (not assessed)			
M25-094	AB12	Midden/Oven	3-DOC			
M25-096	AD08	Historic-domestic	4b-unknown			
M25-097	AD08	Midden/Oven	4b-unknown			
M25-098	AD08	Midden/Oven	4b-unknown			
M25-099	AD08	Midden/Oven	4b-unknown			
M25-099	AD07	Midden/Oven	4b-unknown			
M25-100	AC10	Midden/Oven	4b-unknown			
M25-101	AC10	Historic-domestic	4b-unknown			
M25-102	AC10	Midden/Oven	4b-unknown			
M25-103	AC09	Midden/Oven	4b-unknown			
M25-105	AC09	Midden/Oven	4b-unknown			
M25-106	AD07	Midden/Oven	3-DOC			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M25-107	AD09	Midden/Oven	3-DOC			
M25-108	AD07	Cave/rockshelter	4b-unknown			
M25-109	AD07	Cave/rockshelter	4b-unknown			
M25-110	AD07	Cave/rockshelter	4b-unknown			
M25-111	AB11	Midden/Oven	2a-Site (assessed)			
M25-112	AB11	Unclassified	2a-Site (assessed)			Yes
M25-117	AC09	Transport-communication	3-DOC			
M25-118	AB11	Transport-communication	3-DOC			
M25-119	AC13	Midden/Oven	2b-Site (not assessed)			
M25-120	AD13	Midden/Oven	2b-Site (not assessed)			
M25-121	AB13	Midden/Oven	2a-Site (assessed)			
M25-122	AC13	Midden/Oven	2b-Site (not assessed)			
M25-123	AC13	Midden/Oven	2b-Site (not assessed)			
M25-124	AC13	Midden/Oven	2a-Site (assessed)			
M25-126	AC13	Coal mining	3-DOC			
M25-127	AC13	Historic-settlement-township	2a-Site (assessed)			Yes
M25-128	AC13	Midden/Oven	2a-Site (assessed)			Yes
M25-129	AC13	Midden/Oven	2b-Site (not assessed)			
M25-130	AC13	Midden/Oven	2b-Site (not assessed)			
M25-131	AB13	Midden/Oven	2b-Site (not assessed)			
M25-132	AE06	Midden/Oven	3-DOC			
M25-133	AE06	Midden/Oven	3-DOC			
M25-134	AD13	Midden/Oven	2a-Site (assessed)			
M25-135	AE06	Midden/Oven	3-DOC			
M25-137	AD08	Midden/Oven	4b-unknown			
M25-138	AD08	Midden/Oven	4b-unknown			
M25-139	AE06	Midden/Oven	3-DOC			
M25-140	AD13	Midden/Oven	4b-unknown			
M25-141	AE14	Midden/Oven	4b-unknown			
M25-142	AD13	Midden/Oven	4b-unknown			
M25-143	AC13	Midden/Oven	2b-Site (not assessed)			
M25-144	AD13	Midden/Oven	3-DOC			
M25-145	AB11	Midden/Oven	2a-Site (assessed)			
M25-146	AD07	Midden/Oven	3-DOC			
M25-147	AD13	Pit/Terrace	2b-Site (not assessed)			
M25-148	AC13	Midden/Oven	1-Precinct	Taimatea		
M25-149	AB13	Midden/Oven	3-DOC			
M25-150	AB13	Midden/Oven	1-Precinct	Pakawau		
M25-151	AB13	Midden/Oven	1-Precinct	Pakawau		
M25-152	AD13	Midden/Oven	2a-Site (assessed)			
M26-001	AF14	Gold mining	4b-unknown			
M26-002	AF14	Gold mining	3-DOC			
M26-003	AF11	Gold mining	4b-unknown			
M26-004	AG11	Gold mining	3-DOC			
M26-005	AF11	Gold mining	3-DOC			
M26-006	AF11	Transport-communication	3-DOC			
M26-007	AG12	Gold mining	3-DOC			
M26-008	AG12	Gold mining	3-DOC			
M26-009	AG12	Gold mining	3-DOC			
M26-010	AH12	Gold mining	3-DOC			
M26-011	AG12	Gold mining	3-DOC			
M26-012	AG12	Gold mining	3-DOC			
M26-013	AG12	Gold mining	3-DOC			
M26-014	AG12	Gold mining	3-DOC			
M26-015	AI13	Gold mining	3-DOC			
M26-016	AI13	Gold mining	3-DOC			
M26-017	AI13	Gold mining	3-DOC			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M26-018	AI13	Gold mining	3-DOC			
M26-019	AI13	Gold mining	3-DOC			
M26-020	AG08	Historic-domestic	3-DOC			
M27-002	AM13	Gold mining	4b-unknown			
M27-003	AN14	Gold mining	4b-unknown			
M27-004	AK12	Gold mining	3-DOC			
M27-005	AK12	Gold mining	3-DOC			
M27-008	AK12	Gold mining	3-DOC			
M27-012	AK12	Gold mining	3-DOC			
M27-013	AK12	Gold mining	3-DOC			
M27-014	AK12	Gold mining	3-DOC			
M27-014	AK12	Gold mining	3-DOC			
M27-015	AK13	Gold mining	3-DOC			
M27-016	AK13	Gold mining	3-DOC			
M27-017	AM13	Gold mining	3-DOC			
M27-018	AM13	Gold mining	4b-unknown			
M27-019	AM13	Gold mining	3-DOC			
M27-020	AM13	Industrial (unspecified)	3-DOC			
M28-001	AO11	Gold mining	1-Precinct	Rolling River		
M28-002	AO11	Gold mining	1-Precinct	Rolling River		
M28-003	AO11	Gold mining	1-Precinct	Rolling River		
M28-004	AO11	Gold mining	1-Precinct	Rolling River		
M28-005	AO11	Gold mining	1-Precinct	Rolling River		
M28-006	AO11	Gold mining	1-Precinct	Rolling River		
M28-007	AO11	Transport-communication	1-Precinct	Rolling River		
M28-008	AO11	Gold mining	1-Precinct	Rolling River		
M28-009	AO11	Gold mining	1-Precinct	Rolling River		
M28-010	AO11	Gold mining	1-Precinct	Rolling River		
M28-011	AO11	Gold mining	1-Precinct	Rolling River		
M28-012	AO11	Coal mining	1-Precinct	Rolling River		
M28-013	AO11	Industrial (unspecified)	1-Precinct	Rolling River		
M28-014	AO11	Gold mining	1-Precinct	Rolling River		
M28-015	AO11	Gold mining	1-Precinct	Rolling River		
M28-016	AO11	Gold mining	1-Precinct	Rolling River		
M28-017	AO11	Industrial (unspecified)	1-Precinct	Rolling River		
M28-018	AO11	Gold mining	1-Precinct	Rolling River		
M28-019	AO11	Gold mining	1-Precinct	Rolling River		
M28-020	AO11	Gold mining	1-Precinct	Rolling River		
M28-021	AO11	Gold mining	1-Precinct	Rolling River		
M28-022	AO11	Historic-settlement-township	1-Precinct	Rolling River		
M28-023	AO11	Gold mining	1-Precinct	Rolling River		
M28-024	AO12	Educational	4b-unknown			
M28-025	AO11	Historic-domestic	1-Precinct	Rolling River		
M28-026	AO12	Historic-domestic	1-Precinct	Rolling River		
M28-027	AN14	Midden/Oven	4b-unknown			
M28-028	AQ13	Cement-lime works	3-DOC			Yes
M28-033	AO11	Gold mining	1-Precinct	Rolling River		
M28-034	AQ11	Gold mining	3-DOC			
M28-035	AQ11	Gold mining	3-DOC			
M29-002	AU08	Gold mining	3-DOC			
M29-003	AS14	Gold mining	1-Precinct	Maggie-Maud		
M29-004	AU08	Gold mining	3-DOC			
M29-005	AU08	Gold mining	4b-unknown			
M29-006	AS14	Gold mining	1-Precinct	Maggie-Maud		
M29-007	AS14	Gold mining	1-Precinct	Maggie-Maud		
M29-008	AT14	Industrial (unspecified)	1-Precinct	Maggie-Maud		
M29-009	AS12	Gold mining	1-Precinct	Howard		

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M29-010	AS12	Historic-domestic	1-Precinct	Howard		
M29-011	AS14	Transport-communication	1-Precinct	Maggie-Maud		
M29-012	AS14	Gold mining	4b-unknown			
M29-013	AS12	Gold mining	1-Precinct	Howard		
M29-014	AS12	Historic-domestic	1-Precinct	Howard		
M29-015	AT12	Gold mining	1-Precinct	Howard		
M29-016	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-017	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-018	AS14	Gold mining	4b-unknown			
M29-019	AS14	Gold mining	3-DOC			
M29-020	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-021	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-022	AS14	Historic-settlement-township	1-Precinct	Maggie-Maud		
M29-023	AT12	Gold mining	1-Precinct	Howard		
M29-024	AT12	Gold mining	1-Precinct	Howard		
M29-025	AT12	Gold mining	1-Precinct	Howard		
M29-026	AT12	Gold mining	1-Precinct	Howard		
M29-027	AS13	Gold mining	1-Precinct	Howard		
M29-028	AT13	Gold mining	1-Precinct	Howard		
M29-029	AT12	Historic-domestic	1-Precinct	Howard		
M29-030	AS13	Commercial	4b-unknown			
M29-031	AT13	Gold mining	1-Precinct	Howard		
M29-032	AT12	Historic-domestic	1-Precinct	Howard		
M29-033	AT12	Gold mining	1-Precinct	Howard		
M29-034	AT12	Gold mining	1-Precinct	Howard		
M29-035	AT12	Gold mining	1-Precinct	Howard		
M29-036	AT13	Gold mining	1-Precinct	Howard		
M29-037	AT12	Gold mining	1-Precinct	Howard		
M29-038	AT12	Gold mining	1-Precinct	Howard		
M29-039	AT12	Historic-domestic	1-Precinct	Howard		
M29-040	AS14	Forestry	1-Precinct	Maggie-Maud		
M29-041	AS14	Gold mining	1-Precinct	Maggie-Maud		
M29-042	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-043	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-044	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-045	AT14	Industrial (unspecified)	1-Precinct	Maggie-Maud		
M29-046	AT14	Industrial (unspecified)	1-Precinct	Maggie-Maud		
M29-047	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-048	AT14	Transport-communication	1-Precinct	Maggie-Maud		
M29-049	AT12	Gold mining	1-Precinct	Howard		
M29-050	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-051	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-052	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-053	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-054	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-055	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-056	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-057	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-058	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-059	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-060	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-061	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-062	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-063	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-064	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-065	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-066	AT14	Gold mining	1-Precinct	Maggie-Maud		

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
M29-067	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-068	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-069	AT14	Historic-domestic	1-Precinct	Maggie-Maud		
M29-070	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-071	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-072	AT14	Gold mining	1-Precinct	Maggie-Maud		
M29-073	AS12	Historic-domestic	1-Precinct	Howard		
M29-074	AT12	Gold mining	1-Precinct	Howard		
M29-075	AT12	Gold mining	1-Precinct	Howard		
M29-076	AS12	Gold mining	1-Precinct	Howard		
M29-077	AS12	Gold mining	1-Precinct	Howard		
M29-078	AS12	Gold mining	1-Precinct	Howard		
M29-079	AS12	Gold mining	1-Precinct	Howard		
M29-080	AS12	Gold mining	1-Precinct	Howard		
M29-081	AS12	Gold mining	1-Precinct	Howard		
M29-082	AS12	Historic-domestic	1-Precinct	Howard		
M29-083	AS12	Gold mining	1-Precinct	Howard		
M29-084	AS12	Gold mining	1-Precinct	Howard		
M29-085	AS12	Transport-communication	1-Precinct	Howard		
M29-086	AS12	Gold mining	1-Precinct	Howard		
M29-087	AS12	Gold mining	1-Precinct	Howard		
M29-088	AS12	Historic-domestic	1-Precinct	Howard		
M29-089	AS12	Gold mining	1-Precinct	Howard		
M29-090	AS12	Gold mining	1-Precinct	Howard		
M30-003	AW10	Working area	4b-unknown			
M30-005	AW09	Gold mining	3-DOC			
M30-006	AW09	Forestry	3-DOC			Yes
M30-008	AY08	Gold mining	3-DOC			
M30-009	AW08	Gold mining	3-DOC			
M30-010	AY10	Gold mining	3-DOC			
M30-011	AX08	Gold mining	3-DOC			
N24-001	AA14	Midden/Oven	3-DOC			
N24-002	AA14	Midden/Oven	3-DOC			
N24-003	AA15	Midden/Oven	3-DOC			
N24-004	AA16	Working area	3-DOC			
N24-005	AA16	Shipwreck	3-DOC			
N24-006	AA17	Shipwreck	3-DOC			
N24-007	AA17	Working area	3-DOC			
N24-008	AB18	Midden/Oven	3-DOC			
N24-009	AB18	Working area	3-DOC			
N25-003	AE17	Midden/Oven	3-DOC			
N25-004	AF15	Midden/Oven	2a-Site (assessed)			
N25-006	AF15	Midden/Oven	2b-Site (not assessed)			
N25-007	AF16	Midden/Oven	1-Precinct	Pohara		
N25-008	AF16	Cave/rockshelter	1-Precinct	Pohara		
N25-009	AE17	Midden/Oven	2b-Site (not assessed)			
N25-011	AF17	Pit/Terrace	2b-Site (not assessed)			
N25-012	AE17	Pit/Terrace	2b-Site (not assessed)			
N25-013	AE17	Pit/Terrace	2a-Site (assessed)			
N25-014	AE17	Pit/Terrace	2b-Site (not assessed)			
N25-016	AF16	Midden/Oven	1-Precinct	Pohara		
N25-017	AF16	Midden/Oven	1-Precinct	Pohara		
N25-019	AF17	Pit/Terrace	2b-Site (not assessed)			
N25-020	AF16	Midden/Oven	2a-Site (assessed)			
N25-021	AF16	Burial-cemetery	2a-Site (assessed)			Yes
N25-022	AF16	Midden/Oven	2b-Site (not assessed)			
N25-024	AF17	Pit/Terrace	1-Precinct	Tata Beach		

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N25-026	AF17	Pit/Terrace	1-Precinct	Ligar Bay		
N25-027	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-028	AF16	Pit/Terrace	2a-Site (assessed)			Yes
N25-029	AF16	Pit/Terrace	2a-Site (assessed)			Yes
N25-030	AF16	Midden/Oven	2b-Site (not assessed)			
N25-031	AF16	Pit/Terrace	2b-Site (not assessed)			
N25-033	AF16	Pit/Terrace	2b-Site (not assessed)			
N25-034	AF16	Pit/Terrace	2a-Site (assessed)			Yes
N25-035	AE15	Defensive-Pa	2a-Site (assessed)			
N25-036	AE15	Midden/Oven	1-Precinct	Rangihaeata		Yes
N25-037	AE14	Midden/Oven	2b-Site (not assessed)			
N25-038	AE15	Midden/Oven	2b-Site (not assessed)			
N25-039	AE14	Midden/Oven	2a-Site (assessed)			
N25-040	AE14	Cave/rockshelter	2a-Site (assessed)			
N25-041	AF15	Midden/Oven	2a-Site (assessed)			
N25-045	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-046	AF17	Midden/Oven	2a-Site (assessed)			Yes
N25-047	AF17	Midden/Oven	2b-Site (not assessed)			
N25-048	AE17	Pit/Terrace	3-DOC			
N25-049	AE17	Pit/Terrace	3-DOC			
N25-050	AE17	Defensive-Pa	3-DOC			Yes
N25-052	AF16	Midden/Oven	2b-Site (not assessed)			
N25-053	AF18	Pit/Terrace	3-DOC			
N25-054	AE18	Midden/Oven	3-DOC			
N25-055	AE18	Pit/Terrace	3-DOC			
N25-056	AE18	Pit/Terrace	3-DOC			
N25-057	AF18	Artefact find	3-DOC			
N25-058	AF18	Pit/Terrace	3-DOC			
N25-059	AE18	Midden/Oven	3-DOC			Yes
N25-060	AF18	Pit/Terrace	1-Precinct	Totaranui		
N25-061	AF18	Midden/Oven	1-Precinct	Totaranui		
N25-062	AE18	Pit/Terrace	3-DOC			
N25-063	AE18	Pit/Terrace	3-DOC			
N25-065	AE17	Artefact find	3-DOC			
N25-066	AE18	Defensive-Pa	3-DOC			
N25-067	AE18	Pit/Terrace	3-DOC			
N25-068	AF17	Midden/Oven	1-Precinct	Tata Beach		
N25-069	AE15	Midden/Oven	1-Precinct	Rangihaeata		
N25-070	AF18	Pit/Terrace	3-DOC			
N25-071	AF18	Artefact find	1-Precinct	Totaranui		
N25-072	AE15	Art	2b-Site (not assessed)			
N25-076	AF17	Cement-lime works	3-DOC			
N25-077	AF16	Historic-domestic	2a-Site (assessed)			
N25-078	AF16	Coal mining	1-Precinct	Motupipi		
N25-079	AF16	Midden/Oven	1-Precinct	Motupipi		
N25-080	AF16	Midden/Oven	1-Precinct	Motupipi		
N25-081	AF16	Midden/Oven	2a-Site (assessed)			
N25-082	AF16	Pit/Terrace	1-Precinct	Motupipi		
N25-083	AF17	Midden/Oven	1-Precinct	Tata Beach		
N25-084	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-085	AF16	Midden/Oven	1-Precinct	Pohara		
N25-086	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-087	AF16	Cement-lime works	1-Precinct	Motupipi		
N25-088	AF16	Midden/Oven	1-Precinct	Motupipi		
N25-089	AF16	Historic-domestic	2a-Site (assessed)			Yes
N25-090	AE15	Midden/Oven	2b-Site (not assessed)			
N25-091	AF16	Midden/Oven	2b-Site (not assessed)			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N25-092	AF16	Midden/Oven	1-Precinct	Pohara		
N25-094	AF16	Midden/Oven	1-Precinct	Pohara		
N25-095	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-096	AF16	Burial-cemetery	1-Precinct	Pohara		
N25-097	AF16	Midden/Oven	2b-Site (not assessed)			
N25-098	AE14	Midden/Oven	2a-Site (assessed)			
N25-099	AF16	Artefact find	1-Precinct	Pohara		
N25-103	AF16	Midden/Oven	1-Precinct	Motupipi		
N25-105	AE15	Artefact find	1-Precinct	Rangihaeata		
N25-106	AF16	Burial-cemetery	1-Precinct	Pohara		
N25-107	AF15	Midden/Oven	2a-Site (assessed)			
N25-108	AF17	Midden/Oven	1-Precinct	Ligar Bay		
N25-113	AE15	Midden/Oven	1-Precinct	Rangihaeata		
N25-114	AE15	Midden/Oven	1-Precinct	Rangihaeata		
N25-115	AF15	Burial-cemetery	2b-Site (not assessed)			
N25-118	AF16	Midden/Oven	1-Precinct	Pohara		
N26-002	AI17	Pit/Terrace	4b-unknown			
N26-003	AI17		4b-unknown			
N26-004	AF16	Pit/Terrace	2a-Site (assessed)			
N26-005	AF16	Pit/Terrace	2b-Site (not assessed)			
N26-006	AI18	Historic-domestic	3-DOC			
N26-007	AF19	Midden/Oven	4b-unknown			
N26-009	AF19	Defensive-Pa	3-DOC			
N26-010	AF19	Pit/Terrace	3-DOC			
N26-011	AF19	Defensive-Pa	3-DOC			
N26-012	AF19	Pit/Terrace	3-DOC			
N26-013	AF19	Pit/Terrace	3-DOC			
N26-014	AF19	Midden/Oven	3-DOC			
N26-015	AG19	Midden/Oven	3-DOC			
N26-016	AG19	Midden/Oven	3-DOC			Yes
N26-018	AF19	Working area	1-Precinct	Awaroa		
N26-019	AG19	Midden/Oven	2a-Site (assessed)			
N26-020	AG19	Burial-cemetery	3-DOC			
N26-021	AG19	Defensive-Pa	2a-Site (assessed)			Yes
N26-022	AH19	Midden/Oven	3-DOC			
N26-023	AG19	Traditional site	4b-unknown			
N26-024	AH19	Working area	1-Precinct	Te Pukatea		
N26-025	AH19	Midden/Oven	1-Precinct	Te Pukatea		
N26-026	AG19	Midden/Oven	2b-Site (not assessed)			
N26-027	AH19	Unclassified	3-DOC			
N26-028	AH19	Pit/Terrace	3-DOC			
N26-029	AH19	Historic-domestic	3-DOC			
N26-030	AG19	Cave/rockshelter	3-DOC			
N26-031	AH18	Maori horticulture	4b-unknown			
N26-033	AH18	Midden/Oven	4b-unknown			
N26-034	AH18	Pit/Terrace	3-DOC			
N26-035	AH18	Burial-cemetery	3-DOC			
N26-036	AH18	Burial-cemetery	1-Precinct	Marahau		
N26-037	AH18	Working area	1-Precinct	Marahau		
N26-038	AH18	Midden/Oven	1-Precinct	Marahau		
N26-039	AH18	Midden/Oven	1-Precinct	Marahau		
N26-040	AH18	Working area	1-Precinct	Marahau		
N26-041	AH18	Artefact find	1-Precinct	Marahau		
N26-042	AH18	Artefact find	1-Precinct	Marahau		
N26-043	AH18	Maori horticulture	1-Precinct	Marahau		
N26-044	AH18	Defensive-Pa	2a-Site (assessed)			Yes
N26-045	AH18	Artefact find	3-DOC			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N26-046	AH18	Artefact find	3-DOC			
N26-047	AH18	Artefact find	3-DOC			
N26-048	AH18	Artefact find	3-DOC			
N26-049	AH18	Artefact find	3-DOC			
N26-050	AH18	Midden/Oven	3-DOC			
N26-051	AH18	Pit/Terrace	3-DOC		Yes	Yes
N26-053	AH18	Pit/Terrace	3-DOC			Yes
N26-054	AI18	Pit/Terrace	2b-Site (not assessed)			
N26-055	AI18	Source site	2b-Site (not assessed)			
N26-056	AI18	Pit/Terrace	2a-Site (assessed)			Yes
N26-058	AI18	Defensive-Pa	2a-Site (assessed)		Yes	Yes
N26-059	AH18	Defensive-Pa	3-DOC			Yes
N26-060	AH19	Pit/Terrace	3-DOC			
N26-061	AH19	Midden/Oven	3-DOC			
N26-063	AI16	Pit/Terrace	3-DOC			
N26-065	AI17	Maori horticulture	4b-unknown			
N26-070	AI17	Pit/Terrace	2b-Site (not assessed)			
N26-071	AI17	Pit/Terrace	2b-Site (not assessed)			
N26-072	AI17	Pit/Terrace	4b-unknown			
N26-073	AI17	Pit/Terrace	4b-unknown			
N26-078	AI18	Midden/Oven	3-DOC			Yes
N26-079	AI18	Burial-cemetery	1-Precinct	Kaiteriteri		
N26-080	AJ18	Maori horticulture	4b-unknown			
N26-083	AI18	Defensive-Pa	1-Precinct	Kaiteriteri	Yes	
N26-084	AI18	Artefact find	1-Precinct	Kaiteriteri		
N26-085	AI18	Midden/Oven	1-Precinct	Kaiteriteri		
N26-086	AI18	Artefact find	1-Precinct	Kaiteriteri		
N26-087	AI18	Artefact find	1-Precinct	Kaiteriteri		
N26-088	AI18	Midden/Oven	1-Precinct	Little Kaiteriteri	Yes	
N26-089	AI18	Midden/Oven	1-Precinct	Little Kaiteriteri		
N26-090	AI18	Artefact find	1-Precinct	Little Kaiteriteri		
N26-091	AI18	Artefact find	1-Precinct	Little Kaiteriteri		
N26-092	AI18	Midden/Oven	4b-unknown			
N26-093	AF18	Pit/Terrace	4b-unknown			
N26-094	AI18	Defensive-Pa	1-Precinct	Stephens Bay		
N26-095	AI18	Pit/Terrace	1-Precinct	Stephens Bay		
N26-096	AI18	Maori horticulture	1-Precinct	Stephens Bay		
N26-097	AI18	Midden/Oven	1-Precinct	Stephens Bay		
N26-098	AI18	Artefact find	1-Precinct	Stephens Bay		
N26-099	AI18	Midden/Oven	2b-Site (not assessed)			
N26-103	AI18	Pit/Terrace	3-DOC			
N26-104	AI18	Pit/Terrace	2a-Site (assessed)			
N26-105	AI18	Burial-cemetery	1-Precinct	Goodalls Island		
N26-109	AI18	Midden/Oven	4b-unknown			
N26-114	AI18	Maori horticulture	4b-unknown			
N26-115	AI18	Maori horticulture	4b-unknown			
N26-116	AI18	Maori horticulture	4b-unknown			
N26-118	AI18	Maori horticulture	4b-unknown			
N26-119	AI18	Midden/Oven	4b-unknown			
N26-120	AI18	Maori horticulture	4b-unknown			
N26-121	AI18	Maori horticulture	4b-unknown			
N26-122	AI18	Maori horticulture	4b-unknown			
N26-123	AI18	Maori horticulture	4b-unknown			
N26-124	AI18	Maori horticulture	4b-unknown			
N26-125	AI18	Working area	2b-Site (not assessed)			
N26-126	AI18	Midden/Oven	4b-unknown			
N26-128	AI18	Midden/Oven	2a-Site (assessed)			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N26-133	AI18	Maori horticulture	4b-unknown			
N26-134	AI18	Maori horticulture	4b-unknown			
N26-135	AI18	Maori horticulture	4b-unknown			
N26-136	AI18	Midden/Oven	1-Precinct	Goodalls Island		
N26-137	AI18	Midden/Oven	1-Precinct	Goodalls Island		
N26-141	AI18	Maori horticulture	4b-unknown			
N26-142	AI18	Maori horticulture	4b-unknown			
N26-143	AI18	Maori horticulture	4b-unknown			
N26-148	AI18	Pit/Terrace	2a-Site (assessed)			Yes
N26-151	AJ18	Midden/Oven	2b-Site (not assessed)			
N26-160	AJ18	Maori horticulture	4b-unknown			
N26-162	AI18	Working area	4b-unknown			
N26-164	AJ18	Working area	2b-Site (not assessed)			
N26-165	AJ18	Maori horticulture	4b-unknown			
N26-166	AJ18	Maori horticulture	4b-unknown			
N26-167	AJ18	Maori horticulture	4b-unknown			
N26-168	AJ18	Maori horticulture	4b-unknown			
N26-170	AJ18	Maori horticulture	4b-unknown			
N26-171	AJ18	Maori horticulture	4b-unknown			
N26-173	AH19	Pit/Terrace	3-DOC			
N26-174	AH19	Artefact find	3-DOC			
N26-175	AH19	Artefact find	1-Precinct	Te Pukatea		
N26-176	AH19	Pit/Terrace	1-Precinct	Te Pukatea		
N26-177	AH19	Pit/Terrace	1-Precinct	Te Pukatea		
N26-178	AG19	Pit/Terrace	3-DOC			
N26-179	AG19	Pit/Terrace	3-DOC			
N26-180	AG19	Pit/Terrace	3-DOC			
N26-181	AF19	Midden/Oven	4b-unknown			
N26-182	AF19	Midden/Oven	1-Precinct	Awaroa		
N26-183	AF19	Pit/Terrace	3-DOC			Yes
N26-184	AI18	Maori horticulture	4b-unknown			
N26-185	AF19	Midden/Oven	3-DOC			
N26-186	AG19	Pit/Terrace	3-DOC			
N26-190	AI17	Forestry	2b-Site (not assessed)			
N26-191	AH18	Artefact find	1-Precinct	Marahau		
N26-192	AG19	Pit/Terrace	3-DOC			Yes
N26-193	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-194	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-195	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-196	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-197	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-198	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-199	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-200	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-201	AH17	Pit/Terrace	2b-Site (not assessed)			
N26-202	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-203	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-204	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-205	AH18		2b-Site (not assessed)			
N26-206	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-207	AH18	Defensive-Pa	2b-Site (not assessed)			
N26-208	AH18	Pit/Terrace	2b-Site (not assessed)			
N26-209	AF19	Historic-domestic	3-DOC			
N26-210	AF16		3-DOC			
N26-211	AH18	Gold mining	3-DOC			
N26-212	AI18	Midden/Oven	2a-Site (assessed)			
N26-213	AI18	Midden/Oven	2a-Site (assessed)			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N26-214	AI18	Fishing	2b-Site (not assessed)			
N26-216	AI18	Midden/Oven	1-Precinct	Goodalls Island		
N26-217	AI18	Working area	1-Precinct	Goodalls Island		
N26-218	AI18	Midden/Oven	1-Precinct	Goodalls Island		
N26-219	AI18	Midden/Oven	2b-Site (not assessed)			
N26-220	AI18		2b-Site (not assessed)			
N26-221	AI18	Midden/Oven	3-DOC			
N26-222	AI18	Midden/Oven	3-DOC			
N26-223	AI18	Maori horticulture	2b-Site (not assessed)			
N26-226	AF19	Educational	3-DOC			
N26-227	AF19	Pit/Terrace	1-Precinct	Awaroa		
N26-228	AI18		2b-Site (not assessed)			
N26-230	AI18		3-DOC			
N26-231	AI18	Midden/Oven	1-Precinct	Kaiteriteri		
N26-232	AI18	Artefact find	1-Precinct	Kaiteriteri		
N26-233	AI18	Midden/Oven	1-Precinct	Kaiteriteri		
N26-234	AI18	Midden/Oven	2b-Site (not assessed)			
N26-235	AH18	Midden/Oven	2b-Site (not assessed)			
N26-236	AH18	Midden/Oven	2a-Site (assessed)			
N26-237	AH18	Midden/Oven	2b-Site (not assessed)			
N26-238	AH18	Midden/Oven	1-Precinct	Marahau		
N26-239	AH18	Agricultural-pastoral	1-Precinct	Marahau		
N26-240	AH18	Working area	1-Precinct	Marahau		
N26-241	AH18	Midden/Oven	1-Precinct	Marahau		
N26-242	AH18	Midden/Oven	1-Precinct	Marahau		
N26-243	AH18	Artefact find	1-Precinct	Marahau		
N26-244	AH18	Artefact find	1-Precinct	Marahau		
N26-251	AI18	Midden/Oven	1-Precinct	Kaiteriteri		
N26-252	AJ18	Unclassified	4b-unknown			
N27-001	AK16	Working area	4b-unknown			
N27-002	AL15	Pit/Terrace	4b-unknown			
N27-006	AK15	Working area	2b-Site (not assessed)			
N27-007	AK16	Working area	2b-Site (not assessed)			
N27-010	AK16	Midden/Oven	4b-unknown			
N27-011	AK16	Working area	4b-unknown			
N27-015	AL15	Working area	2b-Site (not assessed)			
N27-023	AK16	Midden/Oven	4b-unknown			
N27-025	AK16	Midden/Oven	2b-Site (not assessed)			
N27-032	AK16	Midden/Oven	2b-Site (not assessed)			
N27-033	AK16	Midden/Oven	4b-unknown			
N27-036	AK16	Midden/Oven	4b-unknown			
N27-038	AL15	Working area	2b-Site (not assessed)			
N27-044	AJ16	Midden/Oven	3-DOC			
N27-049	AL17	Pit/Terrace	4b-unknown			
N27-053	AL20	Artefact find	1-Precinct	Mapua		
N27-054	AK18	Midden/Oven	4b-unknown			
N27-055	AJ19	Midden/Oven	4b-unknown			
N27-056	AJ19	Midden/Oven	4b-unknown			
N27-057	AJ19	Midden/Oven	4b-unknown			
N27-058	AJ19	Midden/Oven	4b-unknown			
N27-059	AK18	Midden/Oven	4b-unknown			
N27-060	AJ19	Midden/Oven	4b-unknown			
N27-061	AJ19	Midden/Oven	4b-unknown			
N27-062	AJ19	Midden/Oven	4b-unknown			
N27-063	AJ19	Midden/Oven	4b-unknown			
N27-064	AJ19	Midden/Oven	4b-unknown			
N27-065	AJ19	Midden/Oven	4b-unknown			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N27-066	AJ18	Midden/Oven	4b-unknown			
N27-067	AK19	Midden/Oven	1-Precinctp	Kina		
N27-068	AK19	Midden/Oven	1-Precinct	Kina		
N27-069	AK18	Midden/Oven	1-Precinct	Kina	Yes	
N27-070	AK18	Midden/Oven	2b-Site (not assessed)			
N27-071	AK18	Midden/Oven	2b-Site (not assessed)			
N27-073	AK19	Defensive-Pa	4b-unknown			
N27-074	AK19	Defensive-Pa	2a-Site (assessed)		Yes	Yes
N27-075	AK19	Midden/Oven	4b-unknown			
N27-078	AL19	Midden/Oven	2b-Site (not assessed)			
N27-081	AL20	Midden/Oven	2b-Site (not assessed)			
N27-082	AL19	Midden/Oven	2b-Site (not assessed)			
N27-085	AL20	Burial-cemetery	4b-unknown			
N27-086	AL20	Midden/Oven	4b-unknown			
N27-087	AL20	Midden/Oven	1-Precinct	Mapua	Yes	
N27-088	AL20	Midden/Oven	1-Precinct	Mapua		
N27-089	AL20	Maori horticulture	1-Precinct	Mapua		
N27-090	AL20	Midden/Oven	1-Precinct	Mapua		
N27-091	AL20	Artefact find	1-Precinct	Mapua		
N27-092	AL20	Burial-cemetery	1-Precinct	Mapua		
N27-093	AL20	Midden/Oven	1-Precinct	Mapua	Yes	
N27-095	AJ18	Midden/Oven	4b-unknown			
N27-100	AJ18	Maori horticulture	4b-unknown			
N27-101	AL20	Midden/Oven	2a-Site (assessed)		Yes	
N27-102	AL20	Midden/Oven	2a-Site (assessed)		Yes	
N27-107	AJ19	Midden/Oven	4b-unknown			
N27-108	AJ19	Working area	4b-unknown			
N27-109	AJ19	Midden/Oven	4b-unknown			
N27-110	AJ19	Midden/Oven	4b-unknown			
N27-113	AL15	Working area	2b-Site (not assessed)			
N27-114	AL15	Working area	2b-Site (not assessed)			
N27-118	AM20	Defensive-Pa	2a-Site (assessed)			Yes
N27-122	AM20	Maori horticulture	4b-unknown			
N27-123	AM20	Working area	2b-Site (not assessed)			
N27-125	AM15	Historic-domestic	2a-Site (assessed)			Yes
N27-126	AM15	Burial-cemetery	2a-Site (assessed)			Yes
N27-128	AL19	Midden/Oven	2a-Site (assessed)			
N27-130	AL19	Midden/Oven	2b-Site (not assessed)			
N27-131	AL20	Midden/Oven	2a-Site (assessed)		Yes	
N27-132	AL20	Midden/Oven	4b-unknown			
N27-133	AM20	Maori horticulture	4b-unknown			
N27-134	AL21	Midden/Oven	2a-Site (assessed)		Yes	
N27-137	AL21	Midden/Oven	2a-Site (assessed)			
N27-138	AK15	Pit/Terrace	2a-Site (assessed)			
N27-139	AL21	Midden/Oven	1-Precinct	Bells Island		
N27-140	AL21	Midden/Oven	1-Precinct	Bells Island	Yes	
N27-141	AM21	Midden/Oven	2b-Site (not assessed)		Yes	
N27-142	AL20	Midden/Oven	4b-unknown			
N27-143	AL19	Midden/Oven	2b-Site (not assessed)		Yes	
N27-144	AL19	Midden/Oven	4b-unknown			
N27-150	AJ17	Burial-cemetery	2a-Site (assessed)			Yes
N27-151	AL15	Gold mining	4b-unknown			
N27-153	AM17	Industrial (unspecified)	4b-unknown			
N27-154	AK18	Artefact find	1-Precinct	Kina		
N27-156	AM20	Midden/Oven	2a-Site (assessed)			
N27-158	AM21	Midden/Oven	2a-Site (assessed)			
N27-160	AM21	Midden/Oven	2a-Site (assessed)			

CULTURAL HERITAGE SITES						
Site No.	Map No.	Site Type	Site Category	Precinct	Listing <sup>1</sup>	Highly Significant Site
N27-168	AJ19	Midden/Oven	4b-unknown			
N27-169	AK18	Transport-communication	2a-Site (assessed)			
N27-170	AK18	Midden/Oven	2a-Site (assessed)			
N27-172	AK18	Midden/Oven	2a-Site (assessed)			
N27-173	AK18	Midden/Oven	2b-Site (not assessed)			
N27-174	AJ19	Midden/Oven	2a-Site (assessed)			
N27-175	AJ19	Midden/Oven	2a-Site (assessed)			
N27-176	AJ19	Midden/Oven	2b-Site (not assessed)			
N28-002	AN21	Source site	4b-unknown			
N28-003	AO21	Source site	2a-Site (assessed)			Yes
N28-004	AO21	Source site	2a-Site (assessed)			Yes
N28-005	AO21	Source site	2a-Site (assessed)			Yes
N28-006	AO22	Working area	3-DOC			
N28-007	AO21	Working area	3-DOC			
N28-008	AO20	Working area	4b-unknown			
N28-009	AO20	Working area	4b-unknown			
N28-010	AO20	Working area	4b-unknown			
N28-011	AQ16	Commercial	2b-Site (not assessed)			
N28-012	AQ16	Commercial	2b-Site (not assessed)			
N28-013	AO15	Flax milling	4b-unknown			
N28-016	AO15	Midden/Oven	4b-unknown			
N28-018	AP16	Working area	4b-unknown			
N28-019	AN15	Working area	4b-unknown			
N28-020	AO16	Transport-communication	2a-Site (assessed)			Yes
N28-021	AQ16	Historic-domestic	2a-Site (assessed)			
N28-022	AO20	Chromite mining	3-DOC			
N28-023	AN22	Chromite mining	3-DOC			Yes
N28-025	AO22	Chromite mining	3-DOC			
N28-026	AN18	Industrial (unspecified)	2a-Site (assessed)			Yes
N28-027	AP16	Working area	4b-unknown			
N28-033	AP16	Midden/Oven	4b-unknown			
N29-002	AT16	Midden/Oven	3-DOC			
N29-003	AT15	Artefact find	3-DOC			
N30-001	AV15	Burial-cemetery	3-DOC			
<b>Footnote:</b> <sup>1</sup> Means the site is on the New Zealand Heritage List of Wāhu Tapu, for Tasman District, under the Heritage New Zealand Pouhere Taonga Act 2014.						

**Schedule 16.13D: Criteria for the Assessment of Significance**

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These criteria have been applied to assess the significance of cultural heritage sites listed within Schedule 16.13C. Those sites considered to be highly significant are based on the criteria sourced from 'Heritage assessment of archaeological sites in the Tasman District', Karen Greig 2007.

<b>HERITAGE ASSESSMENT CRITERIA</b>	
1. Archaeological or other scientific value	Does the site contain archaeological or other scientific evidence that has the potential to contribute important information about the District's and/or New Zealand's past?
2. Cultural values	<p>The importance of the site to tangata whenua of Tasman District as a wāhi tapu or historic place in terms of the Heritage New Zealand Pouhere Taonga Act 2014. (Assess cultural values in terms of local iwi knowledge.)</p> <p>Does the site have strong or special associations with a significant cultural group for social, amenity, cultural, spiritual, symbolic or commemorative reasons?</p>
3. Historic values	<p>The extent to which the site is associated with important or representative aspects of the District's or the nation's history.</p> <p>Is the site associated with events, persons or ideas of importance to the District or the nation?</p> <p>The potential of the site to provide knowledge of the District's or the nation's history.</p> <p>The importance of the site in relation to early periods of New Zealand's settlement.</p>
4. Group values	The extent to which the site is associated with other cultural and/or natural features in the surrounding landscape that together contribute to a strong 'sense of place' and/or an important understanding of New Zealand's cultures or history.
5. Technological values	The potential of the site to provide knowledge about technology, technical accomplishment and landscape design.
6. Architectural values	The potential of the building or structure to provide knowledge about the region's or the nation's architecture.



# 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 6/23

C19 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, 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

	<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 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.

**17.1.2.4 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.
- C59 11/15  
Op 3/16
- 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.
- C73  
Op 6/23
- (h) There is no more than one dwelling per site.

### Outdoor Living Space

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

### Balcony or Deck

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

### Walls

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

### Building Envelope – Daylight Over and Around

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

C73  
Op 6/23

#### 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;

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

- (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).

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

### Wastewater Disposal

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

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

C5 3/06  
Op 10/10

### Stormwater

C7 7/07  
Op 10/10

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

**Access**

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

**Fences**

(zc) 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

**Reverse Sensitivity**

C75 9/22  
(D 6/23)

**(zd) In the Brightwater Development Area:**

C76 9/22

- (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 and Wakefield Development Areas 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

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

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.

**17.1.3.2 Controlled Activities (Building Construction — Standard Density Development)**

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  
(d 6/23)

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

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

C75 9/22  
(d 6/23)

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

C66 10/17  
Op 12/18

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, 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  
(d 6/23)

### Multiple Consents

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

### Dwellings on a Site

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

C5 3/06  
 Op 10/10

### Site Coverage

- (c) Maximum site coverage is 70 percent.

C59 11/15  
 Op 3/16

### Building Coverage

- (ca) Maximum building coverage is 50 percent.

### Stormwater – Richmond South and West Development Areas

- (d) The stormwater generated from an individual site or development approved as part of any subdivision after 11 March 2006 in the Richmond South Development Area and 6 October 2007 in the Richmond West Development Area must comply with condition 16.3.3.1(mc).

C10 10/07  
 Op 3/14  
 C66 10/17  
 Op 12/18

### Reverse Sensitivity

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

C75 9/22  
 (d 6/23)

### Internal Boundaries

- (e) Notwithstanding condition 17.1.3.3(g), all buildings are set back at least 2 metres from the road boundary, and no more than 5 metres, except that:
- (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.

C73  
 Op 6/23

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.
  - (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.

C73  
 Op 6/23

### 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
At least 20 square metres (except at Mapua and Motueka, 30 square metres) of contiguous private outdoor space which is capable of containing a 4-metre diameter circle within its shape.	<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

- (i) Outdoor living spaces are readily accessible or contiguous from a living area of the dwelling.
- (j) Outdoor living spaces are not obstructed by buildings, vehicular access, manoeuvring or parking areas, from the ground level upwards.
- (k) Outdoor living spaces are not located on the southern or eastern side of the dwelling.
- (l) Outdoor living spaces are designed in accordance with the Urban Design Guide (Part II, Appendix 2).

C5 3/06  
Op 10/10

C22 2/11  
Op 1/15

### Stormwater

C7 7/07  
Op 10/10

- (m) (i) EITHER
- All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage

network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

**A resource consent is required** and may include conditions on the following matters over which the Council has reserved its control: C5 3/06  
Op 10/10

(1) Consistency with the Urban Design Guide (Part II, Appendix 2) on the following matters: C10 10/07  
Op 3/14

- Allotment layout C22 2/11  
Op 1/15
- Dwelling size
- Street network
- Garaging and car parking
- On-site amenity
- Frontages
- Public open space

(2) Roading, traffic, vehicle access, parking, cycleways and walkways. C5 3/06  
Op 10/10

(3) Amenity effects arising from land development/modification.

(4) Provision of services.

(5) Financial contributions.

(6) Effective stormwater management including the use of Low Impact Design solutions. C7 7/07  
Op 10/10

(7) Earthworks. C5 3/06  
Op 10/10

(8) Landscaping.

(9) Vegetation removal, modification and/or planting.

(10) Natural hazards.

(11) Open space.

(12) For the Brightwater Development Area, management of reverse sensitivity effects on the state highway. C75 9/22  
(d 6/23)

C76 9/22

#### **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.

#### **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

- (i) (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.

### Residential Closed Zone

- (j) The site is not in the Residential Closed Zone at Ruby Bay. C22 2/11  
Op 1/15

### 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.
- (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

- (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. C20 8/10  
Op 8/12  
C69 6/19  
Op 6/20

### 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

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.

C75 9/22  
(d 6/23)

C76 9/22

**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  
(d 6/23)

C76 9/22

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.

**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**

C73  
Op 6/23

(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**

C66 10/17  
Op 12/18

(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.

- (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)**  
(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.

C66 10/17  
Op 12/18**(11A) Reverse Sensitivity**

In relation to the Brightwater Development Area, whether the location and design of new or altered dwellings have appropriately addressed noise and vibration from the state highway.

C75 9/22  
(D 6/23)**Miscellaneous**

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

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

C66 10/17  
Op 12/18

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

**Location**

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

**Dwellings on a Site**

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

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

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

**Site Coverage**

C66 10/17  
Op 12/18

(d) The maximum site coverage is 70 percent.

**Building Coverage**

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

**Fences**

C73  
(D 9//22)

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

**Outdoor Living Space**

(eb) Each dwelling complies with the following requirements:

<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>	<u>(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).</u> <u>(ii) 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 for the purposes of promoting public safety and visual amenity. C20 8/10  
Op 8/12

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  
C22 2/11  
Op 1/15  
C43 4/13  
Op 1/15  
C75 9/22  
(d 6/23)  
C76 9/22

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, Mapua and Mapua Special development areas is subject to the requirements of the Urban Design Guide (Part II, Appendix 2). In the Brightwater and Wakefield Development Area, development is to take into account the management of noise received from the state highway. Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Brightwater Development Area applies. This responds to the objectives and policies in the TRMP 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 Brightwater and 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.

**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 Tahi and Iwa streets, there is also a need to minimise the number of dwellings exposed to coastal hazard risk so second dwellings are not permitted there.

**Richmond Intensive Development Area**C66 10/17  
Op 12/18

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

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

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

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

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

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

**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.*

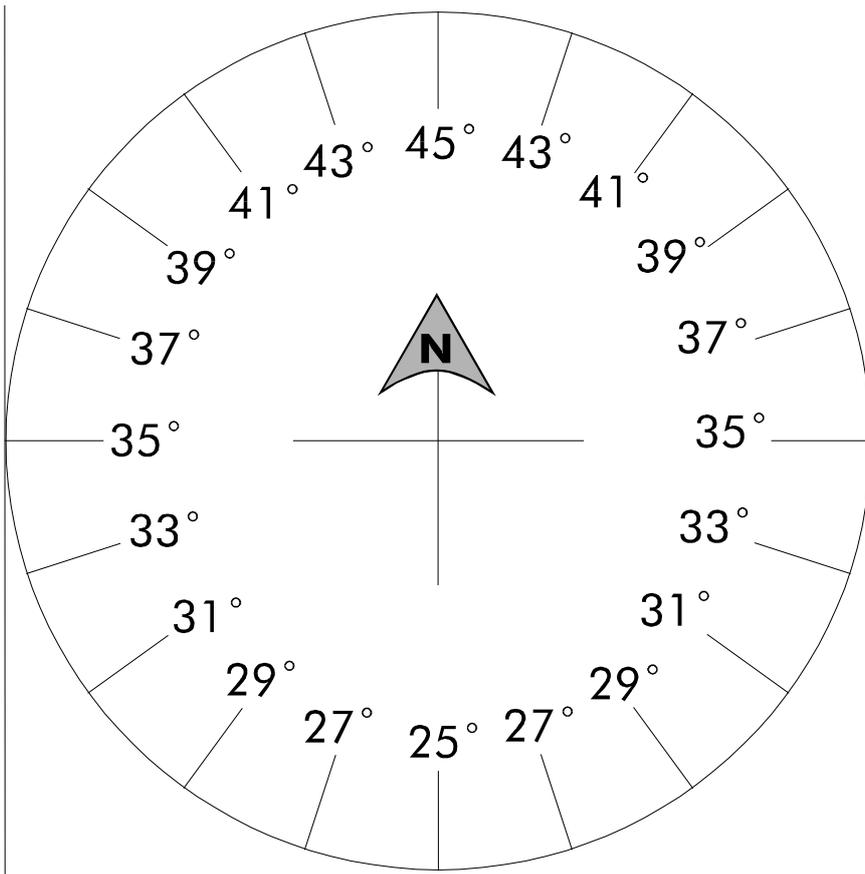
The angle of inclination over the site for daylight control planes is determined separately for each boundary of the site using the elevation calculator in the diagram below, in the following manner:

- (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.

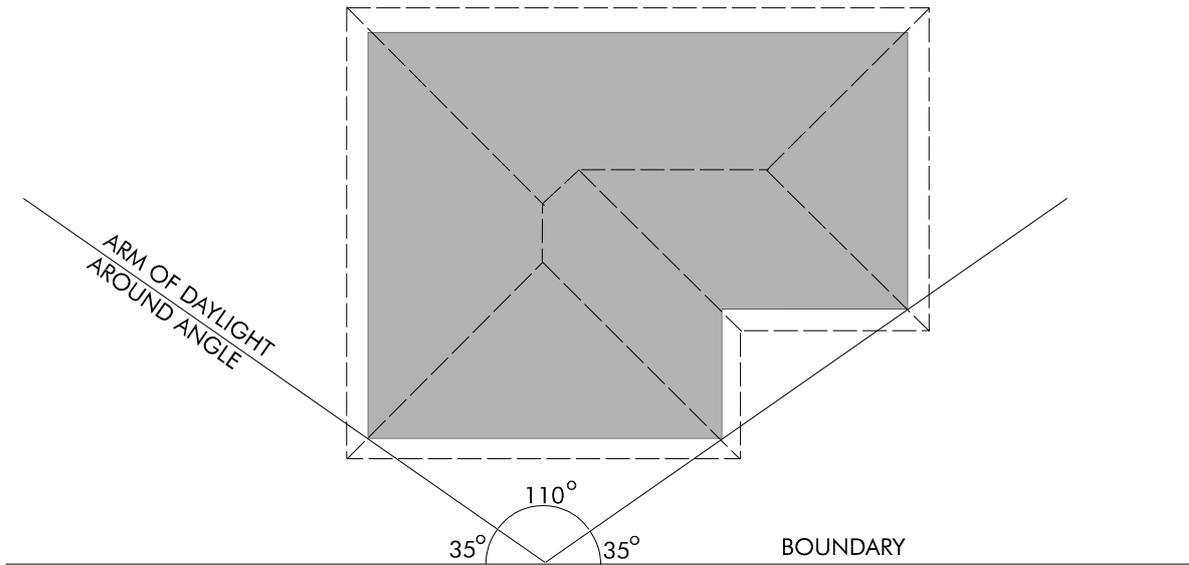
In the example below, the daylight control angle elevation for the western boundary of the site is 35 degrees.

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

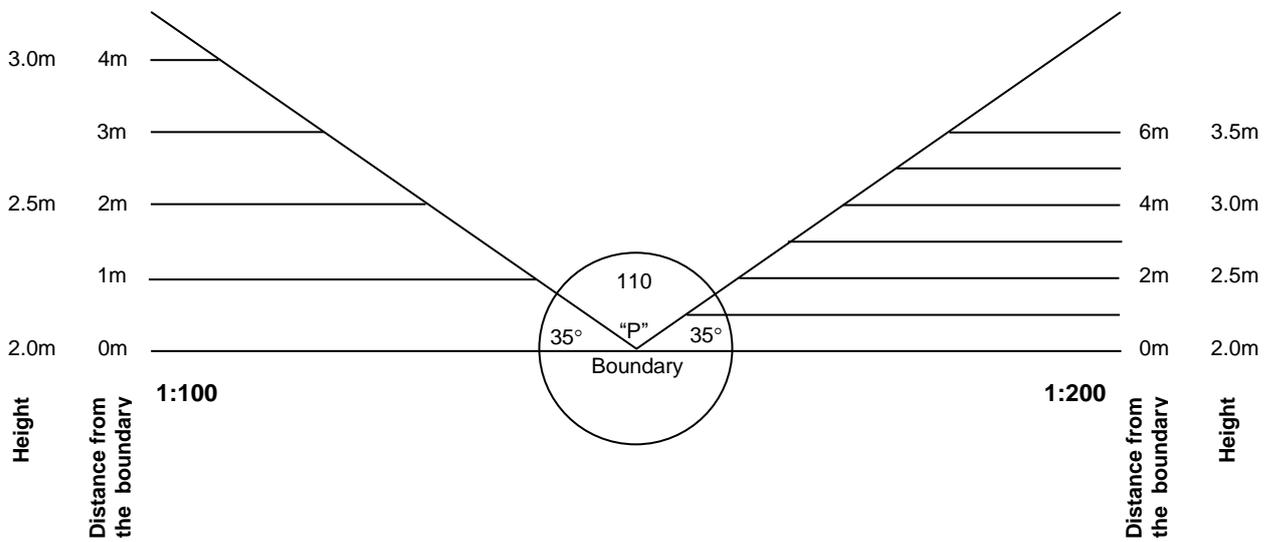
**Daylight Admission Angle Diagram**



**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]

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### Subdivision Conditions

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

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

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

*Refer to condition 17.1.2.1(p).*

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

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## 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:

	Day	Night	
$L_{eq}$	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:

	Day	Night	
$L_{eq}$	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;

**17.2.3.2 Restricted Discretionary Activities (Land Use – Tourist Services Zone, Salisbury Road – Access)**

- (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:

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#### 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.

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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.

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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:
- (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.

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**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

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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.

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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:

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- (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.

C73  
Op 6/23**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.

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

- (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).

**Site Specific Activity - Three Brothers Corner Commercial Zone**C49 3/14  
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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.

**Site Specific Activity – Richmond North Commercial Zone**C62 3/16  
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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. **C62 3/16  
Op 10/17**
- (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.

## 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.

C22 2/11  
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 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.

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

### 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. 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.

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

## 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.

C22 2/11  
Op 1/15

## 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.

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

## 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.

C49 3/14  
Op 8/14

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.

C62 3/16  
Op 10/17

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.

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

## SCHEDULES

C49 4/13  
Op 8/14

### 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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Op 8/14

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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Op 8/14

### 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:
- (a) One tree every 10 metres, or
  - (b) 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.

C49 4/13 Op 8/14  
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### Building Setbacks

- (10) Any building is set back:
- (a) At least 4 metres from boundaries in an adjoining Residential Zone;
  - (b) At least 2 metres from the road reserve of Gladstone Road
  - (c) At least 2 metres from the road reserve of Bateup Road (as at 27 April 2013);
  - (d) At least 4 metres from the boundary of Eastern Hills Drain (boundary of Lot 181 DP 18529 and Lot 1 DP 18998);
  - (e) 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:
- (a) 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**

C62 3/16  
Op 10/17

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.

C62 3/16  
Op 10/17

### 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

C62 3/16  
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

- (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:
- (a) 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
  - (b) 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
Griselinea littoralis	Griselinea	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.

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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.

### **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**

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- (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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- (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.
- (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.

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Op 6/19C68 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:

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- (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

C10 10/07  
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.

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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.
- (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.

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

- (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.

- (d) 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.

C73  
Op 6/23

**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**

C10 10/07  
Op 3/14

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

## 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) 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.

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

Any land use that does not comply with permitted condition (j) of rule 17.4.2.1 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**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 and 17.4.2.2 is a discretionary activity, if it complies with the following conditions: C10 10/07  
Op 3/14

- (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:

- (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:
- (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 C10 10/07  
Op 3/14  
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  
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.

C7 7/07  
Op 10/10

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**C10 10/07  
Op 3/14

- (t) Except in the Light Industrial Zone location at Beach Road as shown on the planning maps, the site is landscaped comprising:
- (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.

<b>17.4.3.2 Controlled Activities (Building Construction or Alteration - Light Industrial Zone at Brightwater: Specified Sites)</b>
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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. C19 5/10 Op 8/12  
C57 11/15 Op 12/18

**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: C57 11/15  
Op 12/18
  - (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.

#### **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.

**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.

- (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.
- [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;

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

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: <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> that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume. <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)	Any dwelling or habitable building is set back at least: <p>(i) 30 metres from any internal boundary, except where: <p>(a) the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced; or</p> <p>(b) the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres; or</p> <p>(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.</p> <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></p>	C60 1/16 Op 6/19
(f)	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
(g)	There is adequate area on site for effluent disposal for each dwelling.	
(h)	The dwelling complies with condition (f) [Height] in rule 17.5.3.1.	
(i)	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.	C73 Op 6/23

### Workers’ Accommodation

(j)	All buildings which are part of workers’ accommodation are relocatable.	
(k)	The site of the workers’ accommodation has a minimum area of 12 hectares.	
(ka)	The site is not part of a cooperative living activity.	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:

C10 10/07  
Op 3/14  
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.

- (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.

**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 9/16

C60 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).  |                     |

<b>17.5.3.3</b>	<b>Restricted Discretionary Activities (Building Construction, Alteration, or Use)</b>	C60 1/16 Op 6/19
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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: <ul style="list-style-type: none"> <li>(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</li> <li>(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”.</li> </ul> | C60 1/16 &<br>V2-C60 7/18<br>Op 6/19 |
| (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

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

**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<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-   |                     |

**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<br>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<br>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<br>Op 6/19  |
| (4)  | In the Richmond West Development Area:   | C10 10/07<br>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.

<b>17.5.4.2 Restricted Discretionary Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)</b>
--

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

C3 12/03

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

- (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**

- (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.

**17.5.5.4 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

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.

C50 4/13  
Op 8/14

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.

**The next page starts on 17/129**



## 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  
Op 8/14  
C70 8/19  
Op 1/21
- (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  
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.
- (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 6/23

C60 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:

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

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

### Dwellings

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

- (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:

- (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.

*[Conditions (d) is merged with condition (c)]*

### Workers’ Accommodation

- (e) Any building that is constructed or used is not part of any workers’ accommodation.

C60 1/16  
Op 6/19

### Sleepout

- (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.

### Height

- (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.

### Setbacks

- (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

*(Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements)*

- (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<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)  | 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).  |                     |

<b>17.6.3.3 Controlled Activities (Building Construction, Alteration, or Use – Site Specific Development: Ngarua Caves)</b>
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C19 5/10 Op 8/12
C60 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.

<b>17.6.3.4 Restricted Discretionary Activities (Building Construction, Alteration, or Use)</b>
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C60 1/16 Op 6/19
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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 &<br>V2-C60 7/18<br>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<br>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<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.
- (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]

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## 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	<b>C19 5/10 Op 8/12</b>
$L_{max}$		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  
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  
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  
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- (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)**

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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 &  
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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  
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- (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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C34 3/12  
Op 4/13  
C60 1/16 &  
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C19 5/10  
Op 8/12  
C34 3/12  
Op 4/13

C60 1/16 &  
Op 6/19

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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  
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- (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  
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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 &  
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**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  
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- (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.

**17.7.4.2 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 17.7.4.1 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.

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### **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 <u>in Mangles Valley, Murchison, and</u> 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>(d 6/23) |
| (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  
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  
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  
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  
Op 10/10  
C60 1/16  
Op 6/19  
C60 1/16  
Op 6/19
- Note:** 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  
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  
Op 8/12  
C77 9/22  
(d 6/23)
- (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 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  
(d 6/23)

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 ~~both~~ the lines are critical to the Nelson electricity supply and the 220 kilovolt voltage of Line A.

## 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; C73  
Op 6/23
  - (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.

#### 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:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	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 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: 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 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 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.

**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  
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**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  
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	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 <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*.

### 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  
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C10 10/07  
Op 3/14

Except in regard to item (i) above:

- (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.

C73  
Op 6/23**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.

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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:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	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 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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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:
- (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.

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### Height

- (e) The height of buildings does not exceed 7.5 metres, subject to condition 16.6.2.1(k).

### Stormwater

C7 7/07  
Op 10/10

- (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)  
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### 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  
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- (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]

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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

**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*.

- (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*.

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- (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).

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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 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.

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*(Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements)*

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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.

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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 <sub>eq</sub>	55 dBA	40 dBA
L <sub>max</sub>		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

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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  
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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  
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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.

**17.14.2 Procedure for Removal of Deferral**

- (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:
- (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.
- (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 or Fire Sensitive Area where either exist.
- (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.

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C22 2/11 Op 1/15  
C10 10/07 Op 3/14  
C51 1/15 Op 9/16

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C73  
Op 6/23

*Note deleted as part of Plan Change 73.*

C10 10/07 Op 3/14  
C51 1/15 Op 9/16  
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**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.

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C51 1/15 Op 9/16

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

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 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 3/14C51 1/15  
Op 9/16

**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 Borck 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 Borck 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 Borck 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>

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.

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Op 9/16

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

**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 (served)
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 (served)
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 (served)
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 (served)
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 (served)

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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 Performance 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		Residential
Areas notated E (91 McShane Road) on the planning maps			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

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 (Borck 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 DP17670		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)

C51 1/15  
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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
Mapua Drive South	Rural 1 (in part)					Residential
166 Mapua Drive	Rural 1 (in part)	Reticulated water supply	30/9/21	Lot 2 DP 479544		Residential
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 (served)
29 Aranui Road (Lot 59, DP 17242), Mapua Special Development Area	Residential	Reticulated water supply, wastewater and stormwater services required				Residential (served) (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 19, 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 (served)
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

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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 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
<a href="#">Between Wanderers Avenue &amp; Lord Rutherford Road</a>	<a href="#">Rural 1</a>	<a href="#">Reticulated water supply</a>				<a href="#">Residential</a>	C57 11/15 Op 12/18 C75 9/22 (d 6/23)
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 DP456011		Light Industrial	C120A U69 7/22
East of River Terrace Road	Rural 1	Reticulated water supply	5/11/20	Lot 2 DP3453		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><a href="#">Brightwater Development Area (planning maps 22, 56, 90)</a></b>							
<a href="#">Between Lord Rutherford Road, Main Road Spring Grove (State Highway 6), and Pitfure Stream</a>	<a href="#">Rural 1</a>	<a href="#">Reticulated water supply.</a>  <a href="#">Stormwater and water supply required.</a>				<a href="#">Residential</a>	C75 9/22 (d 6/23) C75 9/22 (d 6/23)
<b><a href="#">Wakefield Development Area (planning maps 22, 58, 91)</a></b>							
<a href="#">Between Pitfure Road, Edward Street, and Higgins Road</a>	<a href="#">Rural 2</a>	<a href="#">Reticulated wastewater, stormwater, and water supply required</a>				<a href="#">Residential (serviced)</a>	C76 9/22 C76 9/22
<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
<a href="#">Higgins Road, Wakefield (Part Lot 1 DP 303114)</a>	<a href="#">Rural 2</a>	<a href="#">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.</a>				<a href="#">Rural Residential</a>	C65 10/17 Op 4/18 C76 9/22
<b>Other Settlements and Areas</b>							
Parts of Murchison	Rural 2	Stormwater service required				Residential (serviced)	
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	

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
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

C51 1/15  
 Op 9/16



# CHAPTER 18: SPECIAL AREA RULES

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## 18.1 SIGNIFICANT NATURAL AREAS

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*Refer to Policy sets 5.3, 7.2, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 10.1, 10.2, 10.3, 14.3.*

### 18.1.1 Scope of Section

This section deals with significant natural areas. Significant natural areas are shown on the planning maps. 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

### 18.1.2 Modification to Significant Natural Area

#### 18.1.2.1 Permitted Activities (Modification to Significant Natural Area)

**NOTE:** Rule 18.1.2.1 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.

The modification of a significant natural area listed in Schedule 18.1A is a permitted activity that may be undertaken without a resource consent, if it complies with either of the following conditions:

EITHER

(a) The modification is in accordance with the terms of a covenant or agreement made under the Queen Elizabeth the Second National Trust Act 1977, the Reserves Act 1977 or the Conservation Act 1987.

OR

(b) The modification is limited to the removal of dead standing timber for the owner's use.

#### 18.1.2.2 Discretionary Activities (Modification to Significant Natural Area)

Any modification of a significant natural area that does not comply with either of the conditions of rule 18.1.2.1 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 following criteria as well as other provisions of the Plan and the Act:

- (1) The nature, form and extent of the proposed activity and its effect on the natural values of the site.
- (2) The necessity for the activity, and any alternative methods and locations available to the applicants for carrying out the work or activities.
- (3) The impact the proposal has on the integrity or habitat value of the site.
- (4) The purpose of any proposed activity, and whether there is sufficient time and expertise to record the sites to be modified.

## **18.1.20 Principal Reasons for Rules**

### **Restoration of Significant Natural Areas**

Restoration of Significant Natural Areas, including fencing, pest and weed control is considered to be environmentally beneficial if the appropriate species are used. Natural heritage features are vulnerable to land clearance, excavation, earthworks, access by stock and the presence of pest species, and require protection from these activities.

### **Destruction or Removal of Vegetation or Natural Features**

Destruction or removal of vegetation or natural features in a Significant Natural Area by earthworks, clearance or burning can threaten habitat values and can have significant effects on natural character. The extent of change can be managed through the resource consent process. The removal of a small amount of dead wood for the owner's use should have little environmental effect.

## SCHEDULES

### Schedule 18.1A: Significant Natural Areas

*Refer to Section 18.1.2.1*

**Note:**

1. “Site No.” refers to the number allocated to the symbol on the planning map.
2. “Ref. No.” refers to record sheets held by Council.

SIGNIFICANT NATURAL AREAS						
Site No.	Ref. No.	Area Name	Valuation No.	Area	Value	Area Map No.
1		Hamama Road/State Highway 60	1870017205		Totara forest	50
2		Dry Road, Whanganui Inlet	1860008701		Coastal forest	4
3		Kina Peninsula Road	1928045401	0.7 ha	Coastal forest	85
4	M29/67	Harley Creek	1918029700	50 ha	Red/silver beech forest	30
5	N29/10	Beeby's Knob	1925061903	15 ha	Upland silver/red beech forest on mountain slopes.	31
6	N29/6	Black Valley Stream	1918039202	1.5 ha	Riparian vegetation of silver/red beech forest, mixed broadleaf forest.	94
7	A2	Dry Road, Whanganui Inlet (Lavery/Loveridge covenant)	1860008704	1 ha	Coastal forest	4
8	A7	Pohara Valley Cliffs (Courtney and Millar covenant)	1871006509A	3 ha	Coastal forest	77
9	A17	Takaka Hill (Harwood covenants)	1870032500 1870034000B 1931020200A		Limestone karst vegetation	14
10	B18	Kaiteriteri-Sandy Bay Road (Stanbridge covenant)	1926001820	50.7 ha	Wetland	82, 83
11	C15	Eves Valley, north-east of scenic reserve	1939021500 1939021600	20 ha	Beech, titoki, tawa	56
12	A34	Livingston Road	1939023600 1939023800 1939024000	1.4 ha	Forest remnant	90
13	A35	Wai-iti River (Conway covenant)	1939024800	1 ha	Forest remnant	90
14	M29/14	Green Duck Creek	1918006803	60 ha	Intact upland red/silver beech hillslope forest. Sandstone bluff communities. Important habitat for falcon, kaka, kakariki.	34
15	A46	Upper Buller Gorge (Frost covenant)	1915001300	200 ha	Beech/podocarp	24, 33
16	L29/1	Fern Flat	1915002001	15 ha	Lowland red/silver beech forest on high terrace; good quality kahikatea swamp forest.	24, 33
17	A25	Motueka Valley Road (Loughrey and Corcoran)	1928054801 1928054413	1.5 ha	Forest remnant	17
18	A26	Motueka Valley Road (Emmaus Farm)	1928054405 1928054412 1928054413	3.17 ha	Forest remnant	17
19	A16	East Takaka Road (Westerink covenant)	1870022905	1.79 ha	Forest remnant	14
20	A12	Rameka Creek	1817043601		Forest remnant	50
21	N27/1	Waimea Inlet, north-west of Redwood Road	1938087401 1938087205		Estuarine habitat	54
22	A45	Hiwipango (Palmer covenant)	1937065100	7.6523 ha	Kahikatea/beech forest	27
23	A41	Pig Valley	1937065000 1937065001 1937065004	12.9 ha	Forest remnants	28
24	A18	Marahau (Opie covenant)	1931007611	1.3389 ha	Wetland/forest	82



## 18.2 LANDSCAPE PRIORITY AREAS

*Refer to Policy sets 6.7, 7.2, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 14.3*

### 18.2.1 Scope of Section

This section deals with land uses in the Landscape Priority Areas as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (19.2.11).

**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

### 18.2.2 Land Use

#### 18.2.2.1 Permitted Activities (Land Use)

**NOTE:** Rule 18.2.2.1 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 the construction of a new building.
- (b) The activity is an extension to an existing building that does not increase the ground floor area (as at 25 May 1996) by more than 50 percent.
- (c) Buildings on the specifically marked area on the planning map on the area of land located at 200 Speargrass Road, St Arnaud (Pt Section 72 Block XVI Howard Survey District) are exempted from conditions (a) and (b) of this rule and are a permitted activity subject to Rural 2 Zone provisions.

### 18.2.3 Buildings

#### 18.2.3.1 Controlled Activities (Buildings)

Construction of or extension to a building within the St Arnaud and Takaka Hill Landscape Priority Areas that does not comply with the conditions of rule 18.2.2.1 is a controlled activity.

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

- (1) The effects of the location, design and appearance of the building including its scale, appearance, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
  - (a) natural features;
  - (b) indigenous vegetation and forest.

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

### Non-Notification

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

## 18.2.4 Destruction or Removal of Indigenous Forest

### 18.2.4.1 Permitted Activities (Destruction or Removal of Indigenous Forest)

**NOTE:** Rule 18.2.4.1 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.

The destruction or removal of indigenous forest in the St Arnaud Landscape Priority Area is a permitted activity, if it complies with the following conditions:

- (a) The area of indigenous forest to be removed or destroyed does not exceed that required for a building site and access.

**Advice Note:** Regulation 13 of the NES-PF allows rule 18.2.4.1 to apply.

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

The destruction or removal of indigenous forest in the St Arnaud Landscape Priority Area that does not comply with the conditions in rule 18.2.4.1 is a restricted discretionary activity.

**A resource consent is required.** The Council has restricted its discretion to the following matters:

- (1) The extent to which forest destruction is necessary to enable the site to be used.
- (2) The extent to which the site is visible from a public road or place.
- (3) The extent and quality of proposed landscape planting.

## 18.2.5 Plantation Forestry

### 18.2.5.1 Controlled Activities (Plantation Forestry)

**NOTE:** Rule 18.2.5.1 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.

Plantation forestry on area of land located at 200 Speargrass Road (Sections 72 and 74 Block XVI Howard SD) within the St Arnaud Landscape Priority Area and shown on the planning maps is a controlled activity, if it complies with the following conditions:

- (a) A management plan is prepared to show location of trees and planting pattern.

**Advice Note:** Regulation 13 of the NES-PF allows rule 18.2.5.1 to apply.

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

- (1) The location of trees including on ridgelines, and choice of tree species.
- (2) The potential for plantation trees to spread into adjoining indigenous vegetation and forest.
- (3) The effect on views from public roads and tracks.

#### **18.2.5.2 Restricted Discretionary Activities (Plantation Forestry)**

Plantation forestry that takes place in the St Arnaud and Takaka Hill Landscape Priority Areas except on area of land located at 200 Speargrass Road, St Arnaud (Sections 72 and 74 Block XVI Howard Survey District) 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 scale and shape of the forest, planting pattern and the compatibility with the topography of the site.
- (2) The effect on the view from public roads and open spaces.
- (3) Planting and retention of indigenous vegetation to ameliorate future harvesting effects and maintain the integrity of waterways.
- (4) Duration and timing of reviews of conditions.
- (5) Financial contributions, bonds and covenants.

### **18.2.20 Principal Reasons for Rules**

#### **Buildings**

Buildings should be designed and constructed sensitively to avoid degrading the scenic and natural values of special landscapes, such as at St Arnaud and on the Takaka Hill. A small area on the Takaka Hill has been excluded from the Landscape Priority Area. The area contains a long established quarry which has existing use rights. A 20-metre wide buffer strip of Landscape Priority Area has been retained between the area of existing use and the edge of State Highway 60. This buffer area cannot be built on or quarried without consent.

#### **Indigenous Forest**

The indigenous forest at St Arnaud blends the township and its environs with the Nelson Lakes National Park. It is also an important biological and visual link between Big Bush and the National Park.

#### **Plantation Forestry**

Plantation forestry should be done sensitively and in a way that complements and blends in with the landscape rather than being highly visible and dominating it. While there has been a history of plantation forestry in the Upper Buller Valley, most of this has not been highly visible. Planting on ridgetops can create an unnatural sawtooth effect and may also result in windblown seed affecting other sites, some of which have special natural values.



## 18.3 GROUNDWATER RECHARGE PROTECTION AREA

*Refer to Policy sets 5.1, 5.5, 7.1, 7.2, 7.3, 7.4.*

### 18.3.1 Scope of Section

This section deals with land uses in the Groundwater Recharge Protection Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

### 18.3.2 Plantation Forestry

#### 18.3.2.1 Permitted Activities (Plantation Forestry Replanting)

**NOTE:** Rule 18.3.2.1 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.

Plantation forestry that results from the replanting of existing forest, using evergreen trees or a combination of evergreen trees and deciduous trees, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The area planted does not exceed the area of existing forest in either the same or another location within the Groundwater Recharge Protection Area.
- (b) Where any area of plantation forest existing as at 3 November 2001 ceases at any time to be plantation forest, that area may be subsequently replanted to become plantation forest.

**Advice Note:** Conditions (a) and (b) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

#### 18.3.2.2 Permitted Activities (New Plantation Forestry)

**NOTE:** Rule 18.3.2.2 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.

Plantation forestry, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not result from the replanting of existing forest, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Not more than 20 percent of the area of land contained within any record of title existing as at 3 November 2001 may be in plantation forest at any time, notwithstanding any subdivision of any such record of title.
- (b) The owner or occupier of the land that is to be subject to plantation forestry shall supply to the Environment and Planning Manager of the Tasman District Council the following information within six months of planting:
  - (i) the ownership of the proposed plantation forest;
  - (ii) a map showing the location and area (in hectares) of the land to be planted;
  - (iii) a copy of the record of title or titles for the land to be planted.
- (c) Where only part of any record of title lies within the Groundwater Recharge Protection Area, this rule shall apply to that part as if it were a complete record of title.

**Advice Note:** Conditions (a) to (c) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

### 18.3.2.3 Restricted Discretionary Activities (Plantation Forestry)

Plantation forestry, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not comply with the permitted conditions of rules 18.3.2.1 or 18.3.2.2 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 Council has restricted its discretion:

- (1) The likely significance of effects of the proposed plantation on the water yield from the affected catchments.
- (2) The timing, density and location of planting, species of tree, silvicultural and harvesting regimes.
- (3) Measures to ensure the proposed plantation forest does not reduce the water yield from affected catchments, or adversely affect values of the water body or security of supply for other water users, including through the provision of dams or alternative water supplies.
- (4) The nature and scale of benefits arising from the establishment of indigenous plantations.
- (5) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 18.3.2.0 Principal Reasons for Rules

The rules provide for restrictions on plantation forestry in the Groundwater Recharge Protection Area because the further plantation forestry in the Area will adversely affect recharge rates (the amount of rainwater percolating into the deep Moutere aquifers) and thus affect the sustainable yield of the groundwater resource. The effect of reduced recharge will be felt by existing groundwater users and will also limit future taking from the groundwater resource. The rules reflect Council policy aims to balance the opportunities of land users in the Groundwater Recharge Protection Area and in the Moutere Coastal, Eastern, Southern and Western Groundwater zones of the Moutere Groundwater Management Plan.

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## 18.4 SURFACE WATER YIELD PROTECTION AREA

*Refer to Policy sets 5.1, 5.5, 7.1, 7.2, 7.3, 7.4.*

### 18.4.1 Scope of Section

This section deals with the establishment of new plantation forestry in the Surface Water Yield Protection Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.8*).

### 18.4.2 Plantation Forestry

#### 18.4.2.1 Permitted Activities (Existing Plantation Forestry)

**NOTE:** Rule 18.4.2.1 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.

Plantation forestry in the Surface Water Yield Protection Area that results from the replanting of existing forest, using evergreen trees or a combination of evergreen trees and deciduous trees, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The area to be planted does not exceed the area of forest that existed as at 3 November 2001 in the same location within the Surface Water Yield Protection Area.
- (b) Where any area of plantation forest existing as at 3 November 2001 ceases at any time to be plantation forest, that area may be subsequently replanted to become plantation forest.

**Advice Note:** Conditions (a) and (b) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

#### 18.4.2.2 Permitted Activities (New Plantation Forestry)

**NOTE:** Rule 18.4.2.2 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.

Plantation forestry in the Surface Water Yield Protection Area, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not result from the replanting of existing forest, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Not more than 20 percent of the area of land contained within any record of title existing as at 3 November 2001 may be in plantation forestry at any time, notwithstanding any subdivision of any such record of title.
- (b) The owner or occupier of the land that is to be subject to plantation forestry shall supply to the Environment and Planning Manager of the Tasman District Council the following information within six months of planting:
  - (i) the ownership of the proposed plantation forest;
  - (ii) a map showing the location and area (in hectares) of the land to be planted;
  - (iii) a copy of the record of title or titles for the land to be planted.
- (c) Where only part of any record of title lies within the Surface Water Yield Protection Area, this rule shall apply to that part as if it were a complete record of title.

**Advice Note:** Conditions (a) to (c) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

### 18.4.2.3 Restricted Discretionary Activities (New Plantation Forestry)

Plantation forestry, using evergreen trees or a combination of evergreen and deciduous trees, that does not comply with the permitted conditions of rules 18.4.2.1 or 18.4.2.2 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 Council has reserved its discretion:

- (1) The likely significance of effects of the proposed plantation on the water yield from the affected catchments.
- (2) The timing, density and location of planting, species of tree, silvicultural and harvesting regimes.
- (3) Measures to ensure the proposed plantation forest does not reduce the water yield from affected catchments, or adversely affect values of the water body and security of supply for other water users, including through the provision of dams or alternative water supplies.
- (4) The nature and scale of benefits arising from the establishment of indigenous plantations.
- (5) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 18.4.20 Principal Reasons for Rules

The rules provide for restrictions on plantation forestry in the Surface Water Yield Protection Area because the further plantation forestry in the Area will adversely affect water runoff and thus affect the sustainable yield of the surface water resource. The rules reflect the Council's policy aims to balance the opportunities of land users affected by restrictions on forestry as well as land users dependent on access to water. Where water has been fully or over allocated for abstraction purposes, the Council is also aware of the threats to the life-supporting capacity of water.

People taking water for irrigation, industrial or other uses have made a significant investment in land crops, buildings and equipment. There is an expectation that their existing security of supply will be maintained by the Council. The afforestation will decrease security of supply and increase the frequency of rationing, as well as further compromise instream values. These effects of plantation forest are greatest in the Moutere Gravel derived, low rainfall areas of the District. The extent of the effects and level of regulation of further afforestation to mitigate these effects varies according to existing land uses and forest cover, existing abstractive water uses, and nature and significance of any instream values in affected water bodies.

Rules restricting water takes in Part V of this Plan complement the above rules and maintain sustainable water use.

The most at-risk catchments are Upper Wai-iti, Pigeon Valley, Quail Valley, Dove (above the granite), Eighty Eight Valley, Pretty Bridge Valley, O'Connors Creek, Trass Valley, Moutere Inlet Streams, Redwood Valley, Upper Moutere, Waimea Inlet Stream, Hoult Stream, Blackbird, Neudorf and Gardiner Valleys, Central Road streams, and Teapot Valley.

Of these areas, Hoult, Trass, Teapot and Pigeon valleys have already had plantation forest established on over 70 percent of the area, and additional forest is likely to have less significant impact on low flows. Some of the streams would normally dry up in a dry year anyway and there is very minimal abstractive use of the water and minimal instream values in these streams. They include Eves Valley, Redwood Valley, O'Connors Creek and Pretty Bridge Valley.

The remaining catchments have less plantation forest currently established, higher low flows that make a contribution to the Waimea River, or have more abstractive water use.

Plantation forestry in the Surface Water Yield Protection Area above 20 percent per title is a discretionary activity. This will enable Council to control the adverse effects of the forest on water yield in the catchments most at risk.

## 18.5 LAND DISTURBANCE AREAS

*Refer to Policy sets 9.1, 9.2, 12.1, 13.1*

### 18.5.1 Scope of Section

[18.6.1 Proposed]

#### Proposed as at 1 November 2008

This section deals with land uses in Land Disturbance Area 1 and Land Disturbance Area 2. Land Disturbance Area 1 comprises all dry land in Tasman District outside Land Disturbance Area 2. Dry land excludes the coastal marine area and the beds of rivers and lakes. Land Disturbance Area 2 is shown on the planning maps and also covers only dry land. Where any part of Land Disturbance Area 2 is also subject to the Slope Instability Risk Area, then in respect of any earthwork, only rules 18.12.3.1, 18.12.3.2 and 18.12.3.3 are applicable and rules 18.5.3.2 and 18.5.3.3 do not apply.

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Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.9, 19.2.10 and 19.2.18*).

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may apply to some land disturbance activities. The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and impose additional standards, matters for assessment and criteria.

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

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## 18.5.2 Land Disturbance Area 1

### 18.5.2.1 Permitted Activities (Land Disturbance)

**NOTE:** Rule 18.5.2.1 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.

The destruction or removal of vegetation, soil disturbance, or earthworks is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

#### All Land Disturbance

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
  - (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) All disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rules 36.2.2.3 and 36.2.2.6.

#### Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include, but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts, and water tables to prevent scour, gullyng or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.
- (d) The destruction or removal of vegetation or soil disturbance by rootraking takes place only on land with a predominant slope less than 25 degrees from horizontal.
- (e) The destruction or removal of vegetation or soil disturbance by blading takes place only on land with a predominant slope less than 25 degrees from horizontal or is for the sole purpose of maintaining a track or firebreak.
- (f) The activity does not destroy or remove vegetation or earthworks that were established for the purpose of soil conservation by or with subsidy from the Council or any former authority.

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

- (g) No destruction or removal of indigenous vegetation is undertaken within:
- (i) 15 metres of the bed of any river or stream greater than 3 metres average bed width except where it is:
    - (a) up to 20 metres along the margin of the river or stream in connection with earthworks permitted under condition (h); or
    - (b) incidental to the removal of any exotic tree or other exotic plant; or
    - (c) in association with the maintenance of any overhead utility service line;
  - (ii) 15 metres of the bed of any lake;
  - (iii) 20 metres of the coastal marine area adjacent to the Whanganui Inlet.

**Advice Note:** Clause (g)(iii) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.

#### **Earthworks**

- (h) No earthworks involving the placement or removal of soil or debris are undertaken within:
- (i) 50 metres of the coastal marine area adjacent to the Whanganui Inlet;
- Advice Note:** Clause (h)(i) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.
- (ii) 10 metres of the bed of any lake.
- (i) In the Richmond West Development Area, no earthworks are undertaken within 20 metres of the centreline of the electricity transmission lines shown on the planning maps that:
- (i) are not set back from a pole or stay wire of an overhead line by:
    - (a) 2.2 metres if greater in depth than 300 millimetres, or
    - (b) 5.0 metres if greater in depth than 750 millimetres;
  - (ii) create an unstable batter;
  - (iii) raise the ground level so as to reduce the vertical distance from the ground to the transmission line by:

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- |     |   |                                    |
|-----|---|------------------------------------|
|     | <ul style="list-style-type: none"> <li>(a) less than 6.5 metres vertically</li> <li>(b) 3 metres in any direction other than vertical.</li> </ul>   | <b>C10 10/07</b><br><b>Op 3/14</b> |
| (j) | <p>In the Richmond East Development Area, no earthworks are undertaken within 32 metres of the centreline of the electricity transmission lines shown on the planning maps that:</p> <ul style="list-style-type: none"> <li>(i) are not set back from a pole or stay wire of an overhead line by:               <ul style="list-style-type: none"> <li>(a) 2.2 metres if greater in depth than 300 millimetres; or</li> <li>(b) 5.0 metres if greater in depth than 750 millimetres; or</li> </ul> </li> <li>(ii) are at a greater depth than 300 millimetres within 6 metres of the outer visible edge of a tower support structure; or</li> <li>(iii) are at a greater depth than 3 metres between 6 metres and 12 metres of the outer visible edge of a tower support structure; or</li> <li>(iv) create an unstable batter; or</li> <li>(v) raise the ground level so as to reduce the vertical distance from the ground to the transmission line.</li> </ul> <p><b>Exceptions:</b></p> <ul style="list-style-type: none"> <li>(1) Earthworks undertaken by network utility operators.</li> <li>(2) Clauses (i)(a) and (b) of this condition do not apply to vertical holes unless they exceed 500 millimetres in diameter, within 1.5 metres of a pole.</li> <li>(3) Normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.</li> </ul> | <b>C 20 8/10</b><br><b>Op 8/12</b> |

**Advice Note:** Conditions (i) and (j) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

- (k) No earthworks involving the placement or removal of soil or debris is undertaken:
- (i) on land with a predominant slope of less than 20 degrees from horizontal that is within 10 metres of any bed of a river or stream greater than 3 metres average bed width; or
  - (ii) on land with a predominant slope of 20 degrees or more from horizontal that is within 20 metres of any bed of a river or stream greater than 3 metres average bed width;
- except where it is for:
- (iii) the formation, construction, reconstruction, or removal of any road, track, firebreak, fence line, survey line, or utility service line for the sole purpose of crossing the river or stream; or
  - (iv) the maintenance of any existing linear facility specified in (iii) above.

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|-----|--|-----------------|
| (l) | No earthworks are undertaken within 200 metres of the coastal marine area, that is: <ul style="list-style-type: none"> <li>(i) more than 1000 square metres in area, within any 12-month period; and</li> <li>either</li> <li>(ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or</li> <li>(iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.</li> </ul> | <b>C3 12/03</b> |
| (m) | No earthworks are undertaken within 200 metres of the coastal marine area that changes by excavation or deposition the height of any ridgeline or cliffline identified on the planning maps.   |                 |

**Advice Note:** Conditions (l) and (m) prevail over the NES-PF because they are more stringent under regulation 6(1)(b) and 6(2)(a) NES-PF.

- (n) Earthworks, where the amount of material excavated is greater than 50 cubic metres, and extending below the water table, are not undertaken:
  - (i) within 20 metres of the bank of any river or stream; and
  - (ii) within 20 metres of the toe of any stopbank; and
  - (iii) within any flood plain.

### Quarrying

- (o) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

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

### Cultivation

- (p) Any cultivation is carried out predominantly on the contour.

### Recontouring

- (q) Any cut batter, excavation, or infilling associated with recontouring of land is no more than 1 metre in height or depth and is no more than 1 hectare, within any 12-month period, except that:
  - (i) there is no filling below the 4.6 metre contour in the Rural 1 Closed Zone and the Rural 1 Coastal Zone, both at Mapua and at the Tourist Services Zone at Mapua;
  - (ii) there is no filling in the Residential Closed Zone at Ruby Bay and the Residential Coastal Zone at Iwa Street, Mapua;
  - (iii) there is no filling in the Residential Coastal Zone at Tahi Street other than to create a building platform area; and
  - (iv) it is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated on the planning maps.

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### Road, Track, Firebreak, Landing, Fence Line, Survey Line, or Utility Service Line

- (r) Where the activity is for the formation, construction or reconstruction of any road, track or firebreak on any area of land that is to be served by the road, track or firebreak, linear disturbance is less than 100 metres per hectare and the predominant slope of the land is less than 35 degrees from horizontal.
- (s) Where the activity is associated with the formation, construction, reconstruction, or maintenance of any road, track, firebreak, landing, fence line, survey line or utility service line:
  - (i) formation surfaces with an inwards cross-fall are drained by a watertable;
  - (ii) cut-offs or culverts are constructed or installed so as to prevent scour, gullyng or other erosion of the formed or constructed surface;
  - (iii) cut batters are excavated to a height and a cut slope that avoids batter failure;
  - (iv) fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal;
  - (v) areas of fill intended to carry loads are compacted;

- (vi) trenches excavated for the purpose of installing utility service lines are backfilled and compacted, and is open for no more than 24 hours;
  - (vii) fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure;
  - (viii) spoil is disposed of by endhauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.
- (t) Any earthworks for the installation or maintenance of a utility service line are no more than 0.6 metres in width.
- (u) Maintenance of any road, track or firebreak retains substantially the same grade and width.

#### **Flood Hazard**

- (v) The activity does not raise the level of any land to a point where it results or may result in the damming or diversion of floodwaters (except for the maintenance of any stopbank).
- (w) The activity does not lower the level of any land to a point where it results in the land becoming subject to flooding.

#### **Archaeological Sites**

- (x) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Advice Note:** Condition (x) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

### **18.5.2.2 Controlled Activities (Land Disturbance)**

Any land disturbance for the formation, construction or reconstruction of any road, track or firebreak is a controlled activity, if it complies with the following conditions:

- (a) On any area of land that is to be served by the road, track or firebreak:
- (i) linear disturbance is less than 100 metres per hectare where the predominant slope of the land is greater than 35 degrees from horizontal;
  - (ii) linear disturbance is between 100 and 320 metres per hectare where the predominant slope of the land is between 25 and 35 degrees from horizontal.

#### **Vegetation, Soil or Debris Disturbance**

- (b) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
- (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (c) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (d) All areas of bare ground created by the disturbance are protected from soil erosion, by revegetation or any other method of protection, as soon as practicable and in no case later than 12 months from the date of disturbance.

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

- (1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
- (2) The disposal and stabilisation of waste material or fill.
- (3) Loss of or damage to soil.
- (4) Damage to riparian vegetation or soil.
- (5) Damage to animal or plant communities or habitats in water bodies or coastal water.
- (6) Effects of the activity on river or stream flows.
- (7) Sedimentation effects on subsurface streams or caves in karst.
- (8) Damage to any structures.
- (9) The visual effects of the activity.
- (10) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (11) Damage to any natural habitat or feature.
- (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).

#### **Non-Notification**

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

### **18.5.2.3 Controlled Activities (Recontouring of Land)**

Recontouring of land that does not comply with the conditions of rule 18.5.2.1 is a controlled activity, if it complies with the following conditions:

- (a) Conditions (b) and (d) in rule 18.5.2.2.

- (b) It is not within the Coastal Risk Area or in the Residential Coastal Zone at Iwa Street, Mapua. C22 2/11  
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- (c) It is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated 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) Matters (1) to (13) in rule 18.5.2.2.
- (2) Effects on groundwater and flood plain stability.

#### **Non-Notification**

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

#### **18.5.2.4 Restricted Discretionary Activities (Quarrying)**

Quarrying for gravel from berm land located between the stopbanks of the Waimea River or between the stopbanks of the Motueka River is a restricted discretionary activity, if it complies with the following conditions:

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
- (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (c) Topsoil and subsoil are stripped and stockpiled separately.
- (d) Traffic, vehicles or machinery do not travel over stockpiles.
- (e) Topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

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

- (1) Matters (1) to (13) in rule 18.5.2.2.

- (2) The extent, timing and duration of bare ground.
- (3) The depth and area of excavation and effects on groundwater.
- (4) Restoration of the site, including ground levels and planting.
- (5) The machinery to be used and manner of excavation.
- (6) The method of storage and replacement of topsoil, including methods to minimise compaction management and placement of stockpiles and spreading to minimise compaction.
- (7) The method of storage and replacement of subsoil, including management of stockpiles.
- (8) Types and quantity of introduced fill.
- (9) Measures to ensure both surface and subsurface drainage is satisfactory for the site in question.
- (10) Establishment and management of appropriate vegetation to ensure optimal rehabilitation.
- (11) Measures to avoid or remedy damage caused by floods or inundation.
- (12) Measures to avoid or mitigate adverse effects on adjacent land or water uses, including limiting hours of operation and measures to control noise, dust and traffic.
- (13) Public access.
- (14) Effects on groundwater and flood plain stability.

### **18.5.2.5 Restricted Discretionary Activities (Land Disturbance)**

Any land disturbance that does not comply with the permitted conditions of rule 18.5.2.1 or with the controlled conditions of rules 18.5.2.2 and 18.5.2.3 is a restricted discretionary activity, if it complies with the following conditions:

#### **Vegetation, Soil or Debris Disturbance**

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
  - (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;

- (iv) any other measures appropriate to the nature and scale of the land disturbance.

### Quarrying

- (c) In the case of quarrying:
- (i) topsoil and subsoil are stripped and stockpiled separately;
  - (ii) traffic, vehicles or machinery do not travel over stockpiles;
  - (iii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

### Earthworks within the Electricity Transmission Corridor

- (d) In the Richmond West and Richmond East development areas, the extent to which earthworks:
- (i) comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP:34 2001);
  - (ii) 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.

C10 10/07 Op 3/14  
C20 8/10 Op 8/12

C10 10/07  
Op 3/14

**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:

### All Activities

- (1) The extent, timing, and duration of bare ground.
- (2) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
- (3) The re-establishment of vegetation cover.
- (4) The disposal and stabilisation of waste material or fill.
- (5) Loss of or damage to soil.
- (6) Damage to riparian vegetation or soil.
- (7) Damage to animal or plant communities or habitats in water bodies or coastal water.
- (8) Effects of the activity on river or stream flows.
- (9) Sedimentation effects on subsurface streams or caves in karst.
- (10) The potential for slope instability.
- (11) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (12) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (13) Damage to any natural habitat or feature.
- (14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (15) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**Additional Matters for Land Disturbance Associated with Quarrying**

- (16) The depth and area of excavation and effects on groundwater.
- (17) Restoration of the site, including ground levels and planting.
- (18) The machinery to be used and manner of excavation.
- (19) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.
- (20) Types and quantities of introduced fill.
- (21) Measures to ensure both surface and subsurface drainage is at least as good as that prior to mining or recontouring.
- (22) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.
- (23) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.
- (24) Likely difficulty in avoiding adverse impact on the land’s actual and potential productivity and versatility.
- (25) The potential for increased hazard at the site or on adjacent land.
- (26) Measures to avoid or mitigate adverse effects on adjacent land uses, including limiting hours of operation and measures to control noise and dust.

**Additional Matters for Destruction or Removal of Indigenous Vegetation**

- (27) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.
- (28) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.
- (29) The contribution of the indigenous vegetation to the protection of other natural values.
- (30) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

<b>Proposed as at 1 November 2008</b>	
<b>Additional Matters for Earthworks within 200 metres of the Coastal Marine Area</b>	
(31)	Effects on the landscape character, natural character and amenity value of the locality, having regard to:
[(30) Proposed]	<ul style="list-style-type: none"> <li>(a) natural features and distinctive natural landforms;</li> <li>(b) landscape and seascape values;</li> <li>(c) significant natural values;</li> <li>(d) the nature of any existing development.</li> </ul>

C3 12/03

## 18.5.3 Land Disturbance Area 2

### 18.5.3.1 Permitted Activities (Destruction or Removal of Vegetation, or Soil Disturbance) [18.6.7 Proposed]

**Advice Note:** Rule 18.5.3.1 prevails over the NES-PF regulations 22-35, 50-61 and 72-75 because it is more stringent for land identified as Separation Point Granite soils under regulation 6(3)(a).

The destruction or removal of vegetation, soil disturbance or earthworks 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) any destruction or removal of vegetation by hand clearance or any chemical method;
  - (ii) any destruction or removal of vegetation by fire, on land, where the predominant slope is less than 20 degrees from horizontal;
  - (iii) any destruction or removal of vegetation or soil disturbance by cultivation, roller crushing, slash raking or cable hauling;
  - (iv) any destruction or removal of vegetation or soil disturbance by rostraking or blading where the predominant slope is less than 15 degrees from horizontal (except where blading is for the purpose of maintaining any track or firebreak).
- (b) The activity is for one of the following:
  - (i) the formation, construction, reconstruction or maintenance of any road, track, landing, firebreak, fence line, survey line or site works for any subdivision or building, where any cut batter or excavation has an average vertical height or depth of less than 0.5 metres;
  - (ii) any utility service line where any cut batter or excavation has an average vertical height or depth less than 0.6 metres;
  - (iii) any utility service line for the express purpose of crossing a road or right-of-way where any excavation has an average vertical depth of less than 1 metre;
  - (iv) any excavation of a hole that is less than 0.6 metres in width.

#### **Movement into Water**

- (c) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream.
- (d) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gulying or other erosion;

- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
- (iv) any other measures appropriate to the nature and scale of the land disturbance.

### Cultivation

- (e) Any cultivation is carried out predominantly on the contour.

### Flood Hazard

- (f) The activity does not raise the level of any land to a point where it results or may result in the damming or diversion of floodwaters (except for the maintenance of any stopbank).
- (g) The activity does not lower the level of any land to a point where it results in the land becoming subject to flooding.

### Destruction or Removal of Vegetation

- (h) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than twelve months from the date of disturbance.

### Destruction or Removal of Indigenous Vegetation

- (i) No destruction or removal of indigenous vegetation is undertaken within:
  - (i) 15 metres of the bed of any river or stream greater than 3 metres average bed width except where it is:
    - (a) up to 20 metres along the margin of the river or stream in connection with earthworks permitted under condition (c); or
    - (b) incidental to the removal of an exotic tree or other exotic plant; or
    - (c) in association with the maintenance of any overhead utility service line;
  - (ii) 15 metres of the bed of any lake.

**Proposed as at 20 December 2003**  
**Earthworks**

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- (j) No earthworks is undertaken within 200 metres of the coastal marine area, that is:
  - [(ia) Proposed] (i) more than 1000 square metres in area, within any 12-month period; and either
  - (ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or
  - (iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.

- (k) No earthworks is undertaken within 200 metres of the coastal marine area that changes
  - [(ib) Proposed] by excavation or deposition the height of any ridgeline or cliffline identified on the planning maps.

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**Advice Note:** Conditions (j) and (k) also prevail over NES-PF Regulation 14(3)(b) and Regulation 78(2)(c) because they are more stringent under Regulation 6(1)(b).

### Quarrying

- (m) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

### Road, Track, Landing, Firebreak, Fence Line, Survey Line

- (n) Maintenance of any road, track or firebreak retains substantially the same grade and width.
- (o) All formation surfaces with an inwards cross-fall are drained by a watertable.
- (p) Cut-offs or culverts are installed so as to prevent scour, gullyng or other erosion of the formed, constructed, reconstructed or maintained surface.

### Utility Service Line

- (q) Any trench excavated for a utility service line is backfilled and compacted, and is open for no more than 24 hours.

### Archaeological Sites

- (r) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Advice Note:** Condition (r) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

## 18.5.3.2 Controlled Activities (Earthworks)

[18.6.9 Proposed]

Subject to subsection 18.5.1, any earthwork involving any cut batter or excavation with an average vertical height or depth between 0.5 and 2 metres is a controlled activity, if it complies with the following conditions:

### Vegetation, Soil or Debris Disturbance

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream;
- (b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

### Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
- (iv) any other measures appropriate to the nature and scale of the land disturbance.

- (c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.

#### Road, Track, Landing, Firebreak, Fence Line or Survey Line

- (d) All formation surfaces with an inwards cross-fall are drained by a watertable.
- (e) Cut-offs or culverts are constructed or installed so as to prevent scour, gulying or other erosion of the formed, constructed, reconstructed or maintained surface.
- (f) Fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal.
- (g) All areas of fill intended to carry loads are compacted.
- (h) Fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure.
- (i) Spoil is disposed of by end-hauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.

#### Utility Service Line

- (j) Any trench excavated for the purpose of installing a utility service line is backfilled and compacted and is open for no more than 24 hours.

#### Proposed as at 1 November 2008 Earthworks

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- (k) No earthworks is undertaken within 200 metres of the coastal marine area, that is:
- [[ia)  
Proposed]
- (i) more than 1000 square metres in area within any 12-month period; and either
- (ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or
- (iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.
- (l) No earthworks is undertaken within 200 metres of the coastal marine area that changes
- [[ib)  
Proposed]
- by excavation or deposition the height of any ridgeline or cliffline identified 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, timing of construction, design and density of earthworks including roads, tracks or landings.
- (2) The disposal and stabilisation of waste material or fill.
- (3) Loss of or damage to soil.
- (4) Damage to riparian vegetation or soil.
- (5) Damage to animal or plant communities in water bodies or coastal water.
- (6) Effects of the activity on river or stream flows.

- (7) Damage to any structures.
- (8) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (9) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (10) Damage to any natural habitat or feature.
- (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, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **Non-Notification**

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

### **18.5.3.3 Restricted Discretionary Activities (Land Disturbance)**

[18.6.10 Proposed]

Subject to Scope of Section 18.5.1, any land disturbance that does not comply with the permitted conditions of rule 18.5.3.1 or the controlled conditions of rule 18.5.3.2 is a restricted discretionary activity, if it complies with the following conditions:

### **Vegetation, Soil or Debris Disturbance**

- (a) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream.
- (b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
- (iv) any other measures appropriate to the nature and scale of the land disturbance.

### **Quarrying**

- (c) In the case of quarrying:
  - (i) topsoil and subsoil are stripped and stockpiled separately;

- (ii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction;
- (iii) traffic, vehicles or machinery do not travel over stockpiles.

**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:

#### **All Activities**

- (1) Extent, timing and duration of bare ground.
- (2) Location, timing of construction, design and density of earthworks, including roads, tracks or landings.
- (3) Re-establishment of vegetation cover.
- (4) Disposal and stabilisation of waste material or fill.
- (5) Loss of or damage to soil.
- (6) Damage to riparian vegetation or soil.
- (7) Damage to animal or plant communities in water bodies or coastal water.
- (8) Effects of the activity on river or stream flows.
- (9) The potential for slope instability.
- (10) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (11) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (12) Damage to any natural habitat or feature.
- (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).

#### **Additional Matters for Land Disturbance Associated with Quarrying**

- (15) The depth and area of excavation and effects on groundwater.
- (16) Restoration of the site, including ground levels and planting.
- (17) The machinery to be used and manner of excavation.
- (18) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.
- (19) Types and quantities of introduced fill.
- (20) Measures to ensure both surface and subsurface drainage is at least as good as that prior to quarrying or recontouring.
- (21) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.

- (22) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.
- (23) Likely difficulty in avoiding adverse impact on the land's actual and potential productivity and versatility.
- (24) The potential for increased hazard at the site or on adjacent land.

#### **Additional Matters for Removal or Destruction of Indigenous Vegetation**

- (25) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.
- (26) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.
- (27) The contribution of the indigenous vegetation to the protection of other natural values.
- (28) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

**Proposed as at 1 November 2008**

#### **Additional Matters for Earthworks within 200 metres of the Coastal Marine Area**

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- (29) Effects on the landscape character, natural character and amenity value of the locality, having regard to:
  - (a) natural features and distinctive natural landforms;
  - (b) landscape and seascape values;
  - (c) significant natural values;
  - (d) the nature of any existing development.

### **18.5.20 Principal Reasons for Rules**

#### **Soil and Water Effects of Land Disturbance**

Land disturbance can result in loss of soil through new or aggravated soil erosion or soil compaction. This may irreversibly damage the productive potential or stability of the soil resource. Movement of soil as sediment from areas or sites of land disturbance can contaminate fresh water and coastal water, with a variety of adverse effects on water quality and ecosystems. The Council wishes to ensure that the actual or potential soil damage or loss, or contamination caused by land disturbance activities, is avoided or limited through regulation.

#### **Esplanade Reserve, Esplanade Strip or Riparian Vegetation**

Riparian indigenous vegetation has an intrinsic natural value of its own. It also has associated landscape value and provides recreational and educational opportunities. It may positively contribute to improving the quality of water run-off through reducing or removing contaminants (dissolved or suspended), enhancing water quality by shading effects, and to the control of bank erosion. As several of these values may occur simultaneously, it is reasonable and justifiable for the Council to require a resource consent for the removal or destruction of riparian indigenous vegetation and to consider the need for esplanade reserves or strips. However, a range of routine activities with generally minor effects on riparian indigenous vegetation are not included in this requirement.

## Revegetation of Bare Ground

This rule will ensure that adverse effects resulting from exposure of bare ground to erosive forces (such as rain and wind) is reduced.

## Earthworks

Fresh water and coastal waters are particularly sensitive to effects arising from earthworks involving the placement or removal of soil or debris. Therefore, rules specifying minimum distances of earthworks from natural resources aim to avoid any actual or potential adverse effects to the natural resources resulting from earthworks.

## Recontouring

Recontouring operations can result in erosion of exposed soil and sedimentation of water. The movement of soils during such operations can cause damage to the soil or result in the loss of valuable topsoil. These rules ensure that the adverse effects of recontouring can be reduced. Filling can block drainage paths and interfere with water storage.

C22 2/11  
Op 1/15

## Activities which Raise the Level of the Land

Where there is an intention to raise flood-prone or inundation-prone land or to construct new stopbanks or upgrade existing ones, each situation needs to be considered on a case-by-case basis.

C22 2/11  
Op 1/15

## Activities which Lower the Level of the Land

Where the possibility exists that flood-free land will be made flood prone, each situation requires case-by-case consideration and it would be too restrictive to impose a complete prohibition.

## Quarrying

Quarrying activities can be carried out in a number of ways. Large-scale quarrying activities are complex operations requiring a high level of skill. There is considerable potential to damage the soil resource during such operations. There are also a variety of effects that require assessment, including visual effects.

## Visual Effects

Quarrying and other extractive industries disturb vegetation and landforms on site. Spoil dumps, heaps of material and machinery disrupt the visual coherence of the landscape. Screening and restoration can help mitigate these visual effects. The St Arnaud Landscape Priority Area contains many glacial features that could be destroyed by excavation. It is quite small in extent and provides an important entrance to the Nelson Lakes National Park.

## Gravel Extraction

There are potential sources of high quality aggregate from areas of less versatility and productivity where gravel extraction could be targeted. These areas include river berms, favourable locations in Moutere Gravel terrain and hard rock quarry sources.

## Non-Notification Rules

The non-notification rules for controlled land disturbance provide an efficient means of dealing with specific activities having a generally limited range of soil loss or sediment generation risks. An administrative protocol has been developed and provides information to Council staff on considerations such as sensitive or significant water bodies potentially at risk.

## 18.6 QUARRY AREA

*Refer to Policy sets 5.1, 7.1, 9.1.*

### 18.6.1 Scope of Section

This section deals with land uses in the Quarry Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.10*).

**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

### 18.6.2 Land Use

#### 18.6.2.1 Permitted Activities (Land Use)

**NOTE:** Rule 18.6.2.1 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:

- (a) The land use is not:
  - (i) construction of a new dwelling; or
  - (ii) a residential activity; or
  - (iii) quarrying;
  - (iv) a constructed or marked-out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.

### 18.6.3 Dwelling or Residential Activity

#### 18.6.3.1 Non-Complying Activities (Construction of Dwelling or Residential Activity)

Construction of a new dwelling or a residential activity, is a non-complying activity.

A resource consent is required and may include conditions.

### 18.6.4 Quarrying

#### 18.6.4.1 Restricted Discretionary Activities (Quarrying)

**NOTE:** Rule 18.6.4.1 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.

Quarrying is a restricted discretionary activity, if it complies with the following conditions:

## Land Disturbance

- (a) Conditions in rule 18.5.2.5.

## Excavations or Processing

- (b) No excavation or processing is undertaken within:
- (i) 10 metres of the Quarry Area boundary;
  - (ii) 10 metres of any river or stream;
  - (iii) 150 metres of any existing dwelling on a separate site under different ownership.
- (c) Where excavations and processing are undertaken within 150 metres of a road boundary which adjoins a formed road or recreational area, amenity planting is undertaken along that boundary and thereafter maintained to a minimum width of 5 metres and a minimum height of 3 metres.
- (d) No more than 5 hectares of land is open to excavation, stockpiling and processing at any one time.

## Noise

- (e) Noise generated by the activity, when measured at or beyond the boundary of any Quarry Area, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	65 dBA	40 dBA
$L_{max}$		70 dBA

- (f) Noise generated by the activity, measured at the notional boundary of any existing dwelling not on the site, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{eq}$	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;

**Advice Note:** Clause (f)(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*.

- (g) Conditions (e) and (f) do not apply to that part of the Quarry Area in Lee Valley which is also in the Heavy Industrial Zone (*see rule 17.4.2.1(l)*).

**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 (1) to (24) in rule 18.5.3.3.
- (2) The proximity of existing residences and public recreational areas, and the extent to which any adverse effects on these can be mitigated.
- (3) The standard of local roading and its ability to accommodate increased heavy traffic without compromising road safety and efficiency, provisions for site access, signage and on and off site traffic management and safety.
- (4) The likely generation of noise, dust and other nuisances caused by machinery working on the quarry site, methods and duration of excavation or processing, and trucking activities.
- (5) The extent to which the proposal will detract from the landscape and conservation values of the site and locality, including effects on indigenous vegetation.
- (6) The restoration programme for the quarry site; and methods for interim weed control.
- (7) The area of land open to excavation, stockpiling and mineral processing at any time.
- (8) Hours of operation of the activity.
- (9) Blasting on the site.
- (10) Stockpiling of topsoil, overburden or quarried material on the site.
- (11) Storage of hazardous substances on the site, such as explosives or fuel.
- (12) Retailing of quarried material from the site.
- (13) Loading or unloading of material on the site.

### **18.6.20 Principal Reasons for Rules**

The Quarry Area contains a significant hard rock resource and it is important that it should be able to be extracted without adverse effects to or from other land uses, especially residential land use. The rules aim to mitigate the effects of quarrying on other activities in two ways: by regulating quarry activities and by reducing the incompatible land uses in the vicinity.

#### **Planting of Road and Residential Boundaries Planted**

Landscaping and screening by planting is required to achieve some separation between quarries and activities on adjoining properties and to ensure that quarrying does not unduly compromise the visual character of the area when viewed from a road, recreational area or nearby residence.

#### **Noise Standards**

Rules defining standards for noise are designed to reflect the current noise climate in the District and to achieve a moderate level of protection consistent with community expectations. Noise standards for the Quarry Zone apply in relation to the zone boundaries and in relation to any existing dwellings in the Rural Zone.



## 18.7 RESIDENTIAL ACTIVITY RESTRICTION AREA

*Refer to Policy sets 5.1, 7.1, 7.4.*

### 18.7.1 Scope of Section

This section deals with land uses in the Residential Activity Restriction Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

### 18.7.2 Residential Activity

#### 18.7.2.1 Restricted Discretionary Activities (Residential Activity)

Any residential activity is a restricted discretionary activity, if it complies with the following conditions:

- (a) Dwellings or residential activities are set back 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

**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 dwelling may individually and cumulatively compromise the efficient use of a Quarry Area or an existing quarry.
- (2) The proximity of the proposed dwelling to quality hard rock, or other rock resources which may be prospective quarrying areas.
- (3) The existing amenity of the area in terms of its potential to be used for quarrying (constraints may include the existing level of housing or transportation difficulties).
- (4) The measures proposed to mitigate the potential for conflict between residential and quarrying (proposed or existing) activities, including in relation to the roading network.
- (5) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### 18.7.20 Principal Reasons for Rules

The Residential Activity Restriction Area is one of several Plan provisions intended to ensure that the hard rock resource, and present and future quarrying of the resource, is protected from the actual and potential effects, including cross-boundary and reverse-sensitivity effects of encroaching residential activities and development. Dwellings and residential activities in proximity to the Quarry Area and on access roads to existing and potential quarries, are to be evaluated to ensure that actual, potential and cumulative effects are avoided, remedied or mitigated.



## 18.8 ROAD AREA

*Refer to Policy sets 5.2, 6.1, 6.3, 6.5, 7.2, 7.3, 11.1, 11.2.*

### 18.8.1 Scope of Section

This section deals with land uses in the Road Area as shown on the planning maps. The Zone maps indicate the zoning applicable to each part of the Road Area. Where a road has a different zone on each side, the boundary between the zones is the centre of the road. Note that roads are regulated by other legislation and common law in addition to the rules in this Plan. While a resource consent is not required for permitted activities under this Plan, a permit from the Council under other laws may still be required for activities on or near roads.

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

### 18.8.2 Land Use

#### 18.8.2.1 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 does not prevent or hinder the construction, reconstruction, maintenance or use of the road.

### 18.8.3 Road Construction

#### 18.8.3.1 Permitted Activities (Road Construction)

[18.10.3 Proposed]

The laying out, construction or reconstruction of any road is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Chapter 17 rules relating to noise and dust are suspended. C19 5/10 Op 8/12
- (b) The activity meets the standards set out in the following sections of the Nelson Tasman Land Development Manual 2019: C69 6/19  
Op 6/20
  - (i) 4.6.1.1: road design cross sections;
  - (ii) 4.9.2: intersection spacing;
  - (iii) 4.8.5: road alignment safe stopping distances; and
  - (iv) 4.6.4.2: cul de sac turning circles.
- (c) The road is not in the Richmond West Development Area. C10 10/07 Op 3/14
- (d) The activity is not the design or construction of a shopping street. C69 6/19  
Op 6/20
- (e) The activity is not the design or construction of a road that adjoins any part of the Conservation, Recreation or Open Space zone. C69 6/19  
Op 6/20

## Cultural Sites

- (f) If any archaeological site or material likely to be of significance to iwi or the general community is discovered during road construction or maintenance, the road construction agency is to cease work immediately at that part of the project and advise tangata whenua, the Department of Conservation or the Heritage New Zealand Pouhere Taonga of the find.

### 18.8.3.2 Controlled Activities (Road Construction)

C10 10/07  
Op 3/14

The laying out, construction or reconstruction of any road that does not meet permitted activity conditions is a controlled activity, if it complies with the following conditions:

C69 6/19  
Op 6/20

- (a) The activity can meet condition 18.8.3.1(b). C69 6/19 Op 6/20
- (b) The activity is a shopping street. C69 6/19 Op 6/20
- (c) The site of the activity is in the Open Space, Recreation or Conservation zone, and the road complies with the following: C69 6/19 Op 6/20
- (i) The set of standards in Table 4-6 and 4-7 of the Nelson Tasman Land Development Manual 2019 that are applicable to the zone adjoining or surrounding the Open Space, Recreation or Conservation zone site; and
- (ii) Where more than one other zone adjoins or surrounds the site, the road complies with the set of standards that have the widest legal road reserve width.

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

C10 10/07  
Op 3/14

- (1) The width of the berm and adequacy to accommodate larger street tree plantings, and stormwater swales.
- (2) The design and width of the road reserve to accommodate pedestrians and cyclists, street tree plantings, parking areas, swales and landscaping.
- (3) The suitability of tree species for road planting.
- (4) The location and spacing of trees in berms.
- (5) The height and species, size at planting and maturity, spacing interval, and berm treatment.
- (6) Ensuring adequate ongoing maintenance and replacement of plantings.
- (7) The location of cycleways and walkways, including the possible provision for combined use.
- (8) Any mandatory matter contained within chapter 4 of the Nelson Tasman Land Development Manual 2019. C69 6/19 Op 6/20

### 18.8.3.3 Discretionary Activities (Road Construction)

The laying out, construction or reconstruction of any road that does not comply with the permitted conditions of rule 18.8.3.1 or the controlled conditions of rule 18.8.3.2 is a discretionary activity.

C10 10/07  
Op 3/14

**A resource consent is required.** Consent may be refused, or granted subject to conditions covering but not limited to the following matters:

- (1) The adequacy of the carriageway width for the foreseeable traffic function of the road.
- (2) Disposal of run-off from the road surface, including maintenance requirements of the conduit or receptor.
- (3) The need for none, one or two footpaths.
- (4) A durable edge to the carriageway surface.
- (5) The adequacy of provision for any utility functions within the road reserve.
- (6) Whether to provide for or prevent roadside parking.
- (7) The relationship between road alignment and land form.
- (8) The provision or maintenance of roadside vegetation.
- (9) Materials used within the road reserve, including those for the road surface, footpaths, drainage and vehicle crossings.
- (10) The adequacy of the road reserve width to accommodate street tree plantings.
- (11) The design of the road reserve for pedestrians and cyclists, street tree plantings, parking areas, and landscaping.
- (12) The suitability of tree species for road planting.
- (13) The location and spacing of trees in berms.
- (14) Any matter relevant to the design and construction of a road contained in chapter 4 of the Nelson Tasman Land Development Manual 2019. C69 6/19  
Op 6/20

### 18.8.20 Principal Reasons for Rules

The rules promote a safe and efficient roading system.

The objective of a high quality, high amenity environment in the Richmond West Development Area and high quality streetscape in Motueka West Compact Density Residential Area can, in part, be achieved through street tree-planting and landscaping within the road reserve. C10 10/07 Op 3/14  
C43 4/13 Op 1/15

While roads play an important economic and social role of moving goods, services and people they are also part of a wider public space network that provides opportunities for enhancement of amenity values within an area and the public experience of places. There are also environmental effects that require consideration, in particular the dominance of large sealed surfaces that could otherwise be mitigated by the introduction of street trees and landscaping. C10 10/07  
Op 3/14

The design and location of components within the road reserve also requires consideration to ensure they are suitable and can be adequately accommodated, in particular street tree plantings, landscaping, stormwater management, parking and pedestrians and cyclists. The design and location of these in relation to one another is not something that is readily specified, but would warrant some measure of assessment. Some examples may include the co-location of swales and trees or pedestrians and cyclists, or the separation of cyclists from moving lanes, and the suitability or otherwise of such approaches in different locations.

The controlled activity status enables specified matters to be assessed and conditions imposed to ensure maintenance and enhancement of amenity values within the road reserve, recognising their overall contribution to the high amenity outcome for the wider Richmond West Development Area

and the management of the visual dominance of hard surface areas. It also enables assessment of the design and location of components within the road reserve.

The enhancement of public spaces such as roads through street tree planting and landscaping provides opportunities to improve the amenity values of an area and the experience of road users.

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**18.9 COASTAL RISK AREA***Refer to Policy sets 5.1, 6.2, 7.2, 7.3, 13.1.***18.9.1 Scope of Section**

This section deals with land uses in the Coastal Risk Area as shown on the planning maps. 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**18.9.2 Building Construction or Alteration****18.9.2.1 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:

EITHER

(a) The building to be constructed is relocatable and not habitable.

OR

(b) The building is not a coastal protection structure.

OR

(c) The habitable building alteration is the reconstruction, maintenance, repair or the removal of an existing lawfully established building provided it does not increase the degree to which the building fails to comply with the Plan rules.

C22 2/11  
Op 1/15**18.9.2.2 Restricted Discretionary Activities (Building Construction or Alteration)**

Construction or alteration of a building which does not comply with the permitted conditions of rule 18.9.2.1 is a restricted discretionary activity, if it complies with the following conditions:

C22 2/11  
Op 1/15

(a) It is relocatable and not a dwelling (unless there is no other dwelling on the site).

**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 nature of the building and its construction.

C22 2/11  
Op 1/15

(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.

C22 2/11 Op 1/15  
C73 12/20  
Op 6/23

(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).

### 18.9.2.3 Restricted Discretionary Activities (Other)

C22 2/11  
Op 1/15

Construction or alteration of a structure which does not comply with the conditions of rule 18.9.2.1 or rule 18.9.2.2 is a restricted discretionary activity, if it complies with the following conditions:

- (a) It is the installation of a coastal protection structure.

**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 of negative and positive effects on adjoining properties, natural environment and coastal processes.
- (2) The finished appearance of the works, including buildings and land.
- (3) Any effects on access to the coastline.
- (4) Any effects on recreation.

### 18.9.2.4 Non-Complying Activities

C22 2/11  
Op 1/15

Construction or alteration of a dwelling that does not comply with the conditions of rule 18.9.2.2 is a non-complying activity.

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

### 18.9.2.0 Principal Reasons for Rules

The Area mapped at Ruby Bay recognises the extent of coastal erosion and inundation and indicates possible future erosion hazard.

C22 2/11  
Op 1/15

The rules direct development away from uses requiring permanent buildings, for reasons of health and safety and to keep open management options for the future.

## 18.10 CHEMICAL HAZARD AREA

*Refer to Policy sets 5.5.*

### 18.10.1 Scope of Section

This section deals with land uses in the Chemical Hazard Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.12*).

**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

### 18.10.2 Land Use and Subdivision

#### 18.10.2.1 Discretionary Activities (Land Use and Subdivision)

All land use and subdivision in the Chemical Hazard Area, prior to remediation of the land in accordance with rule 18.10.3.1 is a discretionary activity.

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

### 18.10.3 Remediation of Contaminated Sites

#### 18.10.3.1 Restricted Discretionary Activities (Remediation of Contaminated Sites)

Remediation of contaminated sites in the Chemical Hazard Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is conducted in accordance with a programme prepared by and supervised by an appropriately competent person in remediation of contaminated sites.

**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 duration, start and completion dates of the activity.
- (2) Site security.
- (3) Avoidance, remedy or mitigation of dust nuisance.
- (4) The protection of natural drainage and prevention of contamination of natural waters.
- (5) The repair of any road damaged during the operation.
- (6) Disposal of material removed from the site.
- (7) Monitoring procedures and period of monitoring of contamination levels after the remediation programme has been completed, to verify whether the land is free of harmful contamination.
- (8) Appointment of the supervisor to be engaged at the applicant's expense.

- (9) The imposition of performance bonds and covenants, and financial contributions in regard to works and services required for remediation of contaminated sites.
- (10) Concentration and extent of contaminants, contaminant levels and their occurrence, and the targeted level for contaminants.
- (11) Any adverse environmental effects arising from the process of remediation of contaminated sites.
- (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).

### **18.10.20 Principal Reasons for Rules**

The rules restrict activities prior to remediation in order to preserve health and safety. The rules ensure that remediation programmes are appropriate to the requirements of specific contaminated sites and are environmentally acceptable.

**18.11 COASTAL ENVIRONMENT AREA**

*Refer to Policy sets 5.1, 6.4, 6.5, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 9.3, 13.1, 14.1.*

**18.11.1 Scope of Section**

The Coastal Environment Area has been delineated on the planning maps for the purposes of guiding the management of the District's coastline. The inland extent of the Coastal Environment Area is shown by a line on all coastal sheets of the planning maps. The seaward boundary of the Area is mean high water springs. 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**18.11.2 Land Use****18.11.2.1 Permitted Activities (Land Use)**

[18.14.2 Proposed]

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

- (a) Except as provided by condition (c), the activity is not the construction of a new building or the disposal of refuse. C73 12/20  
Op 6/23
- (b) The activity is an extension to an existing building that does not:
- (i) increase the ground floor area (as at 25 May 1996) by more than 50 percent; or
  - (ii) reduce the existing building setback to mean high water springs; in cases where part or all of the extension is within the setbacks specified in conditions 18.11.3.1 (b) – (e), or C73 12/20  
Op 6/23
  - (iii) increase the existing building height (not applicable in Commercial and Industrial zones with the exception of the Industrial zone and the Mixed Business Zone in the Richmond West Development Area, other than in the Light Industrial Zone location at Beach Road as shown on the planning maps). C10 10/07  
Op 3/14
- (b) The activity is a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height. C73 12/20  
Op 6/23

Proposed as at 1 November 2008

[Condition (d) Proposed deleted]

[Rule 18.14.2A Proposed deleted]

C3 12/03

**18.11.3 Building Construction or Alteration****18.11.3.1 Controlled Activities (Building Construction or Alteration)**

Construction of or extension to a building that does not comply with the conditions of rule 18.11.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The activity is an extension to an existing building that does not comply with condition 18.11.2.1(b).

**Setbacks**

- (b) New buildings are set back from mean high water springs the following minimum distances:
- (i) 100 metres in the Waimea Inlet Rural Residential Zone and the Rural 1, Rural 1 Coastal, Rural 2 and Rural 3 zones; and in the Open Space, Rural 1, Rural 2 and Light Industrial zones in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). C10 10/07  
Op 3/14  
C19 5/10  
Op 8/12  
C22 2/11  
Op 1/15
  - (ii) 80 metres for Light Industrial zoned land held in Record of Title 459167 (580 Lower Queen Street) in the Richmond West Development Area. C10 10/07  
Op 3/14  
C73 12/20  
Op 6/23
  - (iii) 50 metres in other Rural Residential Zones (except in respect of buildings at Toko Ngawa where identified building sites on DP 16820 and DP 16821 must be utilised) and the Mixed Business Zone. C10 10/07  
Op 3/14
  - (iv) 30 metres in all other zones except where expressly provided for at Milnthorpe (*see rule 17.1.3.1(w)*); in the Awaroa Residential Zone (*see rule 18.11.3.1(c)*); in the Torrent Bay Residential Zone (20 metres); and in rule 18.11.3.1(d) and (e).
- (c) At Awaroa, new buildings are set back at least 10 metres inland from the top of the bank shown on the planning maps.
- (d) On Lot 1 DP 7781 in the Rural Industrial Zone (750 Lower Queen Street), buildings are set back at least 10 metres from Neiman's Creek, and on Record of Title 7254638 in the Golden Edge Rural Industrial Zone (520 Lower Queen Street), buildings are set back at least 15 metres from mean high water springs. C73 12/20  
Op 6/23
- (e) On Lot 4 DP 447516 and Lot 2 DP 341803 in the Light Industrial Zone on the corner of Wharf Road and High Street in Motueka, buildings are set back at least 10 metres from mean high water springs.

**Height**

- (f) The maximum height of new buildings, and building extensions, in Rural 1, Rural 1 Coastal, Rural 2, Rural 3, Rural Residential and Residential zones (except at Kaiteriteri and Torrent Bay and the Mapua Special Development Area), and the Mixed Business, Light Industrial and Open Space zones in the Richmond West Development Area is: C10 10/07  
Op 3/14  
C22 2/11  
Op 1/15  
C73 12/20  
Op 6/23
- (i) 6.5 metres for a building sited between 100 metres and 200 metres from mean high water springs; C10 10/07  
Op 3/14
  - (ii) 5 metres where the setback in rule 18.11.3.1 provides for a building to be sited less than 100 metres from mean high water springs;
- and at Kaiteriteri and Torrent Bay and the Mapua Special Development Area: C10 10/07 Op 3/14  
C22 2/11 Op 1/15
- (iii) 6.5 metres for a building sited less than 200 metres from mean high water springs. C10 10/07  
Op 3/14

**Note:** Rural Residential Closed and Residential Closed zones are included in this condition.

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

- (1) The effects of the location, design and appearance of the building, and building extension, including its scale, height (in the Richmond West Development Area except in the Light Industrial Zone location at Beach Road as shown on the planning maps), materials, landscaping and colour, on the amenity and natural character of the locality, having regard to effects on:
- (a) natural features; C10 10/07  
Op 3/14  
C73 12/20  
Op 6/23

- |      |   |                                    |
|------|---|------------------------------------|
|      | <ul style="list-style-type: none"> <li>(b) landscape and seascape values;</li> <li>(c) significant natural values;</li> <li>(d) the nature of any existing development;</li> </ul> <p>except that in the Residential Zone the matters are limited to materials, landscaping and colour of buildings, and in the three industrial zones the matters are limited to landscaping and colour of buildings, except for 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) where all matters apply.</p> | <b>C10 10/07</b><br><b>Op 3/14</b> |
| (2)  | Consistency with any design guide applying to the area and any heritage character.  | <b>C22 2/11</b><br><b>Op 1/15</b>  |
| (3)  | The effects of natural hazards.   |                                    |
| (3A) | The effects on a site of cultural significance to Maori.  | <b>C68 7/18</b><br><b>Op 6/19</b>  |
| (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).   |                                    |

#### **Non-Notification**

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

<b>18.11.3.2 Restricted Discretionary Activities (Building Construction or Alteration)</b>
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	<b>C73 12/20</b> <b>Op 6/23</b>
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Construction of a new building or building extension, that does not comply with the conditions of rule 18.11.3.1 is a restricted discretionary activity.

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

- |     |   |  |
|-----|---|--|
| (1) | <p>The effects of the location, design and appearance of the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:</p> <ul style="list-style-type: none"> <li>(a) natural features;</li> <li>(b) landscape and seascape values;</li> <li>(c) significant natural values;</li> <li>(d) the character of any existing development.</li> </ul> |  |
| (2) | The effects of natural hazards.   |  |
| (3) | The effects on a site of cultural significance to Maori.  |  |
| (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).   |  |

## 18.11.4 Disposal of Refuse

### 18.11.4.1 Non-complying Activity (Disposal of Refuse)

Disposal of refuse is a non-complying activity.

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

## 18.11.20 Principal Reasons for Rules

### Setbacks and Height Restrictions

The bulk and location of buildings can adversely affect the natural character of the coastal environment. In addition, buildings close to the sea may be affected by natural hazards such as sea-level rise. These effects are avoided or reduced by setbacks from mean high water springs and the bank at Awaroa. The height restrictions, which are lower than those imposed generally under zones rules, mitigate adverse effects on visual amenity and recognise the scale of existing buildings and topography at Kaiteriteri and Torrent Bay and the Richmond West Development Area zones within the Coastal Environment Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). Small extensions to existing buildings are permitted, as these will not have material adverse effects. A greater setback is required in rural zones than in urban zones because of the lower density of development in rural zones.

C10 10/07  
Op 3/14

The intention of these rules is to minimise the obtrusiveness or dominance of buildings in the coastal landscape. The rules do not have the purpose of protecting views from individual properties or dwellings, although that may be a consequential outcome in some cases.

### Building Design and Appearance

Control or discretion is reserved in regard to these rules to ensure that buildings are compatible with their surroundings. Commercial development in the vicinity of the Mapua Wharf will be expected to respond to the heritage character of the existing wharf buildings.

C22 2/11  
Op 1/15

At Toko Ngawa the Coastal Environment Area has been extended to cover the whole subdivision as it is all coastal in character.

### Natural Hazards

The rules reserve control or discretion on the effects of natural hazards in order to safeguard people's health and safety. This allows for consideration of hazards that are not dealt with effectively by means of setbacks on particular sites.

### Collection and Disposal of Refuse

C73 12/20  
Op 6/23

Public refuse and recycling collection facilities, up to the specified dimensions, are provided for as a permitted activity to ensure these public facilities can be installed in the areas they are required. This recognises the need to ensure adequate facilities for rubbish and recycling collection are provided within the coastal margin. However, the final disposal of refuse can be unsightly in the coastal environment and can result in the contamination of coastal waters and this is not provided for as a permitted activity.

**18.12 SLOPE INSTABILITY RISK AREA**C31 8/10  
Op 1/15

*Refer to Policy sets 5.1, 6.2, 7.2, 12.1, 13.1.  
Refer to Rule section 16.3.*

**18.12.1 Scope of Section**

This section deals with land uses and subdivision in the Slope Instability Risk Area. Locations of the Slope Instability Risk Area are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

The Slope Instability Risk Area rules dealing with earthworks are the only earthwork rules that apply where the Slope Instability Risk Area is also subject to Land Disturbance Area 2, in Eastern Golden Bay.

**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**18.12.2 Subdivision**C31 8/10  
Op 1/15

The following rules apply in addition to the rules of section 16.3.

**18.12.2.1 Restricted Discretionary Activities (Subdivision)**

Any subdivision in the Slope Instability Risk Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment on which any habitable building is intended to be located has a building location area shown.
- (b) Subject to condition (c), a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
  - (i) identifies on each proposed allotment that is subject to condition (a), the building location area (subject to measures specified under (iii)); and
  - (ii) certifies that (subject to measures specified under (iii)) any development of:
    - (a) a habitable building within each applicable proposed allotment, and
    - (b) access and other network utility services to each habitable building, and
    - (c) any earthworks required for the building or services (collectively constituting the building work), will not be likely to result in nor contribute to damage to:
      - (1) any building or access and other network utility services, or
      - (2) any adjoining or downslope property within or adjoining the Slope Instability Risk Area,arising from slope instability during the useful life of the building work; and

- (iii) specifies any measures in relation to building location, design, or construction and to access and other network utility services to each site that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work.
- (c) Subdivision by means of the relocation or adjustment of an allotment boundary need not comply with condition (a) if there is no habitable building site that is to be located within any area of land included in any allotment as a result of the boundary relocation or adjustment.
- (d) The report required by condition (b) is prepared no more than two years before the application is received by the Council, except that the report may be more than two years old where:
  - (i) it is re-certified as meeting the requirements of condition (b) by the person who prepared it or by another person meeting the criteria in (b); and
  - (ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and
  - (iii) the report is no more than 10 years old.

C40 4/13  
Op 1/15

**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:

C31 8/10  
Op 1/15

- (1) Following subdivision, the risk of slope instability.

## 18.12.3 Land Use

C31 8/10  
Op 1/15

### 18.12.3.1 Permitted Activities (Land Use)

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

- (a) Any construction of or external alteration to a habitable building, complies with the following conditions:
  - (i) a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
    - (a) certifies that (subject to measures specified) the proposed building work will not be likely to be subject to damage from slope instability during its useful life; and
    - (b) certifies that (subject to measures specified) the proposed building work will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the building work; and
    - (c) specifies any measures in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work;

- |  |   |
|--|---|
| <p>except that this requirement does not apply where a report has already been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, and that report certifies and specifies as provided above;</p> <p>(ii) the building work is carried out in accordance with any specifications provided under (i).</p>   | <p>C31 8/10<br/>Op 1/15</p> <p>C40 4/13<br/>Op 1/15</p> <p>C31 8/10<br/>Op 1/15</p> |
| <p>(b) The report required by condition (a) is prepared no more than two years before the building work commences, except that the report may be more than two years old where:</p> <p>(i) it is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and</p> <p>(ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and</p> <p>(iii) the report is no more than 10 years old.</p> | <p>C40 4/13<br/>Op 1/15</p>   |
| <p>(c) Except where required for or in connection with the construction of or external alteration to a habitable building, any earthwork carried out:</p> <p>(i) within any Residential or Rural Residential zone location; or</p> <p>(ii) within 50 metres upslope of the boundary of such a zone location;</p> <p>does not involve any cut batter or excavation with a vertical height or depth greater than 1 metre.</p>  | <p>C31 8/10<br/>Op 1/15</p>   |
| <p>(d) There is no damage to any other property or watercourses arising from the activity.</p>   |   |

### 18.12.3.2 Restricted Discretionary Activities (Land Use)

C31 8/10  
Op 1/15

Any land use in the Slope Instability Risk Area that does not comply with the conditions of rule 18.12.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Any construction of or external alteration to a habitable building, or any earthwork, complies with the following conditions:
- (i) a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
- (a) certifies that (subject to (c)) the proposed building or earthwork will not be likely to be subject to damage from slope instability during its useful life; and
- (b) certifies that the proposed building or earthwork will not be likely to result in or contribute to damage to any building or access on the site, or to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the work; and
- (c) specifies any measures in relation to the building or earthwork that if carried out will be adequate to avoid any damage to the proposed building or earthwork, to any building or access on the site, or to any adjoining or downslope property, arising from slope instability during the useful life of the work;

<p>except that this requirement does not apply where a report has been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, or the proposed earthwork that is for or in connection with subdivision, and that report certifies and specifies as provided above;</p> <p>(ii) the work is carried out in accordance with any specifications provided under (i).</p>	<p>C31 8/10 Op 1/15</p> <p>C40 4/13 Op 1/15</p>
<p>(b) The report required by condition (a) is prepared no more than two years before the building or earthwork commences, except that the report may be more than two years old where:</p> <p>(i) is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and</p> <p>(ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and</p> <p>(iii) the report is no more than 10 years old.</p>	<p>C40 4/13 Op 1/15</p>
<p><b>A resource consent is required</b> and may include conditions on the following matters over which the Council has restricted its discretion:</p> <p>(1) Matters (1) to (13) in rule 18.5.2.2.</p> <p>(2) Risk of damage by erosion, falling debris, subsidence, slippage or inundation from any source.</p>	<p>C31 8/10 Op 1/15</p>

<b>18.12.3.3 Discretionary Activities (Land Use)</b>	C31 8/10 Op 1/15
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Any land use that does not comply with the conditions of rule 18.12.3.1 or rule 18.12.3.2 is a discretionary activity.

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

<b>18.12.20 Principal Reasons for Rules</b>	C31 8/10 Op 1/15
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The rules preserve health and safety and mitigate slope instability risks to land to be subdivided for habitable buildings.

**18.13 FAULT RUPTURE RISK AREA**C21 8/10  
Op 1/15

*Refer to Policy set 13.1.*  
*Refer to Rule section 16.3.*

**18.13.1 Scope of Section**

This section deals with the earthquake hazard risk of ground rupture from movement of active faults, in relation to subdivision and buildings throughout the District. Chapter 19 details information required with resource consent applications.

**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**18.13.2 Subdivision**

The following rules apply in addition to the rules of section 16.3.

**18.13.2.1 Restricted Discretionary Activities (Subdivision)**

Any subdivision extending into the Fault Rupture Risk Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment on which any habitable building is intended to be located has a building location area shown.
- (b) Subject to condition (e), a report is prepared by an appropriately competent person in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council, that:
  - (i) records the survey and mapping of the land subject to the Fault Rupture Risk Area at a scale of 1:500 to identify or show as accurately as practicable the location of the surface position of the plane of any active fault; and
  - (ii) shows that any building location area that extends into the Fault Rupture Risk Area can provide for the setting back of the intended buildings in accordance with conditions (b) or (c) of rule 18.13.3.1; and
  - (iii) specifies any conditions for subdivision related to the reduction of fault rupture risk to any existing or proposed building or network utility service.
- (c) Where the fault is the Waimea-Flaxmore Fault and the report required by condition (b) certifies that the location of the surface position of the plane of any active fault cannot be identified, there is no further restriction on the location of the building or alteration in relation to the fault.
- (d) There is no limit to the age of a report that meets the requirements of condition (b), provided that it has been prepared by or certified by a person who meets the criteria of condition (b).
- (e) Subdivision by means of the relocation or adjustment of an allotment boundary need not comply with condition (b) if there is no existing or proposed habitable building site or network utility service that is located within any area of land included in any allotment as a result of the boundary relocation or adjustment.

C21 8/10  
& C40 4/13  
Op 1/15C40 4/13  
Op 1/15C21 8/10  
Op 1/15

**Alpine Fault, St Arnaud and Waimea-Flaxmore Fault System, Richmond**

(f) The land being subdivided is not on, accessed or serviced by Kerr Bay Road, Lake Road, Robert Street, Holland Street, Borlase Avenue, or Brookvale Drive, St Arnaud.

(g) Notwithstanding condition (f), the subdivision is the relocation or adjustment of an allotment boundary on land that is on, accessed or serviced by Kerr Bay Road, Lake Road, Robert Street, Holland Street, Borlase Avenue, or Brookvale Drive, St Arnaud, provided that:

C21 8/10  
Op 1/15

- (i) there is no increase in the number of building location areas; and
- (ii) each building location area is able to accommodate a habitable building that complies with the relevant zone rules.

**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) Following subdivision, the risk to land, building or network utility service, of fault rupture or other ground deformation during an earthquake.
- (2) The avoidance or reduction of the extension of allotments to contain habitable buildings, or utility network services, across the indicated position of the active fault.

**18.13.2.2 Non-Complying Activities (Subdivision)**C21 8/10  
Op 1/15

Any subdivision that does not comply with the conditions of rule 18.13.2.1 is a non-complying activity. **A resource consent is required.** Consent may be refused or conditions imposed.

**18.13.3 Building Construction or Alteration**C21 8/10  
Op 1/15**18.13.3.1 Permitted Activities (Building Construction or Alteration)**

The 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) Except as provided by condition (g), where the construction of any habitable building or external alteration to a habitable building is within the Fault Rupture Risk Area shown on the planning maps, a report is prepared by an appropriately competent person in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council. The report must record the survey and mapping of the site at a scale of 1:500 to identify or show, as accurately as practicable, the location of the surface position of the plane of any active fault.
- (b) Where the report required by condition (a) identifies the location of the surface position of the plane of any active fault, then the building or alteration is set back at least:
  - (i) 20 metres from that surface position where the active fault is the Alpine Fault that is within or east of St Arnaud or 10 metres if the report contains the results of specific site investigations that support this setback; or
  - (ii) 10 metres from that surface position where the active fault is part of the Waimea-Flaxmore Fault system from north-east of St Arnaud to the District boundary east of Richmond; or any other active fault except for the Alpine Fault east of St Arnaud; or
  - (iii) 5 metres from that surface position where the active fault is part of the Waimea-Flaxmore Fault system that is north of the Wairoa River; and the report contains the results of specific site investigations that support this setback.

C21 8/10  
& C40 4/13  
Op 1/15

(c)	<p>Where the fault is the Alpine Fault that is within or east of St Arnaud and the report required by condition (a) does not identify the surface position of the plane of any active fault, but:</p> <ul style="list-style-type: none"> <li>(i) the report assesses the fault as being within a fault scarp, then the building or alteration is set back at least 20 metres from the top or toe of the scarp; or</li> <li>(ii) the building or alteration is set back 10 metres from the top or toe of the scarp if the report contains the results of specific site investigations that support this setback; or</li> <li>(iii) the report shows the inferred surface position of the plane of the fault, then the building or alteration is set back from that inferred position a distance that is recommended in the report that is at least the distance shown by a line drawn between points that are either: <ul style="list-style-type: none"> <li>(a) 20 metres from the identified surface position of the plane of movement of the fault (as in (b)(i)); or</li> <li>(b) 20 metres from the top or toe of the scarp (as in (b)(ii)); and</li> <li>(c) 30 metres from the mid-point of the inferred section of the fault.</li> </ul> </li> </ul>	C40 4/13 Op 1/15
	<p>If the fault changes direction within the inferred section then the 30 metres is measured from that inferred point of change in direction.</p>	
(d)	<p>Where the fault is the Waimea-Flaxmore Fault System and the report required by condition (a) certifies that the location of the surface position of the plane of the active fault cannot be identified, then there is no further restriction on the location of the building or alteration in relation to the fault.</p>	C21 8/10 & C40 4/13 Op 1/15
(e)	<p>There is no limit to the age of a report that meets the requirements of condition (a), provided that it has been prepared by or certified by a person meeting the criteria of condition (a).</p>	C40 4/13 Op 1/15
(f)	<p>Any external alteration does not increase the area of building coverage that may extend within the relevant setback distance as given in condition (b) or (c) by more than 20 percent.</p>	C21 8/10 & C40 4/13 Op 1/15
(g)	<p>Condition (a) does not apply where:</p> <ul style="list-style-type: none"> <li>(i) the construction of the habitable building is a replacement building in substantially the same location on the site; or</li> <li>(ii) in relation to any external alteration, a report substantially complying with the requirements of condition (a) has been provided for the existing building.</li> </ul>	C21 8/10 Op 1/15
	<p><b>Note 1:</b> The report required by condition (a) should state the limits of the methods used in the investigation. Except where the fault is well defined by a scarp on the ground surface or by rupture along the fault, the methods are likely to include test pitting or trenching, or other subsurface techniques.</p>	C40 4/13 Op 1/15
	<p><b>Note 2:</b> The provision of a report on fault rupture hazard risk as required by rule 18.13.2.1 is a means of compliance with condition (a) if the report addresses the matter of the identification or indication of the surface position of the plane of any active fault, in relation to any proposed building location.</p>	C21 8/10 & C40 4/13 Op 1/15

**18.13.3.2 Restricted Discretionary Activities (Building Construction or Alteration)**C21 8/10  
Op 1/15

The construction or alteration of a building that does not comply with the conditions of rule 18.13.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) A report is prepared by a person appropriately competent in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council that states:
- (i) the credentials of the person to report on the building or alteration;
  - (ii) the geological conditions of the site;
  - (iii) the safest practicable position for a building or alteration on the site in relation to the risk of fault rupture or other ground deformation, having regard to information provided concerning the location of the surface position of the plane of any active fault, and the likely effects of an earthquake.
- (b) There is no limit on the age of a report that meets the requirements of condition (a), provided that it has been prepared by or certified by a person who meets the criteria of condition (a).

C40 4/13  
Op 1/15

**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:

C21 8/10  
Op 1/15

- (1) The recommendations of the report referred to in (a) concerning the position of the habitable building or alteration in relation to the indicated position of the active fault.
- (2) The health and safety of the occupants of the building during the life of the building.
- (3) The effects on the building or network utility services to it, of ground rupture or other deformation and ground shaking caused by earthquakes.
- (4) The risks of erosion, falling debris, subsidence, slippage or inundation from any source, from earthquake effects.
- (5) Methods to avoid or mitigate the effects of ground rupture or other deformation and ground shaking caused by earthquakes, including by:
  - (a) building design and construction standards;
  - (b) site layout, including building setback from the indicated position of any active fault, and the position of network utility services;
  - (c) separation from structures or natural features.
- (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, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 18.13.20 Principal Reasons for Rules

C21 8/10  
Op 1/15

Parts of the District contain active faults that present potential threats to health and safety. In the event of an earthquake, structures that are near to or straddle the active faults may be damaged by fault rupture or other deformation of the ground on which they are founded as well as strong ground shaking. However, strong ground shaking from earthquakes will occur well beyond the extent of the active fault. A range of setbacks from the indicated surface position of the active fault will mitigate the potential for damage to a material extent. The different setbacks apply because there is a range of certainties about the position of the faultline in different geological situations.

The planning maps show the Fault Rupture Risk Area. Generally the Council does not have fault line data at sufficient accuracy to assist in the location of a building on a particular site. Therefore the rules require both subdivision and habitable buildings within the Fault Rupture Risk Area to have the surface location of the active fault surveyed and mapped more accurately in order to position any allotment or habitable building in relation to the relevant fault.

C21 8/10  
& C40 4/13  
Op 1/15

The subdivision of land already in urban locations at St Arnaud and extending into the Fault Rupture Risk Area is non-complying, as it may add to the number of dwellings exposed to high fault rupture risk from the Alpine Fault as an extremely active system. The Waimea Fault system in the Fault Rupture Risk Area at Richmond, while classed as active, has significantly less risk of rupture than the Alpine Fault.

C21 8/10  
Op 1/15



## 18.14 WATER AUGMENTATION INFRASTRUCTURE AREA (WAIMEA COMMUNITY DAM)

*Refer to Policy set 15.1.3*

### 18.14.1 Scope of Section

This section deals with land uses other than the Waimea Community Dam and its associated land uses and subdivisions in the Water Augmentation Infrastructure Area (Waimea Community Dam) as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19. The applicable rules for Rural 2 and Open Space Zones also continue to apply.

C55 9/15  
Op 9/16

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

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### 18.14.2 Land Use

#### 18.14.2.1 Permitted Activities (Land Use or Subdivision)

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

- (a) The land use is not construction of a dwelling or a non-relocatable structure.
- (b) The activity is not subdivision.

### 18.14.3 Dwellings, Non Relocatable Structures, and Subdivision

#### 18.14.3.1 Non-Complying Activities (Construction of a Dwelling or Non-Relocatable Structure, and Subdivision)

Construction of a dwelling or a non-relocatable structure (other than the Waimea Community Dam and associated structures) or any subdivision (other than associated with the Waimea Community Dam) is a non-complying activity.

C55 9/15  
Op 9/16

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

#### 18.14.20 Principal Reasons for Rules

The Water Augmentation Infrastructure Area (Waimea Community Dam) provides a significant opportunity for augmentation of water supplies to the Waimea Plains. Existing water supplies in the Waimea Plains do not meet existing or potential future demand for water, and there is insufficient water to meet the needs of in-stream uses and values. Locations for the construction of water augmentation dams are a finite resource as location, topography, geology, river flows and existing land uses may all limit the suitability of sites for augmentation dams. The Lee River provides a suitable site for a dam to augment water supplies and it is important that it should be available for the construction of a dam without adverse effects to or from other land uses, especially residential land use or through the capitalisation of the land. The rules aim to protect the long-term potential of the site for water augmentation by reducing the incompatible land uses in the vicinity and preventing increasing capitalisation that would increase barriers to dam construction.

C55 9/15  
Op 9/16



# CHAPTER 19: INFORMATION REQUIRED WITH LAND USE CONSENT OR SUBDIVISION CONSENT APPLICATIONS

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## 19.1 SCOPE OF CHAPTER 19

C19 5/10  
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This Chapter outlines the information required to accompany particular types of land use and subdivision consent applications. More than one of the requirements may apply to a particular application. For example, an application involving gravel extraction in most cases will have to include information under 19.2.1 (land use), 19.2.9 (land disturbance) and 19.2.10 (quarrying). The matters listed will not be relevant to every class of application, nor are they an exhaustive list.

For controlled activities and restricted discretionary activities, the information must include material addressing the matters over which the Council has retained control or discretion. Additional information will be needed for discretionary activities and non-complying activities. In all cases, the obligation remains with applicants to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act.

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

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12/20

## 19.2 INFORMATION REQUIRED FOR LAND USE OR SUBDIVISION CONSENT APPLICATIONS

### 19.2.1 Land Use

C19 5/10  
Op 8/12

Applicants must submit, and the Council may request further information, on the following matters to the extent that they are relevant to any land use consent rule, together with information required under any other relevant section of this chapter:

- 19.2.1.1** Location of the proposed activity, including the legal description and address.
- 19.2.1.2** Name and address of the owner and occupier (other than the applicant) of any land to which the application relates.
- 19.2.1.3** The full name of the applicant, whether an individual, partnership or company and who will hold the consent. If the applicant is a partnership, the full names of all the partners.
- 19.2.1.4** Full description of the activity, including:
- (a) hours or duration of operation;
  - (b) number of people involved (e.g. working on, capable of being accommodated on, or expected to visit or use the site);
  - (c) description of parking arrangements, and access and service provision, e.g. sewage and water;
  - (d) expected traffic flows to and from the site;
  - (e) details of any hazardous substances involved with the activity and any materials being extracted, used, or processed on the site (including an indication of volumes and quantities);
  - (f) any signs to be erected relating to the proposal (*refer to 19.2.5*).
- 19.2.1.5** A site plan showing:
- (a) roads onto which the property has frontage;
  - (b) boundaries, area and dimensions of the subject property(s);
  - (c) existing and proposed car parks, cycle parks, loading areas and utility, on-site access, on-site manoeuvring areas, vehicle crossings and their proximity to intersections; C66 10/17  
Op 12/18
  - (d) formation of crossings, access and car parks; stormwater disposal from access and parking areas; C69 6/19  
Op 6/20
  - (e) location and dimensions of existing and proposed buildings, including the percentage coverage if the application is in a residential, commercial or industrial area;
  - (f) location of known archaeological sites, significant individual or groups of trees, and details of proposed landscaping;
  - (g) any topographic features (embankments, cliffs, streams, wetlands, drains), selected ground heights and main power lines;
  - (h) present use of adjoining properties;
  - (i) the visibility available from any access, measured in terms of the requirements in rule 16.2.2.1;
  - (j) the location, type and anticipated maximum height of any proposed landscaping;
  - (k) details of any legal public access along and to any water body or the coast.

- 19.2.1.6** Elevation drawings showing building height and natural ground level, and the relationship of the building to the height limit and daylight angle controls for the relevant zone and set back from the Ruby Bay ridge top and toe, if applicable. C22 2/11 Op 1/15  
C69 6/19 Op 6/20
- 19.2.1.7** A description of actual and potential adverse environmental effects (including cumulative effects) of undertaking the activity, including:
- (a) effects on ecosystems and natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, cultural or any other special values for present or future generations;
  - (b) noise emissions;
  - (c) dust generation;
  - (d) traffic generation;
  - (e) visual effects;
  - (f) any other nuisance elements;
  - (g) stormwater management.
- 19.2.1.8** A description of any possible alternative methods or locations.
- 19.2.1.9** A description of mitigating measures (safeguards and contingency plans where relevant) to help prevent or reduce actual or potential effects of the activity.
- 19.2.1.10** For an activity involving a building or modification of landform in the Rural 3 Zone, or a building on an allotment in the Mapua or Waimea Inlet Rural Residential Zone which is below the controlled activity lot size for the zone, a statement outlining the extent of consistency of the activity with the ‘Coastal Tasman Area Subdivision and Development Design Guide’, prepared by an appropriately competent person in landscape or urban design analysis, including any suggested conditions to avoid, remedy or mitigate effects on the wider environment and within the vicinity of the activity. C6 7/07  
Op 10/10
- 19.2.1.11** For an activity involving a building in the Rural 3 Zone on a site that adjoins any horticultural planting, details of how any exposure of the building to cross-boundary effects such as noise, odour, or pesticide discharge, may be avoided or mitigated, in addition to compliance with Plan rules.
- 19.2.1.12** For an activity involving a building in the Residential Zone in the Richmond South, Brightwater, Wakefield, or the Mapua Special development areas or the Motueka West Compact Density Residential Area: C22 2/11  
& C43 4/13  
Op 1/15  
C75 9/22  
(d 6/23)  
C76 9/22  
C75 9/22  
(d 6/23)
- (a) information describing the extent to which compliance is achieved with the conditions in rule 17.1.3.3 Controlled Activities (Building Construction or Alteration – Compact Density Development) for buildings in the Residential Zone in the Richmond South, Brightwater, Wakefield, or Mapua Special development areas or the Motueka West Compact Density Residential Area, or – in the case of the Brightwater and Wakefield Development Areas – compliance with 17.1.3.2 Controlled Activities (Building Construction or Alteration – Standard Density Development);
  - (b) where the application is for a compact density land use development and subdivision, information describing consistency with the Urban Design Guide (Part II, Appendix 2).
- 19.2.1.13** An assessment of the effects of the development on stormwater run-off and natural drainage characteristics of the land, including: C7 7/07  
Op 10/10
- (a) changes to natural and/or existing drainage patterns;
  - (b) changes in land cover, such as vegetation removal;
  - (c) changes in infiltration characteristics, such as areas of proposed impervious surface cover, including buildings and sealed surfaces;
  - (d) proposed stormwater management methods, including the application of Low Impact Design solutions for the control of stormwater run-off and water quality;

	(e) primary stormwater flows;	
	(f) secondary stormwater flows;	C7 7/07 Op 10/10
	(g) changes to areas that are inundated.	C22 2/11 Op 1/15
<b>19.2.1.14</b>	A cultural heritage site assessment of:	C16 9/09 Op 8/12
	(a) the land subject to the proposed activity, where there is a listed cultural heritage site or precinct on any part of the land and it is unclear whether the proposed activity will have an effect on it or it is very clear that the proposed activity will have an effect on it;	
	(b) any site that is an archaeological site that must be prepared by an appropriately competent archaeologist and address:	
	(i) the location and extent of any cultural heritage sites, using a hand-held GPS or similar device to locate the site accurately;	
	(ii) the nature or type of physical evidence identified at each cultural heritage site;	
	(iii) an assessment of significance of each Cultural Heritage Site in terms of its archaeological values;	
	(iv) any recommended actions to avoid the potential for the modification, damage or destruction of any identified cultural heritage site in terms of its archaeological values;	
	(c) any site that is a wāhi tapu or wāhi tapu area that must be prepared by manawhenua iwi and must address:	
	(i) where appropriate, the location of any wāhi tapu or wāhi tapu area;	
	(ii) an assessment of the significance of the cultural heritage site in terms of cultural values, not otherwise covered within an archaeological assessment;	
	(iii) any recommended actions that could be used to avoid the potential for adverse effects of the proposed activity on any identified Cultural Heritage Site in terms of its significance to manawhenua iwi.	
<b>19.2.1.15</b>	For amenity planting and specimen tree planting required by any rule, a description of the proposed tree root management, including root pit dimensions, soil structure, aeration, irrigation, and proximity to underground services.	C10 10/07 Op 3/14
<b>19.2.1.16</b>	For any habitable building in the Fault Rupture Risk Area, provision of the report as required by condition (a) of rule 18.13.3.2.	C21 8/10 Op 1/15
<b>Richmond North Commercial Zone</b>		C62 3/16 Op 10/17
<b>19.2.1.16A</b>	(a) A construction management plan (CMP) must be prepared by a suitably qualified person in civil engineering. The CMP must at least address the following:	
	(i) Regulatory obligations	
	(ii) The scope of construction activities and methods and assessment of effects for each activity	
	(iii) Programme of works	
	(iv) Detail of any proposed remediation if required	
	(v) Erosion and sediment control plan, including stormwater control	
	(vi) Transport management and site logistics	
	(vii) Dust control	
	(viii) Waste and recycling	

- (ix) Hours of operation
  - (x) Parking during construction
  - (xi) Consultation with nearby schools and residents prior to significant construction events that may be the source of nuisance
  - (xii) Contacts for communications
  - (xiii) Complaints procedure
  - (xiv) Methods for monitoring and reporting
  - (xv) Procedures for reviewing, amending and updating the CMP.
- (b) A construction noise management plan (CNMP) must be prepared by a suitably qualified acoustic expert. The CNMP will be designed to achieve compliance with the construction noise limits set out in condition (t) under the controlled activity conditions for 'Building Construction or Alteration' in Schedule 17.2B. The CNMP must specify, as a minimum, the following:
- (i) Construction noise and vibration criteria
  - (ii) Hours of construction activities, including times and days when noisy or vibration-inducing activities could occur
  - (iii) Machinery and equipment to be used
  - (iv) Vibration testing of equipment
  - (v) Preparation of building condition surveys of any critical dwelling prior to, during and after completion of construction works
  - (vi) Roles and responsibilities of personnel on site
  - (vii) Construction operator training procedures
  - (viii) Methods for monitoring and reporting
  - (ix) Procedures for reviewing, amending and updating the CNMP.
- (c) An Operational Noise Management Plan (ONMP) must be prepared by a suitably qualified acoustic expert. The ONMP will be designed to achieve compliance with the noise limits in condition (e) under the permitted activity conditions for 'Land Use' activities in Schedule 17.2B. The ONMP must specify, as a minimum, the following:
- (i) Operational Noise Management Plan objectives.
  - (ii) Mitigation and management measures to be adopted to ensure compliance with the relevant noise limits, including a signed statement by the qualified acoustic expert that the measures specified are adequate to ensure compliance with the noise limits.
  - (iii) Noise modelling; noise monitoring; auditing and reporting procedures.
  - (iv) Specifications for how operational noise is mitigated or controlled within the various loading bays and other goods-handling areas as well as outdoor refuse disposal and recycling materials handling areas.
  - (v) Noise complaint handling procedures and community liaison.
  - (vi) Procedures for amendments and review.

**Advice Note:** It is anticipated that the above management plans will be finalised through the resource consent process for any building proposal in the Richmond North Commercial Zone, and will be adhered to as conditions of any consent being granted.

**Productive Value Report**C60 1/16  
Op 6/19

- 19.2.1.17** A productive value report may be required for any land use consent and must contain the following:
- (a) Soil type patterns across a site.
  - (b) The characteristics of soils, including drainage, potential rooting depth, present fertility, existing contamination and erosion proneness.
  - (c) Land form features, including slope and aspect, and flood proneness.
  - (d) Climate, including general characteristics relating to suitability for productive use.
  - (e) Historical and existing land uses, including crop type, surrounding uses and existing markets.
  - (f) Effects on potential land uses and productivity, including loss of land from production through access, curtilage development and required setbacks.
  - (g) Availability of water.

**19.2.2 Subdivision**

Applicants must submit, and the Council may request further information, on the following matters to the extent that they are relevant to any subdivision consent rule, together with information required under any other relevant section of this chapter:

C19 5/10  
Op 8/12

- 19.2.2.1** The information required by section 219 of the Resource Management Act.
- 19.2.2.2** The legal description and current records of title for the land proposed to be subdivided.
- 19.2.2.3** A location diagram showing the proposed subdivision.
- 19.2.2.4** A plan at an appropriate scale defining all allotments and balance areas and the position of all new boundaries.
- 19.2.2.5** Areas and dimensions of all new allotments and balance areas, except where the subdivision is to be effected by cross lease, company lease, or unit plan.
- 19.2.2.6** Provision for vehicular access, showing visibility from accesses measured in terms of the requirements of rule 16.2.2.1.
- 19.2.2.7** For a subdivision in the Residential Zone in the Richmond South, Brightwater, Wakefield Motueka West or Mapua development areas:
- (a) a plan showing the layout of the subdivision, including all building location areas;
  - (b) information describing the extent to which compliance is achieved with the standards and terms in rule 16.3.3.1 Controlled Subdivision (Residential Zone – Standard Density Development) for the Residential Zone in the Richmond South, Brightwater, Wakefield, Motueka West or the Mapua development areas; and the standards and terms in rule 16.3.3.1B Controlled Subdivision (Residential Zone – Specific Location: Brightwater Development Area) for the Brightwater and Wakefield Development Areas.
  - (c) information describing consistency with the Urban Design Guide (Part II, Appendix 2);
  - (d) information on proposed block perimeter lengths.

C5 3/06  
Op 10/10  
C22 2/11  
Op 1/15  
C43 4/13  
Op 1/15  
C75 9/22  
(d 6/23)  
C76 9/22

- (e) In the Brightwater Development Area.
- (i) information on how a variety of housing options, including higher density housing options, is achieved, or – where this is not practicable – justification of why.
- (ii) where the subdivision is within 100m of the state highway’s white edge line, an acoustic design report, prepared by a suitably qualified and experienced acoustic specialist which details the measured or predicted outdoor road traffic noise level, and, where the measured or predicted outdoor road traffic noise level exceeds 57 dB L<sub>Aeq</sub> (24h), recommends how the subdivision can best include measures to mitigate the effects of road traffic noise on the habitants of any future dwellings.
- (iii) Information on how flood hazard risk from Pitfure Stream is managed.
- (f) In the Wakefield Development Area:
- (i) Information on how a variety of housing options, including higher density housing options, is achieved, or – where this is not practicable – justification of why.
- (ii) Information on how flood hazard risk from Pitfure Stream and dam break hazard risk from the two irrigation dams to the north-east are managed.

**19.2.2.7A** For subdivision in the Richmond Intensive Development Area:

C66 10/17  
Op 12/18

- (a) the information described in 19.2.2.7(a), (b) and (c) above;
- (b) for each new lot, a building location area that contains an outline building plan drawn so that a building complies with conditions contained in the Residential Zone rule 17.1.3.4C for intensive building construction and alteration in the Richmond Intensive Development Area. The outline building plan shows the building and site coverage, building setbacks from internal and external boundaries, building envelope, outdoor living space, fences, building height, building length and the parking and access conditions for the Richmond Intensive Development Area.

**19.2.2.8** For subdivision in the Rural Residential Zone in the Richmond East Development Area, where land which is the subject of a subdivision proposal contains a protected tree or the minimum root protection zone of a protected tree, the provision of a report prepared by an appropriately competent person in arboriculture that:

C20 8/10  
Op 8/12

- (a) determines the minimum root protection zone of the protected tree and to what extent the boundaries of an allotment are drawn so that:
- (i) the allotment is capable of containing a 20 metre by 20 metre building location area outside the minimum root protection zone; or
- (ii) if the allotment is to vest as road reserve or other local purpose utility reserve, it is capable of containing the required extent of the road or the relevant utility outside the minimum root protection zone; or
- (iii) if the allotment is to vest as local purpose reserve for recreation, it is capable of containing the required minimum protection zone wholly within its boundaries;
- and
- (b) specifies any conditions for subdivision that are necessary to:
- (i) ensure the integrity of the protected tree and its associated amenity

- values; and
- (ii) ensure that activities, including general construction activities, are set back from the protected tree so that adverse effects on the protected tree are appropriately avoided, remedied or mitigated.
- 19.2.2.9** Legal descriptions and names of owners of land adjoining the land being subdivided.
- 19.2.2.10** An assessment of natural or existing drainage and stormwater features, detailing: C7 7/07  
Op 10/10
- (a) natural drainage features such as drainage gullies, streams, ponds and wetlands;
  - (b) primary flowpaths, including natural drainage features and modified features such as pipework, open drains, and stormwater detention structures;
  - (c) secondary flow paths.
- 19.2.2.11** An assessment of the effects of the development on the natural drainage and stormwater flow characteristics of the land, including:
- (a) changes to natural or existing drainage patterns;
  - (b) changes in land cover, such as vegetation removal, temporary or permanent earthworks, and existing and proposed areas of impervious surface cover, including buildings and all sealed surfaces;
  - (c) impact of the proposed development on downstream drainage systems, including natural and Council-maintained stormwater drainage networks.
- 19.2.2.12** Detail of the proposed management of stormwater, including:
- (a) management of risk from flooding;
  - (b) proposed application of Low Impact Design solutions for the control of stormwater run-off and water quality;
  - (c) proposed management of temporary and permanent earthworks, including methods for managing potential sedimentation;
  - (d) proposed primary stormwater flow path management;
  - (e) proposed secondary stormwater flow path management;
  - (f) proposed protection of all stormwater flow paths.
- 19.2.2.13** Location and areas of existing and new reserves, including esplanade reserves, esplanade strips and access strips.
- 19.2.2.14** Location and areas of river or lake bed to be vested in the Crown or the Council in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011.
- 19.2.2.15** Details of any land or structure on the land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
- 19.2.2.16** Location of all existing buildings, structures and significant topographical features such as landforms, watercourses, flood channels, trees or fences.
- 19.2.2.17** Location and size of all existing and proposed buildings on the property, showing distances from boundaries and between buildings.
- 19.2.2.18** Location of areas, buildings, objects, sites or natural features of special value listed in the Plan and any other archaeological or heritage sites or features on or in close proximity to the site to be subdivided.

- 19.2.2.19** Location of existing and proposed services such as stormwater, wastewater, water supply, electricity and telephone, to be indicated on the subdivision plan.
- 19.2.2.20** Proposed tenure and use of access lots, rights of way and easements.
- 19.2.2.21** Location and areas of land to be set aside as roads and access, width and grade of any road and access, and location and type of street tree planting, if relevant. C43 4/13  
Op 1/15
- 19.2.2.22** Show linkages between proposed roads and existing or future roads. C69 6/19  
Op 6/20
- 19.2.2.23** Where a new road is to vest in the Council, the submission of at least three names for the road, and an explanation for each name.
- 19.2.2.24** Sufficient accompanying information to enable the Council to determine whether the proposed subdivision meets the requirements of the Plan.
- 19.2.2.25** Any traditional, cultural or spiritual site or feature or any other aspect having special significance to the tangata whenua.
- 19.2.2.26** Any proposed amalgamation conditions, covenants and consent notices.
- 19.2.2.27** The standard of the legal roads providing legal frontage and access.
- 19.2.2.28** Provision for on-site drainage.
- 19.2.2.29** Proposed areas of cut and fill.
- 19.2.2.30** In the case of land to be subdivided in stages, the above information presented separately in regard to each stage, with an indication of the proposed timing for each stage.
- 19.2.2.31** Identification of proposed building sites in the case of land in the Slope Instability Risk Area.
- 19.2.2.32** Identification of the extent to which the subdivision extends into the Fault Rupture Risk Area where this is so, and provision of the report as required by condition (b) of rule 18.13.2.1. C21 8/10  
Op 1/15
- 19.2.2.33** Evidence of title to any accreted land included in the subdivision application.
- 19.2.2.34** For a subdivision in the Rural 3 Zone, identification of a building location area within any allotment, within which all future buildings are to be located.
- 19.2.2.35** For a subdivision in the Rural 3 Zone, information on the present use of all adjoining properties.
- 19.2.2.36** For a subdivision in the Rural 3 Zone, or a subdivision for an allotment in Mapua or Waimea Inlet Rural Residential Zone which is below the controlled activity lot size for the zone, a statement outlining the extent of consistency of the activity with the 'Coastal Tasman Area Subdivision and Development Design Guide', prepared by a person with an appropriate qualification and experience in landscape or urban design analysis, including any suggested conditions to avoid, remedy or mitigate effects on the wider environment and within the area of the subdivision. C6 7/07  
Op 10/10
- 19.2.2.37** For a subdivision in the Rural 3 Zone, where planting and landscaping is proposed, a detailed plan indicating the programme and methods for provision and maintenance prior to and during the development period and for at least the first two years following completion of development.
- 19.2.2.38** For a subdivision which is part of a staged development in the Rural 3 Zone, a concept plan for the whole development indicating how the roading, pedestrian, cycleway and open space network (if relevant) will be connected.

**19.2.2.39** For a subdivision where records show historical land use prior to 1975, information and a statement identifying any site contamination with pesticide residues which may affect human health, such as DDT products, copper, arsenic and lead, and proposals to mitigate such effects to accepted levels.

**19.2.2.40** Sufficient information about wastewater management options that enable compliance to be shown with the wastewater discharge requirements of the Plan, including a site and soil evaluation that provides:

- (a) sufficient information to identify factors that must be taken into account when selecting and designing a wastewater disposal system, and;
- (b) the location of an area or areas suitable for on-site disposal of wastewater.

**19.2.2.41** A cultural heritage site assessment of:

- (a) the land subject to the proposed activity, where there is a known cultural heritage site on any part of the land and it is unclear whether the proposed activity will have an effect on it;
- (b) any site that is an archaeological site that must be prepared by an appropriately competent archaeologist and address:
  - (i) the location and extent of any cultural heritage sites, using a hand-held GPS or similar device to locate the site accurately;
  - (ii) the nature or type of physical evidence identified at each cultural heritage site;
  - (iii) an assessment of significance of each Cultural Heritage Site in terms of its archaeological values;
  - (iv) any recommended actions to avoid the potential for the modification, damage or destruction of any identified cultural heritage site in terms of its archaeological values;
- (c) any site that is a wāhi tapu or wāhi tapu area that must be prepared by manawhenua iwi and must address:
  - (i) where appropriate, the location of any wāhi tapu or wāhi tapu area;
  - (ii) an assessment of the significance of the cultural heritage site in terms of cultural values, not otherwise covered within an archaeological assessment;
  - (iii) any recommended actions that could be used to avoid the potential for adverse effects of the proposed activity on any identified Cultural Heritage Site in terms of its significance to manawhenua iwi.

C16 9/09  
Op 8/12C16 9/09  
Op 8/12

### Productive Value Report

C60 1/16  
Op 6/19

**19.2.2.42** A productive value report may be required for any subdivision consent and must contain the following:

- (a) Soil type patterns across a site.
- (b) The characteristics of soils, including drainage, potential rooting depth, present fertility, existing contamination and erosion proneness.
- (c) Land form features, including slope and aspect, and flood proneness.
- (d) Climate, including general characteristics relating to suitability for productive use.
- (e) Historical and existing land uses, including crop type, surrounding uses and existing markets.

- (f) Effects on potential land uses and productivity, including loss of land from production through access, curtilage development and required setbacks.
- (g) Availability of water.

### 19.2.3 Papakainga Development

Applicants must submit, and the Council may request further information, on the following matters to the extent that they are relevant to any land use consent rule for a papakainga development, together with information required under any other relevant section of this chapter:

C19 5/10  
Op 8/12

**19.2.3.1** A Development Plan for the land concerned, a copy of the record of title, and the Trust Order or empowering instrument referred to in rule 17.1.2.3(b). The Development Plan shall include:

- (a) the location and extent of the area to be part of the Papakainga Development;
- (b) land contours, vegetation and existing activities;
- (c) the nature and location of proposed buildings, and their intended use;
- (d) the number and location of proposed buildings, and their intended use;
- (e) the proposed provision and design of access to and parking on the site;
- (f) the proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity;
- (g) the proposed reticulation of water supply and provisions for stormwater (including all the details set out in 19.2.2.12) and sanitary drainage, including the disposal of effluent;
- (h) any proposal for staging of the development.

C43 4/13  
Op 1/15

### 19.2.4 Land Uses in Relation to Airport Height Controls

In addition to relevant matters in 19.2.1, applicants must submit the following information in respect of rule 16.11.2.2:

**19.2.4.1** A statement from a Member of the NZ Institute of Surveyors indicating the extent to which the height controls in Schedule 16.11A or 16.11B are exceeded in respect of the application.

### 19.2.5 Applications for Signs, including Signs associated with Land Use Activities

C19 5/10  
Op 8/12

Applicants must submit, and the Council may seek further information on, the following matters when seeking land use consent for a sign:

- 19.2.5.1** A site plan showing the location of the sign relative to property boundaries and access, any street widening lines, nearby signs on private property, and existing buildings and trees in the vicinity of the proposed sign.
- 19.2.5.2** A scale diagram of the proposed sign showing its height, dimensions, support structure, lettering, colour and illumination.
- 19.2.5.3** A statement of local road conditions, including the speed limit, proximity of the sign to any intersection and line of sight distances.
- 19.2.5.4** A statement of the activity to which the sign relates and any existing signs associated with such.

- 19.2.5.5** A statement of the duration for which consent is sought.
- 19.2.5.6** An assessment of affects of the sign on the local environment, prepared in accordance with section 88 of the Resource Management Act.
- 19.2.5.7** The written consent of any person that the Council considers affected by the proposal.

## **19.2.7 Land Uses in Relation to Berm Lands and Stopbanks (Flood Hazards)**

Applicants must submit, and the Council may seek further information, on the following matters when seeking a land use consent required by section 16.10 [Flood Hazards]: C19 5/10  
Op 8/12

- 19.2.7.1** An assessment by a suitably competent person experienced in river engineering, of the effects of the proposed activity on land and structures in the vicinity of the activities, and the extent to which others could be adversely affected.

## **19.2.8 Plantation Forestry**

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent to establish plantation forestry in the Groundwater Recharge Protection Area or the Surface Water Yield Protection Area: C19 5/10  
Op 8/12

- 19.2.8.1** A description of the proposed forest, including location of forest, species used, timing and management of planting(s), and sites to be planted.
- 19.2.8.2** A site plan which includes details of rivers and other water bodies, including springs and wetlands.
- 19.2.8.3** An assessment of any actual or potential effect on other uses and values of the affected water body.
- 19.2.8.4** Details of any measures taken to avoid, remedy or mitigate the adverse effects.
- 19.2.8.5** Details of any consultation undertaken with any person or body likely to be affected.

### **Cultural Heritage Site Assessment**

C16 9/09  
Op 8/12

- 19.2.8.6** A cultural heritage site assessment of:
- (a) the land subject to the proposed activity, where there is a known cultural heritage site on any part of the land and it is unclear whether the proposed activity will have an effect on it;
  - (b) any site that is an archaeological site that must be prepared by an appropriately competent archaeologist and address:
    - (i) the location and extent of any cultural heritage sites, using a hand-held GPS or similar device to locate the site accurately;
    - (ii) the nature or type of physical evidence identified at each cultural heritage site;
    - (iii) an assessment of significance of each Cultural Heritage Site in terms of its archaeological values;
    - (iv) any recommended actions to avoid the potential for the modification, damage or destruction of any identified cultural heritage site in terms of its archaeological values;
  - (c) any site that is a wāhi tapu or wāhi tapu area that must be prepared by manawhenua iwi and must address:

- (i) where appropriate, the location of any wāhi tapu or wāhi tapu area;
- (ii) an assessment of the significance of the cultural heritage site in terms of cultural values, not otherwise covered within an archaeological assessment;
- (iii) any recommended actions that could be used to avoid the potential for adverse effects of the proposed activity on any identified Cultural Heritage Site in terms of its significance to manawhenua iwi.

### 19.2.9 Land Disturbance

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for land disturbance:

C19 5/10  
Op 8/12

- 19.2.9.1** A site map or plan of sufficient detail to show the location of roads, rivers, wetlands, coastal water, drains, structures (including coastal protection structures) and heritage sites.
- 19.2.9.2** A description of the existing vegetation and land use.
- 19.2.9.3** A description of the topography of the area with an accompanying contour map or aerial photograph of sufficient detail to identify catchment boundaries.
- 19.2.9.4** A description of any rivers, streams, wetlands, coastal water or drains near or within the area to be disturbed.
- 19.2.9.5** A description of any likely natural hazards, including subsidence, slope instability, erosion or flooding.
- 19.2.9.6** A description of the proposed activity including:
- (a) design and construction information for all earthworks, including roads and tracks;
  - (b) machinery or methods to be used;
  - (c) timing of operation;
  - (d) proposed future use of the area.
- 19.2.9.7** A description of actual or potential adverse environmental effects (including cumulative effects) of undertaking the activity, including:
- (a) potential for soil erosion or sedimentation;
  - (b) runoff or flooding;
  - (c) effects on river or stream communities;
  - (d) effects on ground water or coastal water;
  - (e) visual effects;
  - (f) effects on sites of cultural or historic heritage, including sites of significance to Māori.
- 19.2.9.8** A description of any proposed mitigation measures, including:
- (a) protection of rivers, streams, ground water or coastal water;
  - (b) methods and timing of revegetation;
  - (c) any specific technique to be used to avoid, remedy or mitigate soil erosion, sedimentation or adverse visual effects and effects on sites of cultural or historic heritage, including sites of significance to Maori;
  - (d) any specific technique to stabilise slopes.

C22 2/11  
Op 1/15

- 19.2.9.9** A cultural heritage site assessment of:
- (a) the land subject to the proposed activity, where there is a known cultural heritage site on any part of the land and it is unclear whether the proposed activity will have an effect on it;
  - (b) any site that is an archaeological site that must be prepared by an appropriately competent archaeologist and address:
    - (i) the location and extent of any cultural heritage sites, using a hand-held GPS or similar device to locate the site accurately;
    - (ii) the nature or type of physical evidence identified at each cultural heritage site;
    - (iii) an assessment of significance of each Cultural Heritage Site in terms of its archaeological values;
    - (iv) any recommended actions to avoid the potential for the modification, damage or destruction of any identified cultural heritage site in terms of its archaeological values;
  - (c) any site that is a wāhi tapu or wāhi tapu area that must be prepared by manawhenua iwi and must address:
    - (i) where appropriate, the location of any wāhi tapu or wāhi tapu area;
    - (ii) an assessment of the significance of the cultural heritage site in terms of cultural values, not otherwise covered within an archaeological assessment;
    - (iii) any recommended actions that could be used to avoid the potential for adverse effects of the proposed activity on any identified Cultural Heritage Site in terms of its significance to manawhenua iwi.

C16 9/09  
Op 8/12

## 19.2.10 Quarrying

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for quarrying:

C19 5/10  
Op 8/12

- 19.2.10.1** A site plan or map of sufficient detail to show the location of roads, rivers, wetlands, drains and structures.
- 19.2.10.2** A description of existing vegetation and land use and the existing potential level of production.
- 19.2.10.3** A contour map showing existing topography and proposed changes.
- 19.2.10.4** A description of the existing and proposed drainage systems.
- 19.2.10.5** A description of any likely natural hazards, including subsidence, slope instability, erosion, flooding or stopbank instability.
- 19.2.10.6** A description of the proposed activity including:
- (a) machinery to be used;
  - (b) methods of operation;
  - (c) duration of the operation;
  - (d) potential future uses of the area.
- 19.2.10.7** Demonstration that the proposed operation will not result in reduced productivity or versatility of the land.

**19.2.11 Landscape Priority Area**

Applicants must submit, and the Council may seek further information, on the following matter relevant to rules for seeking land use consent in a Landscape Priority Area:

C19 5/10  
Op 8/12

- 19.2.11.1** An assessment and plan prepared by an appropriately competent person that considers matters the Council has reserved control over must accompany applications for resource consents under rules 18.2.3.1 and 18.2.4.1.

**19.2.12 Chemical Hazard Area**

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent in a Chemical Hazard Area:

C19 5/10  
Op 8/12

- 19.2.12.1** The sampling programme and results of the analysis for the range of chemicals likely to have been present on any contaminated site.
- 19.2.12.2** A scale plan showing the extent and staging of any site remediation programme.
- 19.2.12.3** The methodology for the programme of remediation of any contaminated site, including the type of material that may be used for any backfilling.
- 19.2.12.4** The proposed method of disposal of any material removed from the site.
- 19.2.12.5** The commencement date of work and expected duration of any remediation programme.
- 19.2.12.6** An appropriately competent person or organisation must be nominated as the proposed supervisor of the programme.

**19.2.13 Relocated Buildings**C73 12/20  
Op 6/23

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for a relocated dwelling:

C19 5/10  
Op 8/12

- 19.2.13.1** Colour photographs of the dwelling to be relocated showing all external walls.
- 19.2.13.2** A plan showing the location on the new site.
- 19.2.13.3** Details of any building foundation or reinstatement work to be carried out and the intended time period for completing this work.

C73 12/20  
Op 6/23**19.2.14 Destruction or Removal of Indigenous Forest**

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for the destruction or removal of indigenous forest:

C19 5/10  
Op 8/12

- 19.2.14.1** A site plan showing the area of forest to be logged or otherwise removed and the areas of forest to be retained. The plan is to show the general slope of the land, preferably showing contours, rivers, streams, etc., in order to give a general impression of the type of country within which the operation is to take place.

- 19.2.14.2** The site plan should be supplemented by an aerial photograph of appropriate scale, which clearly identifies the area and which is suitably marked to show the extent and location of logging or clearance.
- 19.2.14.3** A work programme stating:
- (a) species and characteristics of trees to be felled;
  - (b) total anticipated yield;
  - (c) rate and duration of logging;
  - (d) nature of logging programme, whether it is selective logging or clear felling, and any staging of logging;
  - (e) method of removal of felled trees, including any associated track construction;
  - (f) any proposed restoration of the cleared or logged areas, and subsequent use of those areas.

### **19.2.15 Additions to Heritage Buildings and Structures**

For additions to Category I and Category II buildings and structures listed in Schedule 16.13A, a scale plan and building elevations prepared by an appropriately competent person will be required.

### **19.2.16 Hazardous Facilities**

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for a hazardous facility: **C19 5/10**  
**Op 8/12**

- 19.2.16.1** An Assessment of Environment Effects (AEE). The AEE must be appropriate to the nature and scale of the proposed facility and its associated potential or actual environmental effects, and must address the following matters:
- (a) A description of the nature and scale of the proposed facility and associated operations.
  - (b) An inventory of hazardous substances proposed to be used, stored, transported and disposed of on the site.
  - (c) The biophysical characteristics of the site and surrounding area (e.g. nature of subsoil and site geology) and relevant infrastructure on and off site (e.g. drainage, roads).
  - (d) The location of the facility in relation to people-oriented activities (e.g. child care facilities, schools, rest homes, hospitals or farms, sensitive environments (e.g. natural waters, aquifer recharge area, ecosystems) and infrastructures (e.g. neighbouring roads, buildings, etc.);
  - (e) Description of the environment actually or potentially affected by the proposal, including contamination pathways.
  - (f) Preliminary hazard and risk analysis, except where the application is for a discretionary activity.
  - (g) Management of wastes containing hazardous substances.
  - (h) The on-site transport of hazardous substances, where this forms a significant part of the operations.
  - (i) Emergency and contingency planning.

Where the application is for a discretionary activity then the following information must also be submitted:

- (j) Documentation of alternatives (sites/locations, substances, quantities, processes/equipment, site management, etc.)
- (k) Detailed hazard and risk analysis of installations, operations and processes involving the use, handling, storage, transport and disposal of hazardous substances which is appropriate to the type and scale of the proposed facility.
- (l) A risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should place emphasis on the following issues:
  - (i) identification of potential hazards, failure modes and exposure pathways;
  - (ii) assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or loss of control, including, as applicable, cumulative and/or synergistic effects;
  - (iii) acceptability of the assessed risks, including cumulative risks;
  - (iv) proposed risk control and environmental mitigation measures, with emphasis on sensitive activities and environments, including, as applicable, fire safety and site management systems, engineered safety measures such as containment devices, spill contingency and emergency plans, monitoring and maintenance schedules as well as training programmes.
- (m) outline of proposed site management systems and plans, as requested.

### **19.2.17 Bore Permits**

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking a bore permit:

**C19 5/10**  
**Op 8/12**

- 19.2.17.1** A site plan or map of sufficient detail to show the location of roads, rivers, wetlands, coastal water, drains, and structures, on-site domestic effluent treatment fields, other existing bores, springs, waste disposal sites.
- 19.2.17.2** A description of the details of the proposed bore, including estimated depth, diameter and location.
- 19.2.17.3** Method of construction.
- 19.2.17.4** Details of proposed bore headworks.
- 19.2.17.5** Details of any other resource consent that may be required, and whether such a consent has been applied for or obtained.
- 19.2.17.6** The extent of compliance with NZS 4411:2001.

### **19.2.18 Hazardous Activity and Industry List (HAIL) Sites**

- 19.2.18.1** The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply to specified land use activities and subdivision where the land or activity involves a HAIL site. The activities are specified in subsections (2) - (6) of the regulations, and are broadly classified as:
  - (a) Subdivision;

- (b) Any change of use of land which is reasonably likely to harm human health (e.g changes to residential use, etc);
- (c) Underground storage tank removal or replacement;
- (d) Earthworks exceeding 25 square metres per 500 square metres – excluding land disturbance relating to rural production activities;
- (e) Some soil-sampling activities.

For any of the specified activities, the National Environmental Standard may alter the activity status of such activity and impose additional standards, matters for assessment and criteria.

**19.2.18.2** Information requirements for specified activities are detailed in the National Environmental Standard. Copies of the Standard can be obtained from Council or through the Ministry for the Environment website.

**19.2.18.3** Council may hold information on a HAIL site through its Site Contamination Register. Applicants are advised to contact Council in the first instance when considering new land use or subdivision activities on HAIL sites.

### **19.2.19 Water Augmentation Infrastructure Area**

C46 4/13  
Op 9/15

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use or subdivision consent:

**19.2.19.1** Information to demonstrate how the proposed activity will accommodate or provide for the construction of the Lee Valley Community Dam, including associated buildings, access and other infrastructure necessary for the dam.

**19.2.19.2** Information about where water to service any subdivision is to be provided from and information to show the water use will not affect the security of supply for primary production in the water management zones augmented by the Lee Valley Community Dam.

## PART II – APPENDIX 1: DESIGNATIONS

A body with financial responsibility for a public work which has been approved as a requiring authority under Section 166 of the Act may require land to be designated in the Plan. The following organisations are requiring authorities which have designations in this Plan.

Appendix 1 gives descriptions of designations for public works or network utilities that are included in the Plan.

All designated land is shown on the planning maps and identified in Figures A1.1 to A1.11.

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Where a designation is included in the Plan, the requiring authority responsible for the designation may do anything that is in accordance with the designation. No person may, without the prior written consent of the requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the public work or project or work to which the designation relates. All designations have an underlying zoning shown on the planning maps. The zone rules regulate activities that are not covered by the designation.

Most of the designations incorporated in the Plan have been “rolled over” from earlier plans with minor modifications under Clause 4 of the First Schedule to the Act. Most of these works have been given effect to. These are listed as “existing” in the Figures that follow. Designations that did not appear in previous plans are listed as “new” in the Figures.

Designations for works that have not been given effect to lapse after five years, unless a longer period has been specifically identified in the Figures or the designated work is given effect to in the specified time period. New designations are accompanied by full details of proposed works.

**A1.1 DESIGNATING AUTHORITY: SPARK NEW ZEALAND LIMITED****Reasons for Designation**

- (a) All sites currently contain and have for many years, a variety of telecommunication and radiocommunication facilities which are of strategic and functional importance to Spark New Zealand Limited.
- (b) All sites were previously the subject of Ministerial Requirements which provided a statutory and lawful basis for the activities undertaken by Spark New Zealand Limited and the former New Zealand Post Office on those sites, apart from Korere Microwave Station, Ngatimoti Exchange, Pye Peak Radio Station, Redwood Valley Exchange, Tapawera Microwave Station.
- (c) In terms of maintaining a nationwide telecommunication network, there is a need to be able to protect areas of land occupied by telecommunication or radiocommunication facilities. Spark New Zealand Limited considers that the continuation of these designations is the most appropriate means of ensuring its interests in these properties are protected in terms of:
  - (i) permitting all activities which are in accord with the designation;
  - (ii) ensuring that no other person may do anything in relation to the land that is the subject of the designation that would hinder the effective and efficient operation of the telecommunication or radiocommunication activity.

**Designation Notation**

Telecommunication and Radiocommunication and Ancillary Purposes.

**Explanatory Statement**

These sites are an integral part of a wider network of communication activities and services, including subscriber telephone, cellular telephone, data communications, and computer and video linking. The network is used for a wide range of purposes, including personal and commercial communications, linking financial institutions to convey critical financial transaction data, fire and burglary monitoring and control facilities and other emergency communications. The safe, reliable and efficient functioning of a national and international telecommunication and radiocommunication system is in the public interest.

**Nature of the Works**

The structures/works associated with these activities include buildings (of a range of sizes and shapes) for housing equipment and plant and undertaking operations; transmitting and receiving devices such as lines, aerials, antenna and dishes; and support structures for these, such as towers, masts and poles, as well as other ancillary structures.

**Environmental Effects/Mitigation Measures**

The environmental effects of retaining and operating existing telecommunication and radiocommunication facilities are minor. The principal effects relate to the continued maintenance and servicing of these facilities and are unlikely to change significantly in the future in terms of character, scale or intensity.

**Figure A1.1: Spark New Zealand Limited**

ID	Location of Site	Map <sup>1</sup> No	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>Existing</b>							
D1	Meihana Street Takaka	AM 112	Birch Hill Radio Station	Telecommunication and radiocommunication and ancillary purposes	Part of Part 2 Section 10 Takaka District	0.16	*
D2	37 Ellis Street, Brightwater	AM 90	Brightwater Exchange	"	Part Section 1 District of Waimea South Block IX Waimea Survey District	0.0425	*
D3	Main Road, Collingwood	AM 72	Collingwood Exchange	"	Part Section 401 Town of Collingwood	0.0164	*
D5	Main Road, Lower Moutere	AM 19, SM 145	Lower Moutere Exchange	"	Sec 6 SO 501573	0.0537	*
D6	149 Aranui Road, Mapua	AM 87	Mapua Exchange	"	Part Lot 3A DP 693 Block II Moutere Survey District	0.0314	*
D7	High Street, Motueka	AM 116	Motueka Exchange	"	Lot 2 DP 16443 Block IV Motueka Survey District	0.2054	*
D8	7 Hickmott Place Motueka	AM 116	Motueka Microwave Station	"	Lot 1 DP 19258	0.24	*
D9	58 Fairfax Street, Murchison	AM 92	Murchison Exchange	"	Section 2 SO 14331 Block I Tutaki Survey District	0.6739	*
D10	Aorere State Forest No. 2, Burnett Mountains	AM 4	Mt Burnett Land Mobile Station	"	Crown Land State Forest No. 2	0.0620	*
D11	297 Queen St, Richmond	AM 125	Richmond Exchange	"	Parts of Section 25 District of Waimea East Block VII Waimea Survey District	0.0968	*
D12	Ward Street, St Arnaud	AM 94	St Arnaud Exchange	"	Part Sec 102 SQ 46 and Part Sec 22 SQ 46	0.0434	*
D13	86 Commercial Street, Takaka	AM 112	Takaka Exchange	"	Part Section 18 Block X District of Takaka Waitapu Survey District	0.1214	*
D14	1A Matai Crescent, Tapawera	AM 89	Tapawera Exchange	"	Part Section 141 Upper Motueka District Block IX Wai-iti Survey District	0.0219	*
D15	Baldwin Road, State Highway 60	AM 85	Tasman Exchange	"	Part DP 4049 Block XII Motueka Survey District	0.079	*
D16	Dovedale Road, Dovedale	AM 21, SM 146	Thorpe Exchange	"	Part Lot 1 DP 2021 Block II Wai-iti Survey District	0.0279	*
D17	Moutere Highway (opposite George Harvey Road)	AM 88	Upper Moutere	"	Part Section 96 Moutere District & Part Section 7 Block XVI Motueka Survey District	0.0301	*
D18	Whitby Road, Wakefield	AM 91	Wakefield Exchange	"	Section 2 SO 14333 Block XII Wai-iti Survey District	0.0395	*
<b>New</b>							
D20	Orinoco Valley Road, Ngatimoti	AM 18, SM 144	Ngatimoti Exchange	"	Part Section 22 Square 7 Block X Motueka Survey District	0.0721	*
D21	Pye Peak, Takaka Hill	AM 14	Pye Peak Radio Station	"	Part Section 1 Block XV Takaka Survey District	0.3733	*
D22	Redwood Road	AM 56	Redwood Valley Exchange	"	Part Lot 1 DP 2110 Block I Waimea Survey District	0.0325	*
D24	Golden Downs Forest, Western Boundary Road	AM 27	Korere Microwave Station	Telecommunication and radiocommunication and ancillary purposes	State Forest Land Trig Korere, Lot 1 DP 14501 Grid Ref: NZTM 1585620.68 5403018.21	78.54 (m <sup>2</sup> )	*

\* Designation has been given effect to.

1 AM = Area Map SM = Special Map

**A1.2 DESIGNATING AUTHORITY: TRANSPOWER NEW ZEALAND LIMITED****Reasons for Designation**

- (a) The substations and outdoor switchyards are an integral part of the National Electricity Grid which supplies high voltage electricity to the upper South Island. Accordingly, owing to the importance of the National Grid, it is necessary to designate the substations and outdoor switchyards so that they are given adequate protection and identified by appropriate notation in the Plan.
- (b) When ownership of the substations/outdoor switchyard was transferred from the Crown/ECNZ to Transpower, those assets required for the immediate or foreseeable future development, operation and maintenance of the National Grid were allocated to the company, and this transfer of ownership makes Transpower the responsible authority with respect to these designations.
- (c) The planning maps and Figure A1.2 give reference to the area over which Transpower wishes its designation to apply.

**Designation Notation**

- (a) Electricity Substation.
- (b) Outdoor Switchyard.

**Explanatory Statement**

The designation of these substations and outdoor switchyards in the Plan recognises these existing facilities and their function.

**Nature of the Works**

The purpose of the switchyard is to convert power from the generating stations' relatively low voltage to a high voltage for nationwide transmission through the Grid. Substations contain facilities for line switching and protection of the network as well as voltage support equipment for load flow and management. Substations connect transmission facilities to the local supply authority's distribution lines.

The structures and facilities associated with substations and outdoor switchyards commonly include conductors, transformers, insulators, bushings, gantry structures, telecommunications systems, screening structures, storage sheds, control buildings, accessways, water supply (where necessary) and security fences.

**Environmental Effects/Mitigation Measures**

The effects on the environment of the substations and outdoor switchyards are the same as those that currently exist. The company has in place on-site management practices which are designed to ensure the safe and efficient operation of all facilities and structures, including the management of oil which is used to cool the transformers.

In addition, with regard to the electromagnetic fields emitted by the electrical equipment, these are well below the guidelines set by the International Commission on Non-Ionising Radiation Protection. Further, the electromagnetic radiation emissions from the telecommunications network, which controls the substations and outdoor switchyards are also well within the electromagnetic radiation limits set by New Zealand Standard 6609 Pts 1 and 2.

**Figure A1.2: Transpower New Zealand Limited**

ID	Location of Site	Map <sup>2</sup> No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>Existing</b>							
D30	Korere-Tophouse Road	AM 31	Kikiwa Substation	Electricity Substation	Lot 1 DP 14652, Block I Motupiko Survey District (CT 10B/654)	5.8500	*
<i>[Ownership of D31 moved to Network Tasman Ltd]</i>							
D33	Matiri Valley Road	AM 34 SM 149	Murchison Substation	"	Pt Section 132 Block II Tutaki Survey District (CT 9C/754)	0.8094	*
<b>New</b>							
<i>[Ownership of D34 and D35 moved to Network Tasman Ltd]</i>							

DD  
1/12/14DD  
1/12/14

\* Designation has been given effect to.

2 AM = Area Map SM = Special Map

**A1.3 DESIGNATING AUTHORITY: NETWORK TASMAN LIMITED****Reasons for Designation**

Designations are site-specific and all the associated works can vary considerably from site to site. Providing rules would be cumbersome, unless they were of a very general nature. Rules of a general nature would not reflect the variety of purposes for which designations exist. In addition to this, Section 10 (existing use) protection is not complete and can lead to uncertainties for the designating authority.

**D41 — Network Tasman Depot (Hope)****Reason for Designation**

The modification to the designation accurately identifies the name of the designating authority and the purposes of the designation.

**Designation Notation**

Network Tasman network utility operations (depot, workshops, administration, substation and stores).

**Explanatory Statement**

The designation encompasses a range of activities, including administration, a substation, equipment storage and service workshops to maintain equipment. Resource consents also exist for service facilities, such as the garage, to carry out work for the public.

The facilities include administration and service buildings, storage sheds and the substation areas, which contain transformers and poles. Transformers are approximately three to 3.5 metres high.

Poles vary in height to approximately eight metres. Buildings range in height from approximately four metres to 10 metres high.

**Nature of the Works**

Line depot, workshops, parts store and substation site.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects of the activity on the environment, as the activities already exist.

**D42 — Substation (Brightwater)****Reason for Designation**

The modification to the designation accurately identifies the name of the designating authority and the purposes of the designation.

**Designation Notation**

Network Tasman network utility operations (substation).

**Explanatory Statement**

The substation is a facility for managing the distribution of electricity in the Brightwater area. It contains switch-gear and transformers.

**Nature of the Works**

These are being constructed now and will comprise a domestic scale building housing switching gear and two transformers standing approximately 3.0 to 3.5 metres long, on concrete pads.

**Environmental Effects/Mitigation Measures**

The effect that the work will have on the environment is the same as at present. That is, no physical effect other than to facilitate the supply of energy to the community.

**D43 — Substation and Maintenance Depot (Motupipi Street, Takaka)****Reason for Designation**

The modification to the designation accurately identifies the name of the designating authority and the purposes of the designation.

**Designation Notation**

Network Tasman network utility operations (substation and maintenance depot).

**Explanatory Statement**

This is the designating authority's main maintenance depot for serving Golden Bay. It is needed because Golden Bay is remote from the designating authority's main depot and because from time to time Golden Bay is isolated from other parts of the District, by closure of the Takaka Hill Road.

**Nature of the Works**

The facilities are a line maintenance depot containing buildings for workshop facilities, communications equipment, parts stores and vehicle storage. There are several sheds of up to two storeys high.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects of the activity on the environment, as it is an existing activity.

**D44 — Substation (Glenview Road, Takaka)****Reason for Designation**

The modification to the designation accurately identifies the name of the designating authority and the purposes of the designation.

**Designation Notation**

Network Tasman network utility operations (substation).

**Explanatory Statement**

This is a transformer located on private land. Its purpose is to regulate electricity supply in the area.

**Nature of the Works**

The structure is a transformer approximately 2.5 metres high, located in a paddock on a concrete pad.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects of the activity on the environment, as it is an existing activity.

**D45 — Network Tasman Offices, Workshop and Stores (Richmond)****Reason for Designation**

The modification to the designation accurately identifies the name of the designating authority and the purposes of the designation.

**Designation Notation**

Network Tasman network utility operations (offices, stores and workshop).

**Explanatory Statement**

The facility is located in the commercial area of Richmond. Many of the functions carried out in the building are permitted by zoning and are not directly linked with the utility functions of the requiring authority; however, there are communication functions and storage activities which are linked to utility functions.

**Nature of the Works**

Communications centre for operation of the electricity supply network, administration offices, stores and workshops necessary for maintaining the electricity supply network. Activities on the site, as covered by the designation, are restricted to those already functioning. Most activities are located in a 15 metre high commercial building. Communications masts up to approximately six metres high are located on top of this building. Other activities are located in sheds to the rear of the main building. These comply with District Plan requirements.

**Environmental Effects/Mitigation Measures**

The effect that the work will have on the environment is as at present and is consistent with other activities undertaken in the vicinity and will not be adverse in terms of effect on the environment.

**D32 — Motupipi Substation****Reason for Designation**

This designation is for an existing substation which was previously a designation of Transpower New Zealand Ltd.

**Designation Notation**

Network Tasman network utility operations (substation and workshop); electricity generation.

**Explanatory Statement**

The designation of this substation in the Plan recognises the existing facility and its function.

**Nature of the Works**

The substation contains facilities for line switching and protection of the network, as well as voltage support equipment for load flow and management.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects of the activity on the environment, as it is an existing activity.

**D46 - D50 — Concrete Cubicle Substations****Reason for Designation**

The designation is needed to formally recognise these existing facilities which are part of Network Tasman Limited's electricity distribution network.

**Designation Notation**

Concrete cubicle substations.

**Explanatory Statement**

These are at various locations in Richmond. They are transformer sites for regulation of electricity supply at a neighbourhood level.

**Nature of the Works**

These are structures approximately 2.5 to 3.0 metres high, with floor areas of around 12 square metres, which contain transformers in a secure environment.

**Environmental Effects/Mitigation Measures**

The above listed substations are all existing facilities and no additional work involving them is anticipated. As such, no resource consents are required and there is no need to consider alternative sites.

**D52 — Electricity Transmission Substation (Beach Road, Richmond)****Reason for Designation**

The site has been owned by Network Tasman Limited for some time. It was acquired for its strategic location, having regard to future need for a substation to some of the industrial area of Richmond and its surrounds. Designation is necessary because the proposed use of the site is not likely to be provided for otherwise in the Plan.

**Designation Notation**

Network Tasman network utility operations.

**Explanatory Statement**

The site works will include transformers mounted on concrete pads, with associated bus bars and cooling fans. The cooling fans only activate if the transformers overload. There will also be a single storey building of 80 to 100 square metres in floor area, to accommodate switch-gear. Overhead lines already cross the site.

**Nature of the Work**

The nature of the work to be undertaken on the site is the placement of electricity transformers and an associated building housing control equipment. All structures to be placed on the site will comply with building bulk and location requirements. It should be noted that the site already accommodates transmission lines and support poles, which are part of Network Tasman Limited's energy transmission network.

The structures have a utilitarian appearance. A landscape planting strip exists alongside the site, next to the state highway and there is opportunity for landscape screening or fencing on other boundaries, if this is deemed necessary to mitigate adverse effects. Any screening must comply with setback distances and height limits under the electricity supply regulations. Effective screening can be provided whilst having regard to these.

**Environmental Effects/Mitigation Measures**

The effect of the work on the environment is minimal, given the location of the site and nearby activities. The placement of equipment will not adversely affect the ability of other landowners in the vicinity to use their land or physical resources thereon, or develop them.

**D53 — Network Tasman Depot (Murchison)****Reason for Designation**

In order to remove the possibility that any alterations to planning provisions affecting the site may adversely affect the designating authority's activities in the future, it is considered appropriate that the site be designated, as are other similar facilities of the requiring authority.

**Designation Notation**

Network Tasman network utility operations (administrative offices, workshops and maintenance depot).

**Explanatory Statement**

The designation encompasses an existing building and a yard. The building is a combined workshop and truck bay, which is a single-storey but of near two-storey height. The facility is needed as a base for maintenance of the electricity supply network in this remote part of the District.

**Nature of the Works**

Administrative offices, workshop and maintenance depot connected with the supply of electricity and maintenance depot activities. This involves the storage of equipment and plant necessary to repair and maintain the network utility operator's electricity supply network served by the Murchison depot.

This involves the day to day movement of vehicles to and from the yard with line equipment and from time to time outside normal working hours, when emergency repairs to the electricity supply network are necessary.

**Environmental Effects/Mitigation Measures**

The effects on the environment are as can be expected in a commercial area providing for the range of activities which are provided for in a commercial zone. There is a potential adverse effect associated with noise and activity on the site at night-time, but this would be a rare event to the community when power supply is disrupted or cut.

It should be noted that the facility has operated from the site for about thirty years and there has been no record of complaint about activities that Network Tasman Limited is aware of.

The only practicable and necessary mitigation measure is to confine activity on the site to normal working hours, except in cases where emergency situations require that the depot is used.

DAD 5/09

**D54 — Network Tasman Substation (Wakefield)****Reason for Designation**

The designation authorises the proposed substation which is necessary to provide security in local electricity supply.

**Designation Notation**

Network Tasman network utility operations (electricity transmission substation); electricity generation.

**Explanatory Statement**

The substation is a facility for managing the local distribution of electricity in the Wakefield area.

**Nature of the Works**

Construction and operation of a 33 kV electricity substation for the purpose of providing a secure supply of electricity to the Wakefield and surrounding area. The building will house switching gear and transformers.

**Environmental Effects/Mitigation Measures**

The building in which the substation is housed will have a visual appearance comparable with that of a small dwelling, that is no more than minor effect. The cabling to the station is underground.

<b>D55 — Substation (Haycock Road, Brightwater)</b>
<b>DD 8/12 DAD 9/16</b>
<b>Reason for Designation</b>
The designation provides for a GXP electricity sub-station to receive electrical feed on the Kikiwa-Stoke 220kV transmission line for conversion by transformers to 33kV. The substation is to supply electricity to the Network serving the Brightwater/Richmond area and beyond.
<b>Designation Notation</b>
Network Tasman network utility operations (substation).
<b>Explanatory Statement</b>
The designation is in anticipation of urban growth in the Brightwater-Richmond area that will eventually exceed the capacity of the existing network facilities. (Network Tasman owns the site.)
<b>Nature of the Works</b>
The substation will include: a switch and control room, transformers and circuit breakers, two lightning masts, one 42-metre high pylon tower, two cable gantries, oil containment system, and perimeter fencing.
<b>Environmental Effects/Mitigation Measures</b>
Planting of native vegetation will be used for screening. Cables carrying electricity from the substation to the distribution network will be laid within the road reserve. The transformer sites will be bunded to contain any spill of cooling oil. An on-site wastewater and stormwater system will be installed.

**Figure A1.3: Network Tasman Ltd**

ID	Location of Site	Map <sup>3</sup> No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (m <sup>2</sup> )	Duration of Designation
<b>Existing</b>							
D31	Corner Hursthouse and Chamberlain Streets, Motueka	AM 52	Motueka Substation	Electricity Substation	Lot 1 DP 14651 and Lot 1 DP 18550 (CT 12B/674)	1.7275	*
D32	Glenview Road, Motupipi	AM 76	Motupipi Substation	Network Tasman network utility operations (substation and workshop); electricity generation	Section 220 and Pts Section 163 District of Takaka (CT 9C/759)	0.6703	*
D34	State Highway 60, Upper Takaka	AM 81	Upper Takaka Substation	Electricity Substation	Pt Lots 2 and 3 DP 1419 and Pt Section 56 Square 8 Block XI Takaka Survey District (CT 10B/1057), Lot 1 DP 4736 Block XV Takaka Survey District (CT 9C/1352), DP 2665, Pt Section 56 Square 8 Block XI Takaka Survey District (CT 81/129)	1.4134	*
D35	Junction Cobb and Takaka Rivers	AM 13 SM 141	Cobb Outdoor Switchyard	Outdoor Switchyard	Section 8 SO 15175 Block XVIII Takaka Survey District	0.0343	*
D41	State Highway 6, Hope	AM 127 AM 128 SM 151	Network Tasman Hope depot	Network Tasman network utility operations (depot, workshops, administration, substations and stores); electricity generation	Lot 3 and 4 DP435942	18000 approx.	*
D42	133 Lord Rutherford Road, Brightwater	AM 89	Substation	Network Tasman network utility operations (substation); electricity generation	Pt Lot 1 DP 12689 and Pt Lot 5 DP 11885	1421	*
D43	37 Motupipi St, Takaka	AM 112	Line maintenance depot and substation	Network Tasman network utility operations (substation and maintenance depot); electricity generation	Lot 4, DP 19429	2013	*
D44	Glenview Road, Takaka	AM 76	Substation	Network Tasman network utility operations (substation); electricity generation	Lot 1 DP 5757 Blk X Waitapu SD RT 155/87	675	*
D45	281 Queen St and 66 Oxford St, Richmond	AM 125	Network Tasman offices, stores and workshop	Network Tasman network utility operations (offices, stores and workshop)	Secs 4-6 SO 462061 and Pt Sec 25 Waimea East DIST	6487	*

DD  
1/12/14DD  
1/12/14DD  
1/12/14

3 AM = Area Map SM = Special Map

**Figure A1.3: Network Tasman Ltd (cont'd)**

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (m <sup>2</sup> )	Duration of Designation
<b>New</b>							
D46	22A Churchill Ave, Richmond	AM 135	Concrete cubicle substation	Network Tasman network utility operations (concrete cubicle substation)	Lot 60 DP 7076	13	*
D47	Marlborough Crescent, Richmond	AM 135	"	"	Lot 89 DP 7551	10	*
D48	Selbourne Avenue, Richmond	AM 135	"	"	Lot 43 DP 9362	7	*
D49	Todd Place, Richmond	AM 128	"	"	Lot 26 DP 8191	51	*
D50	37A Wensley Road, Richmond	AM 129	"	"	Lot 13 DP 8646	3	*
D52	30 Beach Road, Richmond	AM 125	Substation	Network Tasman network utility operations (electricity transmission substation); electricity generation	Lot 1 DP 9218	2833	*
D53	49 Fairfax Street, Murchison	AM 92	Maintenance depot, workshop, offices	Network Tasman network utility operations (administrative offices and workshops, and maintenance depot)	Lot 1 DP 2348 and Pt Section 38	1619	*
D54	5 Fitzsimmons Way, Wakefield	AM 91	Proposed substation	Network Tasman network utility operations (electricity transmission substation); electricity generation	Pt Sec 192 Waimea SD & Secs 1 & 3, SO 14560	0.7913	Until 26/11/2023
D55	Haycock Road, Brightwater	AM22	Substation	Network Tasman utility operations substation, electricity distribution	Lot 2 DP 344248	12.0039 ha	30 years
D56	Swamp Road, Riwaka	AM84	Substation	Network Tasman utility operations (66kV substation)	Lot 2 DP 435629	6330	15 years (from confirmation in 2010)

DAD 5/09

DAD 5/09

DD 8/12  
DAD 9/16DD  
30/3/10

\* Designation has been given effect to.

## A1.4 DESIGNATING AUTHORITY: MINISTER OF EDUCATION

### Reason for Designation

- (a) These public works have been given effect to. Retaining the designations will provide for the ongoing operation of the schools in terms of the Resource Management Act 1991. Designation is considered to be the most effective means of ensuring that the Ministry of Education's interest in the sites is protected.

### Designation Notation

- (a) Primary School, Intermediate School, Secondary School, Area School.
- (b) Correspondence Unit.
- (c) Outdoor Education Centre.
- (d) Special School.
- (e) Pre-school Facilities.

### Explanatory Statement

#### (a) Primary School, Intermediate School, Secondary School, Area School

The sites or facilities are used for the purpose of educating children at the primary, intermediate and/or secondary levels.

**(b) Correspondence Unit**

“Units where tuition cannot be conveniently obtained from a suitable state school”. (Education Amendment Act 1990)

**(c) Outdoor Education Centre**

“Centre providing instruction in outdoor education and pursuits”. (Education Act 1989)

**(d) Special School**

“Providing special education or help special education may be provided from a special school, special class or special clinic”. (Education Amendment Act 1990)

**(e) Pre-school Facilities**

“Premises used mainly or regularly for education or care of three or more children (not being the children of the persons providing the education or care) under six years of age”. (Education Amendment Act 1990)

Note the particular definitions (Education Act 1989) for Correspondence Unit, Outdoor Education Centre, Special School and Pre-School Facilities.

<b>Nature of the Works</b>
----------------------------

**(a) Primary School, Intermediate School, Secondary School, Area School**

The structures and works associated with the Primary, Intermediate, Secondary and Area schools include buildings such as classrooms, a staffroom, an administration block, a hall, ablution blocks, caretakers room, a boiler room, storage sheds and other ancillary buildings, recreation facilities such as playing grounds and fields and a swimming pool, and vehicle parking. The schools may also have an associated residence generally occupied by the Principal and his family.

**(b) Outdoor Education Centre (Marahau)**

The centre operates from the old Marahau School which closed in 1969. The original classroom building has been converted to a general-purpose activity room/dining room/kitchen/ablution block and three equipment stores. There is sleeping accommodation for approximately 70 people (two classes and supervisors).

**(c) Special School (Salisbury School)**

The school provides educational and residential care for 80 girls. The complex is divided into three distinct parts:

- (i) The school - four classroom blocks and a gymnasium.
- (ii) The hostel - three girls' residential hostels, kitchen, dining and activities block, hospital annex, and services block (boiler, bulk store and grounds sheds).
- (iii) Staff facilities - administration centre, staff hostel, and three staff houses.

**(d) Pre-school Facilities**

The structures and works associated with Pre-School Facilities usually involve one main building for the education and/or care of pre-schoolers, kitchen and toilet facilities, a staff area and ancillary buildings such as storage sheds and an outdoor play area. The sites are fenced.

<b>Environmental Effects/Mitigation Measures</b>
--

**(a) Collingwood Area School and Collingwood Kindergarten**

This involves a new designation. The school has been in operation for approximately 60 years. Designation of the site will not involve any changes in the existing effects on the environment. It merely involves correctly designating the area currently owned and operated by the Ministry of Education.

**Figure A1.4: Minister of Education**

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>Existing</b>							
D60	Moutere Highway, Appleby	56	Appleby School	Primary School	Pt Section 10 DP 4494, Lot 2 DP 1989, Pt Lot 6 DP 232, Lot 1 DP 1989	1.4092	*
D61	106 Ellis Street, Brightwater	90	Brightwater School	"	Lots 1 and 2 DP 1829, Section 175 SO 9455, Part 18 SO 14663, Pt Lot 1 DP 7192, Pt lot 1 DP 7485, Pt Sec 17, Pt Sec 17 SO 1208, 14663	1.876	*
D62	Corner Old Mill Road and Umukuri Road, Brooklyn	52	Brooklyn School	"	Pt Section 13 DP 2938 & Pt Section 13 DP 3857	1.1432	*
D64	Wakefield-Woodstock Road, Dovedale	21	Dovedale School	"	Pt Section 72 DP 1967, Block II Wai-iti Survey District	0.5867	*
D66	Corner Rototai Road and State Highway 60, Takaka	110 112	Golden Bay High School	Secondary School	Part 4 of Section G, Lot 1 DP 4000, Part 6 of Section G, Lot 2 DP 2419, Part 15 of Section G, Lot 2 DP 4000, Part 4 of Section G, Takaka District, Block VI	4.4543	*
D67	William Street, Richmond	57 129	Henley Primary School and Kindergarten	Primary School and Pre-school Facilities	Part Lot 2 DP 8605, Lot 3 DP 2667, Lot 5 DP 2712, Part Lots 1 & 5 DP 5512, Part Lot 6 DP 5962, DP 457, Block VII	2.67	*
D68	Corner Aniseed Valley and Paton Roads, Waimea	57	Hope School	Primary School	Pt Section 7 DP 3920, Pt Section 7 DP 4204, Pt Section 7 SO 9835	1.0150	*
D69	State Highway 63, St Arnaud	94	Lake Rotoiti School	"	Section 1 Town of St Arnaud, SO 7903, Stopped Road SO 12051, Lots 1-5 DP 5718, Block X Motupiko Survey District	1.1229	*
D70	Moutere Highway, Lower Moutere	19	Lower Moutere School	"	Lot 2 DP 2978, Pt Lot 1 DP 2978	2.2989	*
D71	Off Old Coach Road, Mahana	53	Mahana School	"	Pt Lot 29 DP 626, Lot 2 DP 695, Lots 37 & 38 DP 1089	2.1424	*
D73	4 Stafford Drive, Ruby Bay	87	Mapua School	Primary School	Pt Lot 1 DP 2260, Pt Sec 4 Moutere Hills Dist, Lots 11 & 14 DP 336741	2.2283	*
D74	Sandy Bay-Marahau Road, Marahau	82	Marahau Outdoor Education Centre	Outdoor Education Centre	Lots 8-10 DP 4958, Pt Section 112 DP 3161, Pt Section 112 District of Motueka	0.6830	*
D75	Grey Street, Motueka	116	Motueka High School	Secondary School	Pt Lots 25-27 DP 1575 Sec 303 SO 13101	10.642	*
D76	High Street, Motueka	119	Motueka South Primary School	Primary School	Pt Lots 3, 4 & 10, Section 167 SO 9960, Lot 2 DP 15920	2.6279	*
D77	Abel Tasman Drive	76	Motupipi School	"	Pt Section 161 SO 9957, Pt Section 161	1.2495	*
D78	Waller Street, Murchison	92	Murchison Area School	Area School	Pt Section 33 SO 9900, Pt Section 20 DP 3543, Pt Section 20 DP 4356, Pt Section 20, Section 34 SO 5775, Section 35 SO 5634, Lot 1 DP 16258, Section 20 DP 4356	7.7698	*
D80	Motueka Valley Highway	18	Ngatimoti School	"	Lot 1 DP 5035, DP 215, Block IX Motueka Survey District	1.7728	*
D81	Corner Pah and Talbot Streets, Motueka	116	Parklands Primary School	"	Pt Lot 6, 8 DP 1575, Pt Lot 8 Section 161, SO 7976, Pt Section 161 SO 12086	3.8526	*
D82	Ranzau Road, Hope	57	Ranzau Primary School	"	Pt Lot 3 DP 3546, Pt Section 119 District of Waimea East District Block VI	1.214	*
D83	Corner Elizabeth and Florence Streets, Richmond	125	Richmond Kindergarten	Pre-school Facilities	Lot 3 DP 4663	0.1065	*
D84	Waverley Street, Richmond	128	Richmond Playcentre	Pre-school Facilities	Pt Lot 26	1.2849	*
D85	Dorset Street, Richmond	124 125 128	Richmond Primary School	Primary School	Lots 1-3 DP 1497, Lot 24 & Pt Lot 26	1.3704	*
D86	School Road, Riwaka	84	Riwaka School	"	Lot 6 DP 2833	1.7088	*
D87	Salisbury Road, Richmond	125	Salisbury School Pre-School	Schools	Part Lot 1 DP 18938	9.8189	*
			St Paul's School	(RM980365)	Lot 1 DP 20030	2.0317	*
	D'Arcy St, Richmond		Te Kura Kaupapa	(RM110365) (RM140034)	Part Lot 1 DP 18938 Lot 20 DP 4663		*
D88	Central Takaka Road	50	Central Takaka School	Primary School	Pt Section 29 DP 2677	1.0117	*
D89	Wadsworth Street, Takaka	110	Takaka Primary School	"	Lot 27 DP 4826 Pt Section 3B of G District of Takaka	4.3815	*
D90	Motueka Valley Highway	89	Tapawera Area School	Area School	Pt Section 72 DP 2800, Pt Section 72 DP 3171, Pt Section 72 DP 3536, Pt Section 72 DP 4492, Pt Lot 20 DP 2610	5.9706	*

11/8/09

DAD 1/7/13

DAD 8/11  
DAD 5/15DAD 12/20  
DAD 12/20

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D91	Corner Dickers Road and State Highway 60, Tasman	85	Tasman School	Primary School	Pt Lots 1 & 2 DP 428, Lot 3 DP 428, Pt Lot 55 DP 375, Pt Section 99 DP 2630	2.0111	*
D92	Corner Moutere Highway and Supplejack Valley Road, Upper Moutere	88	Upper Moutere School	"	Pt Section 166, Pt Section 166 DP 3008, Pt Lot 3 DP 184, Pt Section 166 SO 10000	1.5837	*
D93	Salisbury Road, Richmond	123	Waimea College	Secondary School	Pt Lots 1 & 2 DP 458, Pt Lot 1 DP 5512	11.94	*
D94	Salisbury Road, Richmond	122 123	Waimea Intermediate	Intermediate School	Pt Lot 2 and Pt Section 67 DP 458 Waimea East, Pt Lot 1 DP 5512	5.6	*
D95	66 Edward Street, Wakefield	91	Wakefield School	Primary School	Pt Section 85, Pt Section 85, Pt Section 85 Proc 1634 SO 9487, Lot 2 DP 7008, Lot 1 DP 6556	2.4179	*
<b>New</b>							
D96	36 Lewis Street, Collingwood	72	Collingwood Area School and Collingwood Playcentre	Area School and Pre-school facilities	Secs 1-2; SO 12706; Secs 1 & 3 SO 15130; Sec 1 SO 14727; Secs 205-209, 217-218, 396-398, 406-407, 418-419; Pt Secs 95-97, 202-203, 215-216, 395 Town of Collingwood	5.1764	*
D97	51 Greenwood Street, Motueka	117	Greenwood Kindergarten	Pre-school facilities	Lot 1 DP 8982	0.111	*

\* Designation has been given effect to.

**A1.5 DESIGNATING AUTHORITY: MINISTER OF POLICE****Reason for Designation**

- (a) Designation of existing New Zealand Police properties is a mechanism used nationally to ensure that interests in current assets are adequately protected.

**Designation Notation**

- (a) Community Policing Centre.
- (b) Police Station and Associated Residence.

**Explanatory Statement**

The Police Stations/Community Policing Centres operate as a base for policing work. They provide varying levels of proactive (preventative) and reactive policing services including incident and offence response, arms and public enquiries, and found property.

Community policing centres are orientated towards the community and preventative policing. The centres have rooms which are open to the community for uses including neighbourhood support meetings, victim support and other appropriate activities. The purpose of making these facilities available to the community is to foster an improved public image and relationship with the community.

Police stations, on the other hand, do not have facilities available for use by the community. The stations are comprised of staff and custodial facilities only.

All stations or centres provide a level of security and safety for the local community. For this and other reasons their ongoing operation is important.

**Nature of the Works**

The structures associated with these activities include buildings and ancillary buildings of a range of sizes and shapes, and parking for police vehicle operations. The centres or stations generally comprise office space, a watch house, a public counter, kitchen, toilet and storeroom, on-site car parking and garages. The sites are usually fenced. Larger police stations also have holding facilities. There are often on-site telecommunications facilities, such as antennae, as well.

Some of the stations have associated police dwellings which are used by the Constable in charge and his family. These are used purely for residential purposes.

**Environmental Effects/Mitigation Measures**

The Police Stations/Community Policing Centres provide significant benefits to the community of enhanced safety and security through the education and neighbourhood watch programmes they run, and through their presence in the community.

Richmond and Wakefield Police Stations - Modified notation to more accurately identify the existing use of the site. There is no change in the existing effects on the environment.

Murchison and Motueka Police Station - Modified the boundary to correctly show the area currently used and owned by the Ministry. The designation notation was modified to more accurately identify the existing use of the site. There is no change in the existing effects on the environment.

**(a) Takaka Police Station*****Traffic Impacts***

It is difficult to estimate the number of vehicular movements (operational) to and from the site as this depends to a large extent on the workload. However, it is considered that the number of vehicle movements generated by the station is not significantly high.

The station and dwelling are adequately provided with parking and manoeuvring areas. Vehicle movements to and from the site do not affect pedestrian or other traffic movement.

**Noise Impacts**

In general, there is minimal noise generated in the operation of the station. The only significant generator of noise is the occasional use of the vehicular siren. This is limited to use out on the road and not when entering or leaving the site. There is also some low-key noise associated with the occasional noisy offender/prisoner. In general, few complaints are received in relation to noise or traffic impacts.

**Security/Safety**

The presence of the station would be seen to provide a level of security and safety for the local community.

The continued operation of the police station and associated residence will not adversely affect the present state of the environment, on or in the vicinity of the site. Rather it will continue to provide an essential service to the local community of considerable public benefit.

**Figure A1.5: Minister of Police**

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>Existing</b>							
D100	194 Queen Street, Richmond	129	Richmond Police Station	Community Policing Centre	Pt of Lot 1 and Lot 2 DP 4926, Proc 2088	0.1206	*
D101	Clifford Road, Wakefield	91	Wakefield Police Station	Police Station and Associated Residence	Lot 2 DP 3009, Proc 2121	0.2534	*
D102	Fairfax Street, Murchison	92	Murchison Police Station	Police Station and Associated Residence	Pt Section 31 Town of Murchison, Proc 1911, excluding public utility corridor, being Valuation No. 1915030802	0.7283	*
D103	66 and 68 High Street, Motueka	116	Motueka Police Station	Community Policing Centre	Part Lot 2, Pt Section 160 Motueka Survey District	0.3448	*
<b>New</b>							
D104	159 Commercial Street, Takaka	112	Takaka Police Station	Police Station and Associated Residence	Part Lot 2 DP 726, SO 13018	0.144	-

DAD  
19/8/13

\* Designation has been given effect to.

**A1.6 DESIGNATING AUTHORITY: MINISTER OF CORRECTIONS****Reason for Designation**

- (a) The reason for this requirement is that the site is currently being used as the Department of Corrections Periodic Detention Centre and the Probation Office for the Motueka area. Designation is considered to be the most appropriate means of ensuring that the Department's long-term interests in the site are protected.

**Designation Notation**

- (b) Motueka Periodic Detention Centre and Probation Office

**Explanatory Statement****Periodic Detention**

Periodic Detention (PD) provides an alternative means of dealing with offenders who are convicted by courts of law. A person may be sentenced to a term of PD for a period of up to 12 months. The general objective of PD is to reduce the rate of imprisonment and simultaneously encourage community involvement in the criminal justice system, particularly in relation to the reintegration of offenders into the community.

The PD sentence requires an offender to report to the periodic detention centre and remain in the custody of the Warden for specified periods each week.

For example, currently detainees report two days a week (Friday and Saturday).

There is currently one work party that reports on Friday and two on Saturday. Each work party is made up of approximately 10 detainees.

At present, the reporting time is usually between 8.00 am and 8.30 am. Once organised into work parties, the detainees are then sent off site under the supervision of a Community Corrections Supervisor, to work on prearranged community projects for the day. The detainees return to the Centre between 3.30 pm and 4.00 pm. They are usually dismissed by 4.00 pm, although some may be required to remain for penalty time (i.e. through non-compliance with the terms of PD). This is a maximum of two hours, but more often only one hour. Therefore, detainees are usually only at the centre for 20 minutes at the beginning and end of each working day. The only times when this might be slightly longer are when individuals are held back for penalty time, or when small jobs are started while the lunches are being made.

Projects are predominantly undertaken off site. There are however occasions when the work parties will stay and work at the centre. The times when this might occur are:

- (i) When the weather conditions are poor. Detainees in this instance will be assigned jobs inside or under the carport. Work on these occasions often includes cutting wood with handsaws.
- (ii) When jobs are urgent or there is not the room to do them off site. Examples of this are work done for the museum (cutting manuka to length by handsaw), a local community youth group (sanding down BMX bikes by hand), the kindergarten (sanding wooden blocks, painting toys, etc.). This type of work is fairly rare and would be in the order of one to two times per month.
- (iii) When the Department requires specific jobs done on site, such as basic renovation work. Larger jobs like these are few and far between.

**Probation Reporting**

Probation reporting involves offenders who have been sentenced to supervision, community service or community care, or who have been released on parole to report to their supervising probation officer under the terms of various orders.

Reporting at this Centre is by appointment only. A typical reporting session would involve an interview between the reportee and the probation officer, at which progress of the offender in the reform programme would be discussed and monitored. Interviews generally do not exceed one hour in duration.

The Probation Office is currently open four days a week. The hours of operation are generally from 9.00 am to 6.00 pm but occasionally extend to 7.00 pm.

At present, staffing at the Centre consists of one full-time staff member (Probation Officer/ Periodic Detention Warden); rostered work party supervisors (one on Friday and two on Saturday); and the occasional specialist, including a consultant psychologist who visits the Centre one morning every two weeks.

### Nature of the Works

The main building encompasses the workshop with ancillary components (such as toilet, store and kitchen). Attached to the side of the workshop is a carport area. In front of the workshop are the Probation Officer's and Periodic Detention Warden's offices and a waiting room. The remaining area of the site fronting Pah Street consists of a hardstanding car park. This area can accommodate eight to nine vehicles.

### Environmental Effects/Mitigation Measures

The environmental effects of operating a periodic detention centre are minor and are principally related to the flow of people to and from the site. This flow of people takes place during the hours of operation, which are typical of many activities carried out in this zone. It is contended that this effect does not differ significantly from those arising from any of the other activities expressly permitted in the zone.

The detainees will also from time to time be using other electrical tools on site. In general, the types of electrical tools used are no more than those used by the average home handyman. These include a hand drill, an electric plane, a small skill saw (6½ inch). Other electrical appliances used on site include a vacuum cleaner.

The noise effects from the use of electrical tools are considered to be minor for a number of reasons, including that:

- (i) the use of noise-generating electrical tools on site is either unsustained or infrequent; and
- (ii) a significant proportion of all work using electrical tools is done inside. The workshop and other buildings are set some distance back from the road. The buildings are behind the Parklands School bike shed. The workshop is a solid concrete walled building. Consequently, the level of sound likely to be heard off site is minimal.

**Figure A1.6: Minister of Corrections**

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D110	7 Pah Street, Motueka	116	Motueka Periodic Detention Centre and Probation Office	Motueka Periodic Detention Centre and Probation Office	Lots 1, 2 & 3 DP 4992	0.0893	*

\* Designation has been given effect to.

## A1.7 DESIGNATING AUTHORITY: METEOROLOGICAL SERVICE OF NEW ZEALAND (MET SERVICE)

### Reason for Designation

- (a) The reason for the designation is to ensure that an important, existing meteorological installation is suitably protected by the Plan and that its future operation, maintenance and upgrading is appropriately provided for.
- (b) Met Service is contracted to government to provide a range of extensive weather information for the whole of New Zealand. In order to provide accurate advance warning of weather patterns it is essential to maintain a network of weather observation stations throughout New Zealand. The Farewell Spit Automatic Weather Station is a vital link in Met Service's national network and provides observations of the weather patterns over the top part of the South Island and Cook Strait.
- (c) Met Service is a State-Owned Enterprise and has financial responsibility of the installation, operation and maintenance of meteorological activities and associated buildings and equipment. In terms of the Act, Met Service has been granted from the Minister for the Environment approval as a requiring authority.

### Designation Notation

- (a) Meteorological activities.

### Explanatory Statement

The automatic weather station at Farewell Spit fulfils a vital function in the national meteorological network. As such, it is essential that the site is designated to ensure the continued efficient and effective operation of this installation. The designation encompasses the operation of a meteorological facility for observing, collecting and communicating weather information.

### Nature of the Works

The designation encompasses the maintenance, replacement, relocation, rearrangement and upgrading of equipment and any other works of a minor nature necessary to ensure the continued operation of the weather station. The installation is an automatic weather station (AWS). Such an installation has the following physical and activity nature:

- (a) Small equipment buildings.
- (b) Masts up to 10 metres, poles up to six metres, aerials, antennae.
- (c) Cable and line connections, radio and satellite links.
- (d) Security fencing.
- (e) Continuous automated observation of weather conditions and transmission of information.

### Environmental Effects/Mitigation Measures

#### (a) Environmental Effects

Visual impact of utilitarian buildings, masts and poles.

#### (b) Mitigation Measures

Any environmental impacts should be offset by the importance of maintaining an essential component of the network.

### Figure A1.7: Meteorological Service of New Zealand

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D115	Farewell Spit	6, 140	Golden Bay Lighthouse	Meteorological Activities	Pt Sections 4 & 5 Block VIII Onetaua Survey District		*

\* Designation has been given effect to.

**A1.8 DESIGNATING AUTHORITY: WAKA KOTAHI NZ TRANSPORT AGENCY****Reason for Designation**

The existing State Highway 6, State Highway 60, State Highway 63 and State Highway 65 network through the Tasman District are the responsibility of Waka Kotahi NZ Transport Agency.

Designation of state highways is considered the most appropriate mechanism nationally of protecting Waka Kotahi NZ Transport Agency's interests, with regard to the safe and efficient functioning of these works.

**Designation Notation**

State highway purposes.

**Explanatory Statement**

The designation provides for Waka Kotahi NZ Transport Agency, either itself, or through its agents, to control, manage, and improve the state highway network, including planning, design, research, construction and maintenance relating to all land within the designation. Such activities may also involve, but not necessarily be limited to realigning the road, altering its physical configuration, culverts, bridges and associated protection works.

**Nature of the Works**

The designation encompasses the state highway road reserve. The nominal standard for width of the state highway road reserve is 20 metres. However, this will vary depending on topographical restraints and design requirements, including historical and legal boundaries, volumes of traffic, numbers of lanes, widths of shoulders/berms, intersections and environmental considerations.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects on the environment resulting from the proposed modification to the notations. These modifications will allow the Tasman Resource Management Plan to show the status of the existing highways in a clear and consistent manner.

**Figure A1.8: Waka Kotahi NZ Transport Agency**

ID	Location of Site	Map <sup>4</sup> No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (m <sup>2</sup> )	Duration of Designation
<b>Existing</b>							
D120	State Highway 6	Various	State highway	State highway purposes			*
D121	State Highway 60	"	"	"			*
D122	State Highway 63	"	"	"			*
D123	State Highway 65	"	"	"			*
D126	State Highway 6, Hope Saddle	AM 30	Hope Saddle realignment	"	Pt Blk III, Pt Blk IV, Hope SD		*
D127	Hope Bypass Queen St, Richmond to State Highway 6, South Hope	AM 57, 124, 126, 127, 128, 131 SM 151	To provide future limited access road	"	Crown Land Block VI (under action) Waimea Survey District Nelson, Lot 7 DP 12079, Lot 8 DP 12079, Lot 9 DP 12079, Lot 10 DP 12079, Lot 1 DP 20381, Lot 2 DP 19676, Lot 1 DP 307025, Lot 2 DP 307025, Lot 2 DP 10855, Lot 1 DP 5489, Pt Sec 108 Waimea East Dis, Lot 5 DP 3969, Lot 1 DP 370048, Sec 3 SO 506258, Sec 2 SO 506258, Sec 4 SO 506258, Lot 3 DP 470387, Lot 1 DP 446230, Sec 2 SO 521391, Pt Sec 108 Waimea East District, Lot 3 DP 3731, Lot 3 DP 447251, Pt Lot 18 DP 4875, Pt Lot 19 DP 4875, Part Lots 17 & 20 DP 4875, Lot 3 DP 435942, Lot 1 DP 435942, Lot 1 DO 15676, Lot 1 DP 20183, Lot 1 DP 6866, Lot 2 DP 1847, Lot 2 DP 1847, Pt Sec 122 Waimea East Dis, Areas A, B & C, DP 440351		15 years
D129	State Highway 60, Waitapu	AM 50	Roading purposes	"	Pt Sec 49 Takaka SD, Pt Lot 1 DP 3168, Pt Sec 16 Takaka SD, Pt 14, of B Takaka SD	3583	*
D130	State Highway 60, Takaka Hill, Bob's Lookout	AM 14 SM 142	State Highway widening and realignment	"	Pt Lot 1 DP 8379 and Pt Lot 1 DP 8328	1394 1043	*
D131	State Highway 6, Spooners Range	AM 27	Proposed major highway	"	Pt Sec 49 Blk II Gordon SD		*
D132	Corner of Stratford and Queen Streets	AM 132	Proposed limited access road	"	Sec 4 SO 463421		Until 1/11/2023
D133	Appleby Highway	AM 128	Highway widening	"	Pt Sec 108 Waimea South District – Gazette 1948, p. 1226		*
D136	State Highway 60, Takaka Hill	AM 14 SM 143	State highway purposes	"	Pt Sec 14 Blk XIV Kaiteriteri SD Pt Sec 3 Blk VII Kaiteriteri SD		*
D137	State Highway 6 and Whitby Road – Wakefield	AM 91	Road widening	State highway purposes	Pt Sec 81 Waimea South District, Lot 1 DP 6713 Pt Sec 81 Waimea South District - Lot 1 DP 5988 Lot 1 DP 5285 Pt Sec 81 Waimea South District Lot 2 DP 3241		Until 1/11/2028
D138	Ruby Bay Bypass	AM 19, 54, 85	Limited Access Road	State highway purposes	Various		*

\* Designation has been given effect to.

## A1.9 DESIGNATING AUTHORITY: MINISTER OF LANDS

**Figure A1.9: Minister of Lands**

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D140	Champion Road, Richmond	123	Local Purpose Reserve (Acclimatisation)	Local Purpose Reserve (Acclimatisation)	R135, Section 2, Block VII		*

\* Designation has been given effect to.

4 AM = Area Map SM = Special Map

**A1.10 DESIGNATING AUTHORITY: TASMAN DISTRICT COUNCIL****Refuse Disposal****Reason for Designation**

The continued designation of the refuse disposal sites listed in Figure A1.10 is to ensure that these important existing installations are suitably protected by the Plan, and that their future operation, maintenance and upgrading is appropriately provided for.

**Designation Notation**

- (a) Waste management facility.
- (b) Sanitary landfill.
- (c) Transfer station.
- (d) Tip.

**Explanatory Statement****(a) Sanitary Landfill**

The excavation and reshaping of the area, backfilling with refuse and covering with soil material in a controlled and monitored manner to enable the stabilisation, reshaping and rehabilitation of the area, including protection, planting of trees, shrubs and grasses. The operation may include hazardous waste, the sorting, (including resource recovery) and composting of materials.

**(b) Transfer Station/Refuse Transfer Facility**

A facility for the management of refuse; collection, processing, treatment and transfer.

**(c) Tip**

Disposal of refuse to ground to a lesser standard of control than a sanitary landfill.

**Nature of the Works**

The structures and works associated with refuse management facilities, such as sanitary landfills, transfer stations and tips, including buildings (a range of sizes and shapes) for housing equipment plant and operation and mechanical equipment for earthmoving and refuse cartage and handling. Earthworks, ponds, pipelines, power supply lines, fences, pump stations, monitoring bores, access roads, sealed areas and retaining walls are all associated with the activity.

**Environmental Effects/Mitigation Measures**

Where possible, landfill and tip facilities have been located away from public view to minimise visual impact and possible odour problems. Transfer stations are located adjacent yet reasonably removed from communities. Potential environmental contamination is monitored and an appropriate construction is designed to minimise adverse effects. Traffic effects generally involve roading improvements to reduce traffic hazards dependant on conditions at each site.

**Water Supply and Sewerage Works****Reason for Designation**

The continued designation of the water supply and sewerage works sites listed in Figure A1.10 is to ensure that these important existing installations are suitably protected by the Plan, and that their future operation, maintenance and upgrading is appropriately provided for.

**Designation Notation**

Public water supply purposes.

**Explanatory Statement**

The sites have been in use for many years and form essential elements of the public water supply and sewage disposal systems.

**Nature of the Works**

The water supply pump station sites consist of a building varying in size from small garden shed-size buildings to large dwelling sized buildings. These buildings house the pumping and water treatment equipment including, in some cases, a contact tank for the chlorination process, and on-site lime storage for water treatment.

On-site activities consist of water treatment including chlorination, aeration, and lime dosing and pumping, plus the periodic maintenance and upgrading of the equipment and facilities.

Water supply reservoir sites consist of one or more concrete reservoirs ranging in size from 3.0 metres in diameter and 2.4 metres in height to 33 metres in diameter and 7.0 metres in height. Some sites also contain a small booster pump station housed in a small shed.

Water supply intake sites consist of a small concrete weir across the stream with associated pipeline head works.

Sewer pump station sites consist of an in-ground concrete well finishing flush with ground surface with access hatches and above-ground vents and electrical control cabinets. The main Brightwater site also contains an equipment shed.

Sewage treatment pond sites contain oxidation ponds varying in size from 0.3 hectares to 5.3 hectares with some sites also containing aeration ponds and soakage beds or marsh cells for disposal of treated effluent.

**Environmental Effects/Mitigation Measures**

Where possible, sites have been located away from public view to minimise the visual impact and possible noise and smell problems. In some cases, the visual aspect is improved by on-site landscaping and facilities painted in colours which blend in with the surrounding environment.

Water supply pump stations produce some degree of noise and the sewer pump stations and ponds can produce odour, but every effort is made to maintain and operate the facilities in an efficient manner to keep these effects to a minimum.

Traffic to and from the sites is infrequent but may be at any time of the day or night.

**Car Park****Reason for Designation**

The existing service lane and car park network throughout the Tasman District Council is the responsibility of Tasman District Council. The car park designation will provide for the Tasman District Council either itself, or through its agents, to control, manage, plan, design, construct and maintain land within the designation. Designation of this car park is considered the most appropriate mechanism of protecting Tasman District Council's interest with regard to the safe and efficient functioning of the service lane and car park system.

**Designation Notation**

Car park.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects on the environment resulting from the proposed designation. This designation will allow the Tasman Resource Management Plan to show the status of the existing car park in a clear and consistent manner.

**Aerodrome****Reason for Designation**

The existing aerodromes, Motueka and Puramahoi, are the responsibility of Tasman District Council. The designation provides for the Tasman District Council either itself or through its agents to control, manage and approve planning, design, research, construction and maintenance relating to all land within the designation. Designation of these aerodromes is considered the most appropriate mechanism of protecting Tasman District Council's interest with regard to the safe and efficient functioning of the aerodromes.

**Designation Notation**

Aerodrome.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects on the environment resulting from the proposed designation. These designations will allow the Tasman Resource Management Plan to show the status of the existing aerodrome in a clear and consistent manner.

**Road Widening****Reason for Designation**

The existing roading network throughout the Tasman District (apart from state highways) is the responsibility of Tasman District Council.

The road widening designation provides for the Tasman District Council, either itself, or through its agents, to control, manage and improve the roading network, including planning, design, research, construction and maintenance relating to all land within the designation. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works. Designation of these roads is considered the most appropriate mechanism of protecting Tasman District Council's interest with regard to the safe and efficient functioning of these works.

**Designation Notation**

Road widening.

**Environmental Effects/Mitigation Measures**

There will be no change to the effects on the environment resulting from the proposed designation. These designations will allow the Tasman Resource Management Plan to show the status of the existing roading in a clear and consistent manner.

**Figure A1.10: Tasman District Council**

ID	Location of Site	Map <sup>5</sup> No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>Refuse Disposal</b>							
<b>Existing</b>							
D160	Beach Road, Richmond	AM 125	Waste management facility	Waste management facility	Pt Lot 1 DP 7528 Lot 1 DP 16384 Lot 2 DP 16384	4.25	*
D161	Robinsons Road, Mariri	AM 52	Tip	Tip	Lot 2 DP 5152	3.64	*
D162	State Highway 63, St Arnaud	AM 35 SM 150	"	"	Pt Sections 4, 92 & 102, Sq 46, Section 10, Block XIII, Motupiko Survey District, SO 10406		*
D163	Eves Valley	AM 56	Sanitary landfill refuse disposal	Sanitary landfill refuse disposal	Lot 1 DP 13422. 1939021801	42.04	*
D164	Murchison/ Matakaitaki West Bank Road	AM 92	Refuse station/Refuse transfer facility	"	Lot 1 DP 514507, Lot 2 DP 376056	2.55	*
D166	Collingwood West	AM 72	Refuse tip	Refuse tip	Section 393 Town of Collingwood, SO1012	1.173	*
<b>Water Supply and Sewerage Works</b>							
<b>Existing</b>							
D170	87 Queen St, Richmond	AM 129	Queen Street reservoir and pump station	Public water supply purposes	Lot 1 DP 8002	0.2680	*
D171	11 Valhalla Lane, Richmond	AM 129	Valhalla Lane high level reservoir	"	Lot 1 DP 8046 & Lot 27 DP 15725	0.1283	*
D172	132 Edward St, Wakefield	AM 91	Wakefield reservoir	"	Lot 1 DP 8022	0.0837	*
D173	92 Fairfax St, Murchison	AM 92	Murchison pump station	"	Part of Lot 2 DP 7755 and Section 57 Murchison Town	0.0225	*
D174	Chalgrave St, Murchison	AM 92	Murchison reservoir	"	Lot 1 DP 9463	0.1326	*
D175	Hamama Road	AM 13	Hamama water supply intake	"	Section 3 Block VI Takaka Survey District	35.8147	*
D176	121 Beach Rd, Richmond	AM 125	Beach Road sewer, pump station & tanks	Sewage disposal purposes	Lot 1 DP 20180	0.2400	*
D177	Tapawera-Glenhope Road	AM 89	Tapawera sewage treatment pond	"	SO 12118	2.2027	*
D178	State Highway 6, Murchison	AM 92	Murchison sewage treatment pond	"	Sec 1 SO 459034, Sec 1 SO 452166 and parts of Lots 2 & 4 DP 380362, Secs 2,4 & 5 SO 459034	4.700	*
D179	Thorp St, Motueka	AM 52 SM 115	Motueka sewage treatment pond	"	Section 29 Motueka Rural Block IV Motueka Survey District	60.7028	*
D180	Haldane Rd, Takaka	AM 50	Takaka sewage treatment pond	"	Pt Sec 31 Block V (4 parcels). Refer SO 8906, SO 9422, and Part of Pt Sec 17, Takaka District, Block VI, Waitapu SD and riverbed (2 parcels)	7.9677	*
					Section 1 SO 438846	1.8	*
D181	Collingwood/ Bainham Rd	AM 72	Collingwood sewage treatment pond	"	Section 1 SO 14548 and Part of Section 393 Town of Collingwood	1.7000	*
D184	Pomona Rd, Ruby Bay	AM 54	Pomona Road reservoir and pump station	Public water supply purposes	Lot 3 DP 15755	0.2325	*
D187	Lord Rutherford Rd South, Brightwater	AM 90	Brightwater reservoir	"	Lot 1 DP 9704 Lot 9 DP 452456	0.2131	*
D189	45 Vahalla Drive, Richmond	AM 129	Valhalla Drive Extra High Level Reservoir	"	Lot 27 DP 15725 Lot 1 DP 8046	0.0995	*
<b>New</b>							
D185	Brabant Dr, Ruby Bay	AM 86	Brabant Drive reservoir and pump station	Public water supply purposes	Lot 26 DP 15280	0.0110	*
D186	Lightband Rd, Brightwater	AM 90	Brightwater pump station	"	Section 244 Waimea East District SO 12172	0.1303	*
D188	Pigeon Valley Rd, Wakefield	AM 91	Wakefield pump station and well	"	Lot 1 DP 15754 & SO 11647	0.0873	*

DAD 9/16

DAD 7/13

<sup>5</sup> AM = Area Map SM = Special Map

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D190	11 Cropp Place, Richmond	AM 135	Cropp Place high level reservoir	"	Easement over Lot 1 DP 13532	0.0036	*
D191	Lower Queen St, Appleby	AM 57	Waimea pump station	"	Lot 2 DP 8730	0.0930	*
D192	Tapawera-Glenhope Rd, Tapawera	AM 89	Tapawera pump station	"	Part of Lot 1 DP 302811	0.0400	*
D193	Totara St, Tapawera	AM 89	Tapawera reservoir	"	Part of Lot 2 DP 19139	0.1250	*
D194	10 Fearon St, Motueka	AM 114	Fearon's Bush pump station	"	Part of DP 514 recreation reserve	0.0150	*
D195	Old Wharf Rd, Motueka	AM 119	Recreation centre pump station	"	Part of Lot 1 DP 8862	0.0225	*
D196	Unnamed stream, Torrent Bay	AM 80	Torrent Bay water supply intake	"	Part of Pt Section 1 Block III Kaiteriteri Survey District		*
D197	Golden Hills Road	AM 56	Redwood Valley No. 1 pump station	"	Lot 5 DP 11138	0.0622	*
D198	O'Connor's Creek, State Highway 60	AM 56	Redwood Valley No. 2 pump station	"	Legal road reserve including Lot 1 DP 10646	0.0747	*
D199	Haile Lane	AM 77	Pohara Valley water supply intake	"	Lot 10 DP 14874		*
D200	Haile Lane	AM 77	Pohara Valley pump station	"	Lot 16 DP 14874	0.0694	*
D201	Pohara Valley Rd	AM 77	Pohara Valley reservoir	"	Lot 34 DP 14874	0.0284	*
D203	3 Spencer Pl, Brightwater	AM 90	Brightwater main sewer, pump station	Sewage disposal purposes	Part of Lot 1 DP 19151	0.0450	*
D204	State Highway 60, Upper Takaka	AM 81	Upper Takaka sewage treatment pond	"	Lot 14 DP 15996, Block XI Takaka Survey District	0.2788	*
D205	State Highway 60, Upper Takaka	AM 81	Upper Takaka reservoir	Public water supply purposes	Part of Pt Section 56 Block XI Takaka Survey District	0.0200	*
D206	State Highway 60, Takaka Hill	AM 14	Upper Takaka water supply intake	"	Part of Pt Section 83 Block XI Takaka Survey District	0.001	*
D236	226 Champion Rd, Richmond	AM 136	Waimea reservoir and pump station	Public water supply purposes	Lot 2 DP 9163. 19430 46603	0.3040	*
D243	Headingly Lane & Artillery Place, Richmond	AM 124	Wastewater pipemain	Wastewater disposal	Pt Lot 2 DP 18918, Pt Lot 20 DP 429773, Pt Lots 18 & 22 DP 431433	0.216	*
D244	Lower Queen St and McShane Rd, Richmond	AM 124	Water treatment plant and wastewater pump station	Public water supply and wastewater disposal	Section 1 SO455144 Waimea East District	1.03	20 years
D245 has been removed CL20A							
D246 RM1102 30	216 Champion Rd, Richmond	AM 135	Richmond East High Level Reservoir	Public water supply purposes	Sec 3 SO 452872	0.4800	20 years
<b>Stormwater and Recreation Networks</b>							
<b>New</b>							
D247	Waimea Inlet to Main Road Hope and Hill St South, Richmond	AM 57,124, 127, 128, 133	Borck Creek and related drains (Eastern Hills, Bateup, Whites, Reed/Andrews)	Local purpose reserve stormwater and recreation	<p><b>Hill Street South to Paton Road</b> Sec 1 &amp; 2 SO 533003; Lot 1 DP 526762; Lot 1 DP 8205; Pt Sec 34 Waimea East DIST; Lots 1 &amp; 2 DP 431455; and parts of Lots 3-5 DP 431455, Sec 2 SO 527522, Lot 167 DP 527234, Lots 154-157 DP 523952, and Lots 145, 147 &amp; 148 DP 513715.</p> <p><b>Paton Road (both ends) to Main Road</b> Parts of Pt Lot 1 DP 17738, Lot 5 DP 446793, Lot 2 DP 17738; Lot 1 DP 361254, Pt Sec 19 Waimea East DIST, Lot 1 DP 6754, Lot 2 DP 15403, Lot 2 DP 8349, Lots 1 &amp; 2 DP 396397 and State Highway 6.</p> <p><b>Main Road to Appleby Highway</b> Lot 1 DP 15676; Secs 1 &amp; 2 SO 501348; and parts of Lot 3 DP 447251, Lot 9 DP 20535, Lot 2 DP 447251, Lot 1 DP 9920, Lot 3 DP 20535, Sec 3 SO 501348, Crown Land Blk VI Waimea SD and State Highway 60.</p>		20 years

DAD 1/15

CL20A  
U69 7/22  
DD 12/12

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
					<b>Appleby Highway to Lower Queen St</b> Lot 1 DP 7680; Sec 1 SO 390485; Lot 1 DP 17994; Secs 2, 5 & 34 SO 455144; Secs 1 & 3 SO 534626; Sec 2 SO 520992; and parts of Pt Sec 108 Waimea East DIST, Pt Lot 3 DP 15764, Pt Lot 1 DP 18702 and Lot 204 DP 537200. <b>Lower Queen St to Appleby Highway</b> Lot 22 & 23 DP 431433; Sec 2 SO 533543, Lot 2 DP 380142; and part of Lot 1 DP 720.		
D248	Richmond South	AM 128	Bateup Drain Detention Ponds (2)	Local purpose reserve stormwater detention	Pt Lot 2 DP 17738 Lot 146 & Pt Lot 147 DP 513715	0.5024 1.793	20 years
D249	Richmond West	AM 124 & 128	Poutama Drain	Local purpose reserve (stormwater)	Part of Sec 1 SO 490525, Sec 1 SO 506258, Sec 2 SO 506258, Part of Sec 2 SO 520992	3 ha	20 years
<b>Transport</b>							
<b>Existing</b>							
D209	Motueka	AM 52, 118	Motueka Aerodrome	Aerodrome	Lot 1 & 2 DP 18903	30.3875	*
D210	Puramahoi	AM 75	Takaka aerodrome (RM210891)	Aerodrome	Section 20, Block V Waitapu Survey District	39.6592	*
D211	Brightwater	AM 90	Ellis Street – southwest side	Road widening	Pt Section 18 Waimea South District Block IX Waimea Survey District. 1939036100	0.0036	Until 1/11/2028
"	"	"	"	"	Pt Section 18 Waimea South District Block IX Waimea Survey District. 1939036200	0.0039	Until 1/11/2028
"	"	"	"	"	Pt Section 18 Waimea South District Block IX Waimea Survey District. 1939036300	0.0043	Until 1/11/2028
"	"	"	"	"	Lot 3 DP 17413. 1939035201		10 years
"	"	"	"	"	Pt Section 18 Waimea South District Block IX Waimea Survey District. 1939036600	0.1029	10 years
"	"	"	"	"	Pt Section 18 Waimea South District Block IX Waimea Survey District. 1939036800	0.1113	10 years
"	"	"	"	"	Pt Section 18 Waimea South District Block IX Waimea Survey District – Brightwater Recreation Reserve. 1939037000	0.0274	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 13169 Block IX Waimea Survey District. 1939037100	0.0037	Until 1/11/2028
"	"	AM 90	Ellis Street – northeast side	"	Pt Section 2 Waimea South District Block IX Waimea Survey District 65/61. 1939039200	0.005	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 16981. 1939039101	0.0009	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 16981 Block IX Waimea Survey District, Interest in R/W 11A/930. 1939039100	0.0036	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 19093. 1939039000	0.0058	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 20001 Block IX Waimea Survey District. 1939038701	0.0032	Until 1/11/2028
"	"	"	"	"	Lot 7 DP 12 Block IX Waimea Survey District, Interest in ROW. 1939038600		*
"	"	"	"	"	Lot 2 DP 5926 Block IX Waimea Survey District. 1939038500	0.0048	Until 1/11/2028
"	"	"	"	"	Pt Section 1 Waimea South District		*
"	"	"	"	"	Lot 1 DP 17167. 1939038401	0.0028	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 16401. 1939038302	0.0025	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 16401 Block IX Waimea Survey District. 1939038301	0.0027	Until 1/11/2028
"	"	"	"	"	Lot 3 DP 16401 Block IX Waimea Survey District Historical "C" 1A/103. 1939038300	0.1804	*
"	"	"	"	"	Lot 2 DP 12 Block IX Waimea Survey District. 1939038200	0.0064	Until 1/11/2028
D212	Motueka	AM 52, AM 116	Pah Street - northern side	"	Lot 2 DP 347414. 1956012901	0.0249	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 347414. 1956013000	0.0441	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 329588. 1956010800	0.1071	Until 1/11/2028
"	"	AM 52, AM 116	Pah Street - southern side	"	Lot 5 DP 1506. 1956019900	0.0495	Until 1/11/2028
"	"	"	"	"	Pt Lot 3 & 4 DP 1506. 1956019806	0.0664	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 1506. 1956051400	0.0382	Until 1/11/2028

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ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
D213	Motueka	AM 52	Queen Victoria Street	"	Pt DP 1516. 1956049400	0.0479	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 3297. 1956049900	0.0105	Until 1/11/2028
"	"	"	"	"	Pt Lot 7 DP 1513. 1956049800	0.0241	Until 1/11/2028
"	"	"	"	"	Lot 8 DP 1513. 1956050000	0.0206	Until 1/11/2028
"	"	"	"	"	Lot 9 DP 1513. 1956050100	0.0620	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 3541. 1956051200	0.0066	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 3541. 1956051100	0.0729	Until 1/11/2028
"	"	"	"	"	Lot 3 DP 3541. 1956051301	0.0070	Until 1/11/2028
"	"	"	"	"	Lot 4 DP 3541. 1956051300	0.0067	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 5241. 1956051101	0.0170	Until 1/11/2028
"	"	AM 52, AM 118	"	"	Lots 1 & 2 DP 18903 District of Motueka – Aerodrome	0.2168	Until 1/11/2028
"	"	"	"	"	Lot 7 DP 2625. 1956055504	0.0098	Until 1/11/2028
"	"	"	"	"	Lot 6 DP 2625. 1956055500	0.0072	Until 1/11/2028
"	"	"	"	"	Lot 5 DP 2625. 1956055505	0.0060	Until 1/11/2028
"	"	"	"	"	Lot 4 DP 2625. 1956055501	0.0058	Until 1/11/2028
"	"	"	"	"	Lot 3 DP 2625. 1956055506	0.0059	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 2625. 1956055502	0.0058	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 5374 – 2 flats shown on DP 15419. 1956055402 and 1956055402A	0.0053	Until 1/11/2028
D217	Wakefield	AM 91	Pitfure Road	"	Lot 36 DP 398748. 1937010502	0.0556	Until 1/11/2028
"	"	"	"	"	Pt Section 78 Waimea South District, Block XII Wai-iti Survey District. 1937010400	0.8094	*
"	"	"	"	"	Pt Section 78 Waimea South District, Block XIII Wai-iti Survey District. 1937010300	0.035	Until 1/11/2028
"	"	"	"	"	Pt Section 78 Waimea South District, Block XII Wai-iti Survey District. 1937010200	1.0279	*
D218	Richmond	AM 128	Wensley Road	"	Pt Lot 1 DP 4072. 1959004100		Until 1/11/2028
"	"	"	"	"	Lot 2 DP 598. 1959073000		Until 1/11/2028
D219	Richmond	AM 129 AM 130	Hill St - north	"	Lot 3 DP 2534. 1961038200	1.7108	*
"	"	"	"	"	Lot 1 DP 13308. 1961037600	1.2243	*
"	"	"	"	"	Lot 1 DP 2534. 1961038000	1.5095	*
"	"	"	"	"	Lot 1 DP 17655. 1961037701	0.0122	Until 1/11/2028
"	"	"	"	"	Pt Lot DP 242. 1961036000	0.6265	*
"	"	"	"	"	Lot 4 DP 17501. 1961028010	0.0152	Until 1/11/2028
"	"	"	"	"	Lot 5 DP 17501. 1961028012	0.0113	Until 1/11/2028
"	"	"	"	"	Lot 6 DP 17501. 1961028016	0.0125	Until 1/11/2028
"	"	"	"	"	Pt Section 70 Waimea East District. 1961025900	6.1785	*
"	"	"	"	"	Lot 2 DP 13172 Block VIII Waimea Survey District. 19610/28100	2.0048	*
"	"	"	"	"	Lot 7 DP 17501. 1961028014	0.0008	Until 1/11/2028
"	"	"	"	"	Lots 1 & 9 DP 19426. 1961028017	0.0003	Until 1/11/2028
"	"	"	"	"	Lot 4 DP 19426. 1961028021	0.0003	Until 1/11/2028
"	"	"	"	"	Lot 6 DP 19426. 1961028020	0.0003	Until 1/11/2028
"	"	"	"	"	Lot 7 DP 19426. 1961028019	0.0003	Until 1/11/2028
"	"	"	"	"	Lot 8 DP 19426. 1961028018	0.0013	Until 1/11/2028

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
"	"	"	"	"	Lot 17 DP 361354.1961028000	0.0321	Until 1/11/2028
"	"	"	"	"	Sec 2 SO 466402 Lots 28-29 DP 471201, Lots 1-2 DP 306483, Lots 28-29 DP 361354, Lot 8 DP 18941, Lots 4 & 5 17032, Lot 14 DP 17720, Lot 4 DP 18824, Lot 10 DP 19426, Lot 35 DP 307871 – Esplanade and Recreational Reserves	0.0032	Until 1/11/2028
"	"	AM 125	Hill Street - south	"	Pt Lot 1 DP 16678 Block VII Waimea Survey District. 1961093100	10.4282	*
"	"	"	"	"	Pt Lot 1 DP 3416. 1960029000	6.7428	*
D220	Richmond	AM 125	Queen Street	"	Pt Lot 1 DP 2564 & Pt Lot 1 DP 3473 CTs 3B/128, 3B/220. 1958033500	0.0774	Until 1/11/2023
"	"	"	"	"	Pt Lot 4 DP 2774. 1958047100	0.1383	Until 1/11/2023
"	"	"	"	"	Pt Lot 1 DP 1532. 1958047000	0.1069	Until 1/11/2023
"	"	"	"	"	Pt Lot 4 DP 1403. 1958046700	0.0035	Until 1/11/2023
"	"	"	"	"	Pt of Section 25 Waimea East Survey District (2 lots). 1958046600	0.1014	*
D221	Richmond	AM 125 AM 129	Oxford Street – (Cambridge St to Wensley Rd) – northeastern side	"	Pt Lot 1 DP 1561. 1958038600	0.0107	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 2971. 1958039100	0.1088	*
"	"	"	"	"	Pt Lots 5 & 6 DP 27201958039200	0.012	Until 1/11/2028
D223	Brightwater	AM 90	Waimea West Road – southern and western sides	"	Lot 2 DP 2793. 1939043000	0.0117	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 2793 Block IX Waimea Survey District. 1939043100	0.0101	Until 1/11/2028
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939043300	0.6070	*
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939043400	0.1012	*
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939043500	0.0051	Until 1/11/2028
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939043600	0.0046	Until 1/11/2028
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939043700	0.0043	Until 1/11/2028
"	"	"	"	"	Pt Section 34 Waimea South District, Block IX Waimea Survey District. 1939034904	0.0600	Until 1/11/2028
"	"	"	"	"	Section 5 Block IX Waimea Survey District. 1939044000	0.0244	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 11336. 1939024401	0.0018	Until 1/11/2028
"	"	"	"	"	Pt Sections 153 & 154 Waimea West District Blocks V & IX, Waimea Survey District. 1939024500	0.0468	Until 1/11/2028
"	"	AM 56	"	"	Lots 3–4 DP 1970 & Lots 7–8 DP 13223 Pt Sections 153 & 154 Waimea West District. 1939024800	0.2522	Until 1/11/2028
"	"	"	"	"	Lots 1 & 2 DP 1970 Blocks V & IX Waimea Survey District. 1939024900	0.0757	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 311860. Subj to RW. 1939024100	0.0879	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 311860. 1939024101	0.0677	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 9604 Section 145 Waimea West District. 1939026300	0.2647	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 12002 Block V Waimea Survey District – sub to ROW, see DP 12453. 1939017201	0.0698	Until 1/11/2028
"	"	AM 56	"	"	Pt Lot 1 DP 11267, Block V Waimea Survey District. Interest in ROW over Lot 1 DP 12002. See DP 12453. 1939017200	0.0035	Until 1/11/2028
"	"	"	"	"	Pt Lot 4 DP 11901.1939017300	8.4414	Until 1/11/2028
"	"	"	"	"	CU 00174 Pt Section 120 Waimea West District. Local Purpose Reserve, Waimea West Cemetery. 1939017400	0.0197	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 15745, Lot 1 DP 12665, Block V Waimea Survey District. 1939017500	0.0457	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 8990 Block V Waimea Survey District. 1939017301	0.0061	Until 1/11/2028
"	"	"	"	"	Pt Section 121 Block V Waimea Survey District. 1939017600	15.1835	*

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
"	"	"	"	"	Lot 1 DP 2437 Block V Waimea Survey District. 1939017800	0.1067	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 1305 District of Waimea West. 1939017802	0.0547	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 14312 Block V Waimea Survey District. 1939017901	10.3400	*
"	"	"	"	"	Lot 1 DP 14312 Block V Waimea Survey District. 1939017900	10.3400	*
"	"	AM 90	Waimea West Road – northern and eastern sides	"	Pt Sections 31 & 33 Waimea South District, Block IX Waimea Survey District, St Paul's Church. 1939044300	0.0633	Until 1/11/2028
"	"	"	"	"	CU00461 Snowdens Bush Scenic Reserve – Pt Sec 33 Waimea South District. 1939044200		Until 1/11/2028
"	"	"	"	"	Sec 1 SO 428365, Sec 15 SO 337450, Lot 1 DP 20533, Pt Sections 31 & 33 Waimea South District, Block IX Waimea Survey District. 1939034901	0.0252	Until 1/11/2028
"	"	AM 90	"	"	Lot 1 DP 11434, Lots 5 & 6 DP 13223 Block V Waimea Survey District. 1939024300	0.1482	Until 1/11/2028
"	"	AM 56	"	"	Lot 9 DP 13223. 1939024200	0.1482	Until 1/11/2028
"	"	"	"	"	Lot 4 DP 13226 Waimea West District, Block V Waimea Survey District. 1939026400	0.0069	Until 1/11/2028
"	"	"	"	"	Lot 3 DP 13223 Waimea West District, Block V Waimea Survey District. 1939023900	0.0013	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 13223, Pt Lot 1 DP 2352 Section 13 Block V Waimea Survey District. 1939027100	31.9167	*
"	"	"	"	"	Lots 4, 7, 8 DP 6134 Pt Sections 122, 122A, 123A, 123 124, Blk V Waimea Survey District. 1939016700	0.1998	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 485429. 1939016900	0.0120	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 485429. 1939016800	0.0127	Until 1/11/2028
"	"	"	"	"	Lot 1-2 DP 420315. 1939016600	0.1039	Until 1/11/2028
"	"	"	"	"	Lots 2 & 4, DP 17427, Block V, Waimea Survey District. 1939016400	19.03	*
"	"	"	"	"	Lot 3 DP 17427, Block V Waimea Survey District. 1939016502		*
"	"	"	"	"	Lot 1 DP 17427, Block V Waimea Survey District. 1939016401		*
"	"	"	"	"	Lot 1 DP 5564 Block VI Waimea Survey District. 1939016500	0.0153	Until 1/11/2028
"	"	"	"	"	All DP 4607 Block VI Waimea Survey District. 1939016300	0.0099	Until 1/11/2028
"	"	"	"	"	Part of Lot 2 DP 3504, Pt Section 60 Waimea West District, Block V Waimea Survey District. 1939018000		*
"	"	"	"	"	Lot 1 DP 6864 Pt Section 60 Waimea West District. 1939018100	0.0809	Until 1/11/2028
"	"	"	"	"	Lot 1 DP 6864 Block V Waimea Survey District. 1939018001	0.2092	*
"	"	"	"	"	Lot 1, DP 3504 & Pt Section 60 Waimea West District, Block V Waimea Survey District. 1939018100		*
"	"	"	"	"	Pt Section 60 Waimea West District, Block V Waimea Survey District. 1939018200	0.8094	*
D224	"	AM 124 AM 125	Oxford Street (Gladstone Rd to Cambridge St, Richmond) – northeastern side	"	Pt Lot 1 DP 15577 and Pt Section 25 Waimea East District. 1958047400	0.0119	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 3621. 1958048501	0.0086	Until 1/11/2028
"	"	"	"	"	Lot 2 DP 7004. 1958048100	0.0089	Until 1/11/2028
"	"	"	"	"	Pt Section 25 Waimea East District. 1958046400		*
"	"	"	"	"	Lot 1, DP 18103, 195804760	0.0079	Until 1/11/2028

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area (ha)	Duration of Designation
<b>New</b>							
D237	High St, Motueka	AM 116	Whitwell Carpark	Car parking	Lot 9 DP 5519. 19560256/00	0.1434	Until 1/11/2023
D238	142 Higgs Rd	AM87		Curve realignment	Lot 1 DP 8903, Lot 2 DP 6597, 1938029800	0.0030	Until 1/11/2028
"	83 Higgs Rd	AM87		Curve realignment	Pt Lot 4 DP 693, 1938028600	0.0164	Until 1/11/2028
D241	Lower Queen St, Richmond	AM 121, 122, 124	Lower Queen St - both sides	Road widening	Part of Pt Lot 1 DP 6307, Lot 1 DP 9797, Pt Lot 1 DP 7236, Lot 1 DP 6447, Pt Lot 2 DP 7236, Lot 1 DP 7553, Lot 3 DP 7236, Lot 1 DP 17704, Lot 2 DP 7553, Lot 3 DP 7553, Lot 1 DP 10413, Lot 7 DP 20017, Pt Sec 168 Waimea East District, Lot 4 DP 7553, Pt Sec 101 Waimea East District, Lot 1 DP 3124, Lot 2 DP 3124, Pt Sec 101 Waimea East District, Lot 2 DP 20409, Lot 1 DP 6428, Lot 1 DP 20409, Pt Sec 100 Waimea East District, Lot 1 DP 13664, Pt Sec 100 Waimea East District, Lot 7 DP 3962, Lot 1 DP 3962, Pt Sec 215 Waimea East District, Lot 2 DP 20264, Lot 1 DP 20264, Lot 1 DP 5225, Lot 1 DP 2780, Lot 2 DP 343034, Lot 1 DP 343034, Pt Sec 216 Waimea East District, Pt Sec 217 Waimea East District, Pt Sec 217 Waimea East District, Pt Sec 217 Waimea East District, Sec 218 Waimea East District, Sec 219 Waimea East District, Lot 1 DP 12766, Lot 1 DP 7342	3.02	20 years
D242	McShane Rd, Richmond	AM 123, 124	McShane Rd - both sides	Road widening	Part of Pt Sec 160 Waimea East District, Lot 2 DP 15809, Lot 1 DP 15809, Lot 1 DP 6118, Lot 1 DP 337857, Lot 1 DP 7953, Lot 2 DP 384781, Lot 1 DP 302688, Lot 2 DP 315847, Lot 1 DP 315847, Lot 1 DP 20497, Pt Sec 168 Waimea East District, Lot 1 DP 7734, Lot 2 DP 7734, Lot 3 DP 7734, Lot 6 DP 19947, Lot 5 DP 19947, Lot 4 DP 19947, Lot 3 DP 19947, Lot 2 DP 19947, Lot 6 DP 20409, Lot 5 DP 20409, Pt Sec 101 Waimea East District.	1.67	20 years

C22 2/11  
Op 1/15

## A1.11 DESIGNATING AUTHORITY: BROADCAST COMMUNICATIONS LTD

### Reasons for Designation

To enable the continued maintenance of the transmission and receiving station which is essential to the efficient and effective functioning of public and private broadcasting in the Tasman and West Coast regions.

### Designation Notation

Broadcasting and telecommunications.

### Explanatory Statement

The facility provides telecommunication facilities to a range of public and private organisations. The services include television and radio broadcasting, and communications networks. Satellite communications may also be included.

### Nature of the Works

The designation covers an area of 1370 metres and includes the 52-metre high transmission tower. In addition, there is a transmitter building.

### Environmental Effects/Mitigation Measures

The environmental effects of the facility will not be increased by the designation of an existing facility. Any possible effects of further developing the site will be mitigated by the two conditions attached to the designation.

### Figure A1.11: Broadcast Communications Ltd

ID	Location of Site	Area Map No.	Site Name/ Function	Purpose of Designation	Legal Description/ Valuation No.	Area	Duration of Designation
<b>New</b>							
D240	Summit of Mt Murchison	25, 147	Mt Murchison Transmitter Building and Tower	Broadcasting and telecommunications	South of Mt Murchison trig. Crown Land Blk (under action) Matiri Survey District	1370m <sup>2</sup>	*



## PART II – APPENDIX 2: URBAN DESIGN GUIDE

Applies at the Motueka West, Richmond South, Richmond West, Richmond Intensive, Brightwater, Wakefield Mapua and Mapua Special development areas

C22 2/11  
& C43 4/13  
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Op 12/18  
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(d 6/23)  
C76 9/22

### 1. INTRODUCTION

The Richmond South Development Area (RSDA), the Richmond West Development Area (RWDA) and the Richmond Intensive Development Area (RIDA) are priority areas for Richmond's development over a 20-year outlook to be established following the Richmond Development Study. This study was considered by the community in 2003 and since then Council has considered the community response. That process identified a need and significant support for the concept of a planned approach to the subdivision and development of the RSDA and RWDA and intensification through redevelopment in RIDA to ensure that both a quality living environment and an efficient use of the land takes place. This Urban Design Guide is intended to help in achieving those aims.

C10 10/07  
Op 3/14

C66 10/17  
Op 12/18

The Mapua Development Area and Mapua Special Development Areas (MDA and MSDA) are priority areas for Mapua's development over a 20-year timeframe following the Mapua/Ruby Bay Development Study in 2004 and a structure planning exercise in 2008. These processes have identified a need and support for a planned approach that ensures a quality living environment and sustainable and efficient use of land.

C22 2/11  
Op 1/15

The Motueka West Development Area (MWDA) is a priority area for Motueka's development over a 50-year timeframe following a structure planning exercise in 2009. This process has identified a need for a consolidation of the town through a planned approach that ensures a quality living and working environment.

C43 4/13  
Op 1/15

The Brightwater Development Area (BDA) provides for some of the township's, and the region's, residential growth needs as identified through the Future Development Strategy 2019 and 2022. This area is intended to provide for a variety of lot sizes, increased density, and a quality living environment.

C75 9/22  
(d 6/23)

The Wakefield Development Area (WDA) provides for some of the township's, and the region's, residential growth needs as identified through the Future Development Strategy 2022. This area is intended to provide for a greater variety of lot sizes, increased density, and a quality living environment.

C76 9/22

### 2. PURPOSE OF THE DESIGN GUIDE

The successful development and function of a quality residential environment relies on carefully considered design. Creating a place where people can live comfortably, and particularly where this is more closely together, requires attention to overall layout and details. Accordingly, this design guide sets out some specific matters for attention.

Because the process of evolving a good design requires experience and skills, it is recommended that the appropriate skills be applied to development planning and design. Typically, the skills needed will include a combination of urban design, landscape design, building design, survey, engineering and resource management planning. Some companies or people will have capacity in several of these fields.

The evolution of the design will also suit an iterative process and Council encourages developers and applicants to work through the guidelines with Council advisers.

### 3. RELATIONSHIP OF THE DESIGN GUIDE TO THE TASMAN RESOURCE MANAGEMENT PLAN

This design guide covers a range of urban design matters integral to the subdivision layout and development planning of the [BDA](#), [WDA](#), RSDA, RWDA, RIDA, MWDA, MDA and MSDA. The design guide is intended to provide a clear preferred direction for any proponent of a development in the [BDA](#), [WDA](#), RSDA, RWDA, RIDA, MWDA, MDA and MSDA. The guide contains provisions that relate to both subdivision and development within the [BDA](#), [WDA](#), RSDA, RWDA, RIDA, MWDA, MDA and MSDA.

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The district plan provisions associated with the development of the RSDA, RWDA, RIDA, MWDA, MDA, ~~and~~ MSDA and WDA are contained in the Tasman Resource Management Plan (the Plan) – these guidelines form part of the Plan as Appendix 2 to Part II. The design guide applies in relation to the following Plan rules:

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(d 6/23)

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- 16.3.3.1 Controlled Subdivision (Residential Zone – Standard Density Development)
- 16.3.3.1A Controlled Subdivision (Residential Zone – Specific Location: Richmond Intensive Development Area)
- [16.3.3.1B](#) [Controlled Subdivision \(Residential Zone – Specific Location: Brightwater and Wakefield Development Area\)](#)
- 16.3.3.2A Restricted Discretionary Subdivision (Residential Zone – Standard Density Development)
- 16.3.3.2B Restricted Discretionary Subdivision (Residential Zone – Specific Location: Richmond Intensive Development Area)
- [16.3.3.2C](#) [Restricted Discretionary Subdivision \(Residential Zone – Brightwater and Wakefield Development Area\)](#)
- 16.3.3.3 Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)
- 16.3.3.4 Discretionary Subdivision (Residential Zone)
- 17.1.3.3 Controlled Activities (Building Construction or Alteration – Compact Density Development)
- 17.1.3.4 Restricted Discretionary Activities (Building Construction or Alteration – Standard Density Development)
- 17.1.3.4A Restricted Discretionary Activities (Building Construction or Alteration – Comprehensive Development)
- 17.1.3.4B Restricted Discretionary Activities (Building Construction or Alteration – Specific Locations: Development Areas)
- 17.1.3.4C Restricted Discretionary Activities (Building Construction or Alteration – Specific Locations: Richmond Intensive Development Area)
- 17.1.3.4D Discretionary Activities (Building Constructions or Alteration – Specific Locations: Richmond Intensive Development Area)

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The design guide should be read in conjunction with the Plan provisions, including the Plan's policies and the rules listed above. The design guide will provide a basis for the assessment of applications for resource consent for both subdivision and buildings.

For permitted buildings in the [BDA](#), [WDA](#), RSDA, RWDA, RIDA, MWDA, MDA and MSDA, the design guide may help in successful design. For controlled and restricted discretionary subdivision and buildings in the [BDA](#), [WDA](#), RSDA, RWDA, MWDA, MDA, and MSDA, and for discretionary subdivision and restricted discretionary and discretionary buildings in RIDA, consistency with the design guide is a matter for considering in either imposing conditions or considering granting or declining applications (restricted discretionary activities only).

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## 4. HOW TO USE THIS DESIGN GUIDE

There is no prescribed way to create attractive, liveable, functional, enduring living environments and the guidelines are intended to provide some flexibility in the approach. Accordingly each part describes the subject to be guided and describes the aims with a diagram or image which is for explanatory value.

The design guide should be considered when first beginning to develop any subdivision or building development proposal in the BDA, WDA, RSDA, RWDA, RIDA, MWDA, MDA, and MSDA.

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### A. Allotment Layout

The allotment layout in a new urban area will pre-determine the position and aspect of resultant houses and other development. Accordingly, attention needs to be given at the outset of the design process to the type of development that will result from the layout prescribed at the time of subdivision.

To achieve the desired environment for the BDA, WDA, RSDA, RWDA, MWDA, MDA, and MSDA, guidelines for allotment layout are set out below.

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#### Guideline A1 GREENWAYS AND RESERVES RELATIONSHIP Refer to Figure A1a and A1b

**Encourage dwellings to be designed and constructed to have living spaces that overlook greenways and reserves through the allotment layout and orientation.**

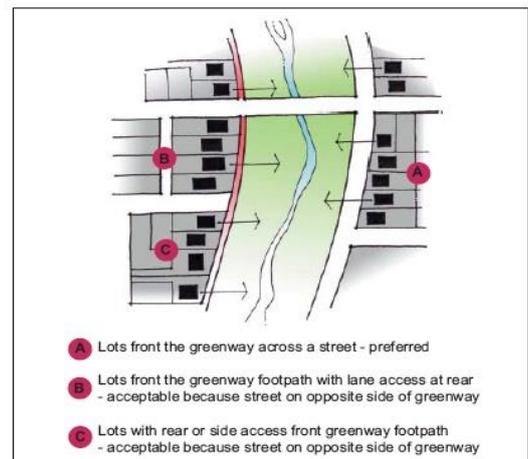
It is important to have this dwelling to greenway/reserve relationship because:

- the people in houses provide passive surveillance that make for safer greenways and reserves
- the amenities of the residential properties can benefit from the relationship with the green space.



**Figure A1a**

Example of greenway and residential dwelling relationship – houses overlook greenway and no fences between.



**Figure A1b**

**Guideline A2**  
**NEIGHBOURHOOD CENTRE PROVISION**

*Refer to Figure A2a and A2b*

C10 10/07  
Op 3/14

**Encourage within any larger new area of urban development, the (future or immediate establishment of a neighbourhood centre (a 'heart' where people meet and access basic day-to-day commercial goods like bread and milk) by:**

- Providing sufficient space for a small centre which can accommodate car parking, bus stop (future or existing service), and public space.
- Identifying a place for a centre that is within a radius of 10 minutes' walk of the primary residential catchments area.
- Identifying a place for a centre that is at the intersection of collector streets and other movement paths such as walkways and greenways.

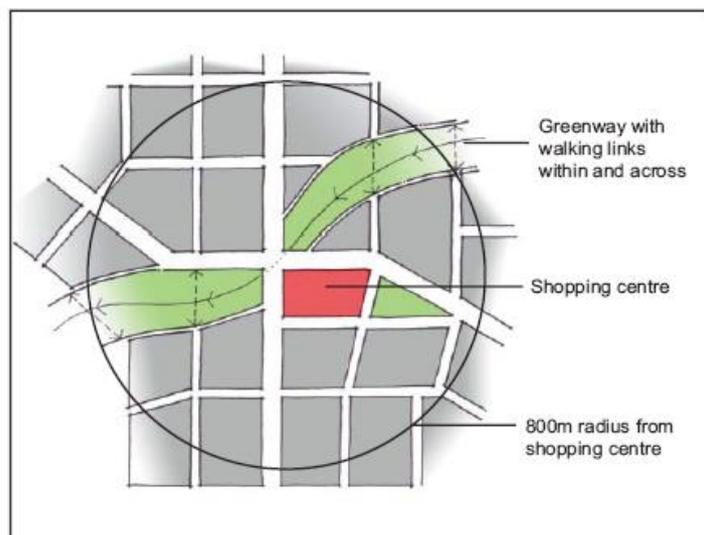
It is important to provide neighbourhood centres because they provide:

- an option for getting day-to-day goods locally – milk, bread and paper, for example – which limits the need for vehicle trips to a larger centre
- an opportunity for social interaction between people living in a neighbourhood
- a neighbourhood focal point, orientation, and identity.



**Figure A2a**

Example of a neighbourhood centre – social and retail functions provided for.



**Figure A2b**

### Guideline A3 TOPOGRAPHY

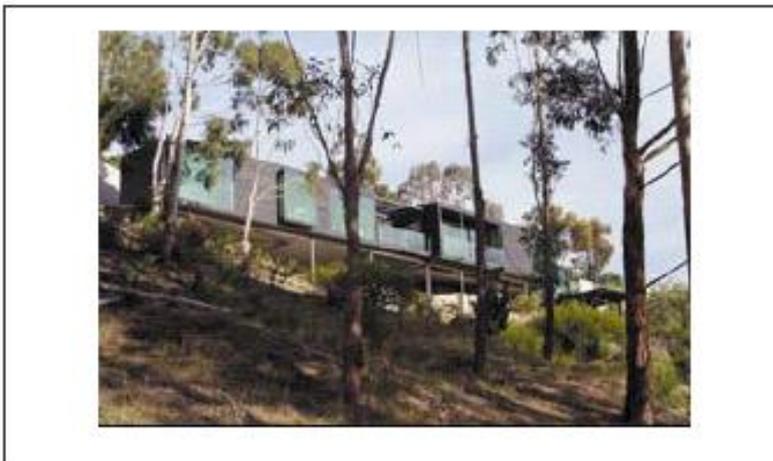
Refer to Figure A3a and A3b

**Encourage the retention of primary topographical and landscape features in an allotment and street layout by:**

- Enabling dwelling types that follow the natural slope of the land, in street layout and allotment design.
- Creating streets with widths as narrow as practicable (see street layout guidelines) to minimise the cross slope cuts required.
- Allowing steeper gradients for access streets and lanes to enable streets to follow contour and reduce cut and fill extent.
- Integrating existing tree and amenity plantings within streets and allotments to enhance amenity values.

It is important to retain topography and minimise earthworks because:

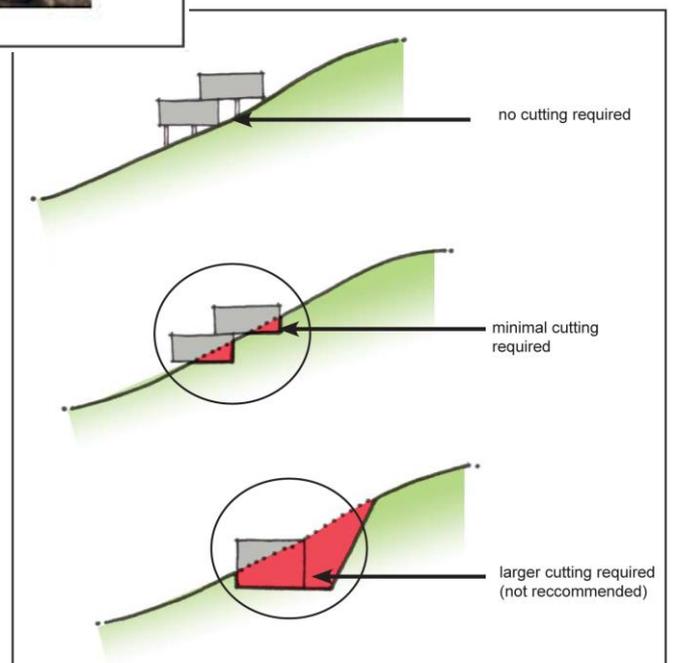
- the character of a place is contributed to by the existing natural features including landform
- the scale of walling that occurs on street edges where cuts are high is difficult to manage to create attractive streetscapes
- the loss of topsoil and earth during construction has a negative effect on the biological capacity of the land and can lead to siltation of waterways
- this reduces the scale and cost of engineering interventions required to construct the development.



**Figure A3a**

Example of a dwelling where no cutting is required.

**Figure A3b**



**B. Dwelling Size**

The efficient use of the land in new growth areas is important. Land is a finite resource and should be judiciously used to retain a context of productive working land and natural landscapes as these are important to the regional economy, biodiversity and quality of life. The compactness of settlements is also important as it assists servicing efficiency, accessibility of residents to facilities (schools, shops, etc), reduces travel times and energy use, and presents opportunities for various forms of transport. It is recognised in Richmond, Brightwater, Wakefield Motueka and Mapua that the different dwelling sizes and types will need to be provided for if people are to be comfortable living in Richmond, Brightwater, Wakefield Motueka and Mapua at various stages of their lives. Part of that difference is recognising the need for a mixture of family homes with large sections and smaller houses with less land to look after, and more opportunities for social contact for people living alone. With an aging population in Tasman, incorporation of universal design principles in the initial design of dwellings in RIDA is encouraged. To encourage efficient land use, the provision of different house types, and an urban form that is compact, guidelines to encourage different forms of development in the BDA, WDA, RSDA, RWDA, RIDA, MWDA and MSDA are set out below.

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(d 6/23)  
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**GUIDELINE B1  
DWELLING SIZE MIX  
Refer to Figures B1a to B1c**

**Encourage an efficient land use and range of dwelling sizes (i.e., family or single person homes) by:**

- Creating areas with a suitable size and location (such as next to greenways, or close to a neighbourhood centre) that may allow for smaller dwellings in more compact forms of development
- Designing for quality in more compact forms of development through the use of appropriately skilled and experienced design professionals.
- Considering comprehensively the whole living environment for possible compact forms of development to ensure that they are good places to live.
- Considering the use of “party” walls and attached buildings to eliminate unusable narrow side yard spaces.
- Incorporating universal design principles according to Lifemark™ certification in the initial design of dwellings in RIDA, or other certification that is functional for elderly and disabled residents.

C66 10/17  
Op 12/18

It is important to provide for different dwelling sizes because it:

- enables people to live in different dwellings that suit their needs while remaining in the same community
- encourages an efficient use of the land by enabling more compact forms of development.



**Figures B1a to B1c**  
Examples of different sized dwellings for different sized households.

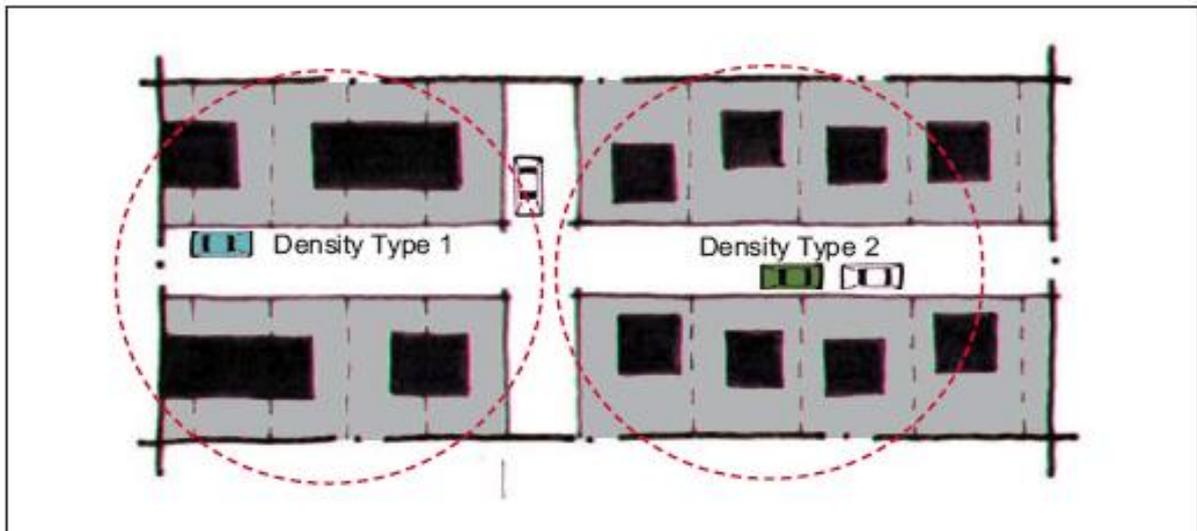
**Guideline B2**  
**COMPATIBILITY**  
*Refer to Figure B2a*

**Create a coherent streetscape in areas of mixed dwelling forms and sizes (especially between detached and attached buildings) by:**

- Breaking into groups the sections of streets that are of one type or another so there is not a random mix.
- Using a lane, street or reserve/greenway to separate one building type from the next.
- Considering the existing context and repeating the predominant type of building form of the block the site is located within.

It is important to provide for compatibility between different dwelling types because:

- it ensures that with a mix of dwelling types that there is not a visually incoherent streetscape;
- there are practical building construction benefits in knowing the adjacent dwelling type;
- the comprehensive design and development of compact forms of dwellings can benefit from taking a block approach rather than a site-by-site approach.



**Figure B2a**  
Example of compatibility

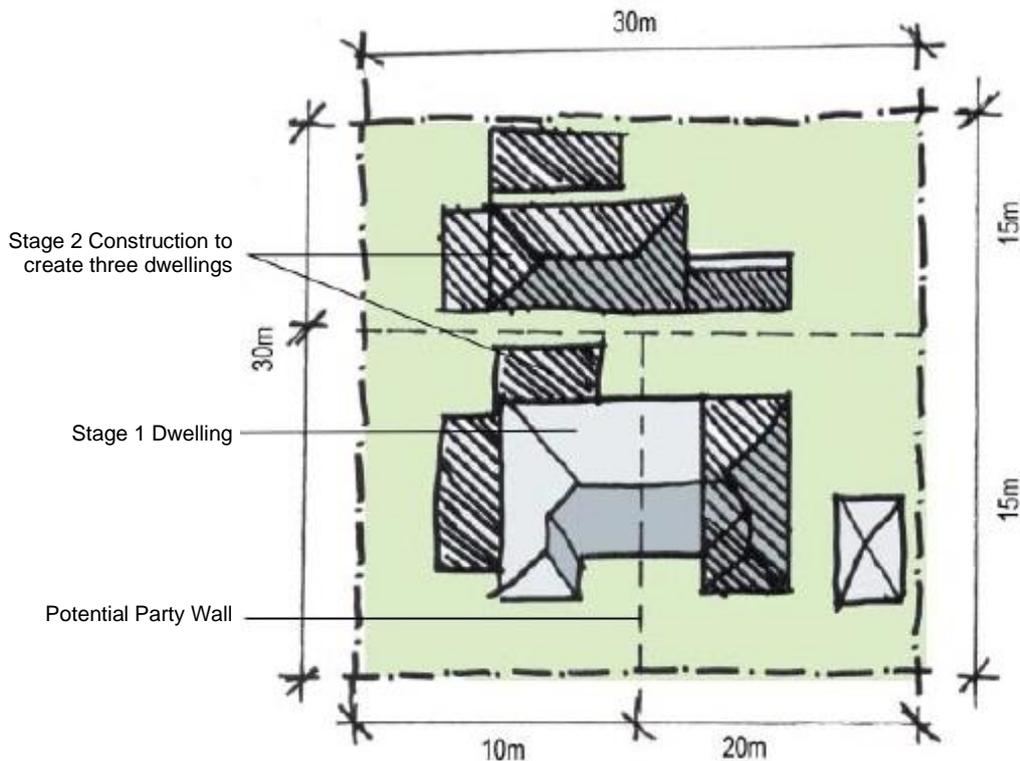
**Guideline B3**  
**ENABLE FURTHER SUBDIVISION**  
*Refer to Figure B3a*

**Encourage through subdivision and development design that where allotment sizes are of a medium or larger size (above 800 m<sup>2</sup>) that further subdivision could occur in the future to create a quality functional new house space by:**

- Locating the initial building on the site to leave sufficient space for a new dwelling at a later date.
- Providing the future building space in a way that recognises the amenity of the initial house (and new house), such as privacy, sunlight, access, parking, noise and outdoor living space.

It is important to consider the potential for further development because it:

- will enable the most efficient use of the limited land resource over time
- recognizes that future dwelling needs may change from those currently and provides some flexibility for the future
- encourages future new dwellings to fit within the existing development pattern without causing significant adverse effects.



**Figure B3a**

## C. Street Network

The street network is the principal way people will get to and from the places they use within Richmond, [Brightwater](#), [Wakefield](#), Motueka and Mapua. These movements are made every day by a range of people with a range of mobility levels and a range of access to vehicles. Movements typically include a child going to school, workers going to work, or an older person going for a walk. Primarily the movement network is provided by streets, but in the [BDA](#), [WDA](#), [RSDA](#), [RWDA](#), [RIDA](#), [MWDA](#), [MDA](#) and [MSDA](#) there will also be pathways on greenways and these are addressed separately. To achieve the desired environment for the [BDA](#), [WDA](#), [RSDA](#), [RWDA](#), [RIDA](#), [MWDA](#), [MDA](#), and [MSDA](#), guidelines for the street network are set out below.

C10 10/07  
Op 3/14

C22 2/11  
Op 1/15

C43 4/13  
Op 1/15

C66 10/17  
Op 12/18  
C75 9/22  
(d 6/23)  
C76 9/22

### Guideline C1 STREET TYPE *Refer to Figure C1a*

**Provide a clear hierarchy in street type – from vehicular traffic at 50kph (on collector streets) down to slower traffic, walking priority streets at 5kph (on access streets and lanes) – by:**

- Encouraging the use of access streets and lanes by people that live there, and not drivers passing through by designing narrow sections and other forms of speed restrictions.
- A spread of local traffic by interconnected streets that enable a choice of routes.
- Collector streets that are efficient in their function and not compromised by multiple site accesses.
- Lane ways which are for accessing allotments that are small where widths are narrow for development fronting open space in some situations (refer to Guideline A1), or where parking is provided at the back (refer to Guideline D1).

It is important to have a street hierarchy because it:

- provides for greater levels of pedestrian comfort – this will encourage walking
- will improve safety – by reducing through-traffic out of residential areas and keeping speeds low in residential areas
- will increase amenity – this is providing attractive, green quiet residential streets where busy traffic is encouraged away
- makes navigating around an urban area easier.



Figure C1a

**Guideline C2**  
**STREET CONNECTEDNESS**  
*Refer to Figure C2a*

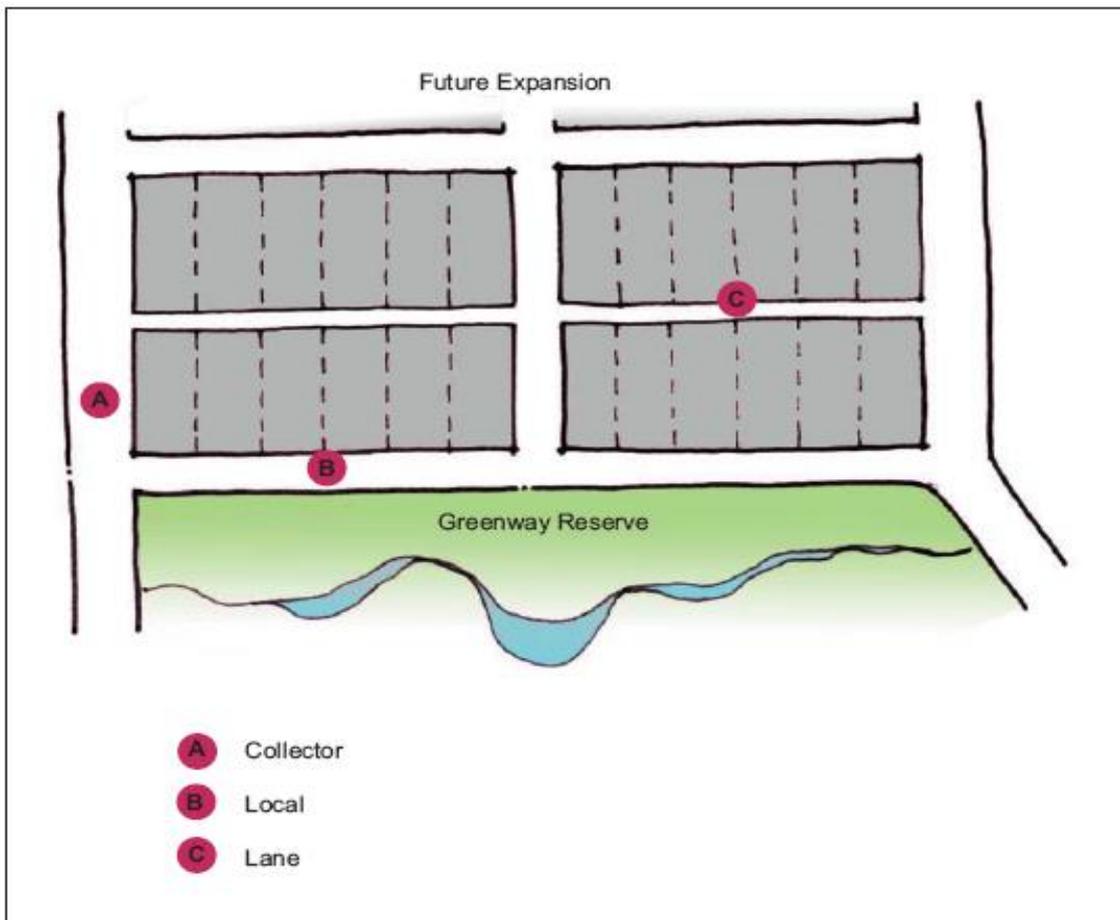
**Encourage maximum accessibility within the urban area by:**

- Creating streets that are interconnected with other streets and with minimal dead ends or cul-de-sacs.
- Making collector streets that provide for walking, cycling and easy navigability around a neighbourhood by direct routes.
- Ensuring that cul de sacs (where they are rarely provided for) have walking and cycling links to adjacent streets and to provide for a potential vehicle connection in the future.
- Providing cycleways on main routes to Richmond, Brightwater, Wakefield, Motueka and Mapua town centres and schools.
- Creating regular street intersections and limited block lengths.
- Providing clear and safe access to greenway networks from the street network with direct visual and walking links across that follow the street alignment.

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 C76 9/22

It is important to have high levels of accessibility because it:

- assists reduced travel distances (walking or driving) between destinations
- enhances walkability by providing reasonably direct routes between places
- enhances the ease with which people can find their way around a place by providing minimal dead ends.



**Figure C2a**  
 Connected street network

**Guideline C3**  
**STREET SWALES**  
*Refer to Figures C3a and C3b*

**Encourage the minimisation of stormwater discharges to the reticulated system by the use of street edge swales or rain gardens to collect run-off from street surfaces and to disperse it to ground by:**

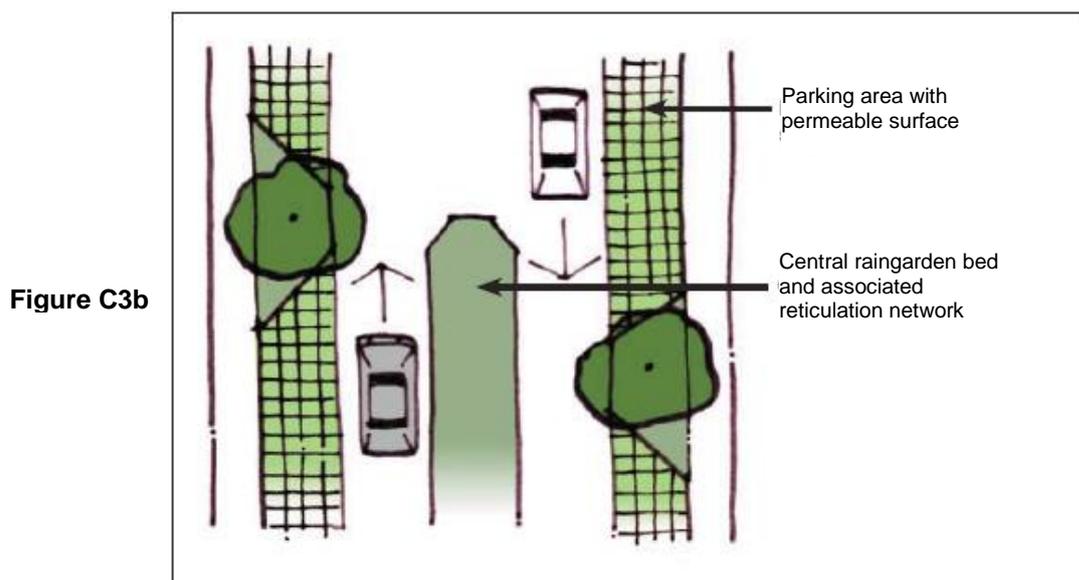
- Swale design in accordance with the TDC Engineering Standards.
- Consultation with experienced engineers regarding the design of swales.
- Using swales where the ground conditions are appropriate for achieving soakage.
- The choice of plant types for swales that are appropriate for the function.

It is important to use swales and other systems that replenish groundwater from stormwater because it:

- reduces the speed of stormwater flows to the reticulation system which is limited in its capacity
- aids in recharging the groundwater system to enable the water to be extracted for other purposes
- reduces contaminant flow to the stormwater system.



**Figure C3a**  
Rain garden in a residential street



**Guideline C4****STREET TREES***Refer to Figure C4a*

**Provide a consistent and appropriate street tree planting within new streets by:**

- Deciding a tree type as part of design and using this for the complete street length.
- Using trees that will grow well locally – either native or exotic.
- Using trees that will assist with the take up of stormwater run-off in conjunction with swales and/or rain gardens, where they occur.
- Having a tree type with a form that is clear stemmed and a canopy at maturity which underneath is at least 2 metres above ground level.
- Reflecting the street hierarchy through the use of larger tree types on the wider streets.
- Ensuring street design for services so their function and maintenance will not interfere with successful growth and maturity of the street tree.
- Placing trees at regular intervals — 10 metres between stems is an appropriate distance between larger trees.

The tree type is important to provide:

- Pedestrian comfort – this will encourage walking
- Safety – by providing trees that can be seen under the canopy rather than shrubby which blocks sight lines
- Amenity – this is providing attractive, green residential
- Legibility and wayfinding – by distinguishing between main and local roads it will be easier to find the way between places.



**Figure C4a**  
Example of street trees

## **D. Garaging and Carparking**

The quality of the Richmond, [Brightwater](#), [Wakefield](#), Motueka and Mapua environment as places to live will need to move towards providing an appropriate balance between provision for private motor vehicles and other forms of transport, and walking as a way of moving around the urban area. Part of that balance is about making the urban environment work well for vehicles and for people moving around in other ways – aspects of this balance are addressed by the street network guidelines. Other guidelines below which address a balanced way of providing for vehicles on private property are also important to the quality of the living environment.

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C76 9/22

**Guideline D1**  
**GARAGES AND PARKING**  
*Refer to Figure D1a and D1b*

**Provide for car parking on site, which is functional and convenient, but does not dominate the site or the street as a public space by:**

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- Designing the size and arrangement of allotments to allow for on-site parking without dominating the primary frontage – avoid wide garage doors facing the street forwards of and/or wider than the main building.
- Placing garages and carports accessed from the front of the site (i.e., not by a back lane) behind the front wall of the main building.
- Considering grouping car parking in one area for several dwellings to make efficient use of land and use parking bays on the street for visitor parks.
- Considering the use of lanes at the rear of houses to enable garages and parking which is not at the front.
- Minimising the open parking standing areas at the front and use trees to give street amenity where they occur.

It is important to consider garaging and car parking because:

- garages which dominate the residential streets are not attractive for walking and create multiple crossings that impinge on walking and cycling safety;
- dwellings which face the street and where garages at the rear recognise that the dwelling is the primary function, not the garages;
- rear garage space enables the more 'service' nature of garage spaces to be out of the public view;
- they make way-finding easier.



**Figure D1a**



**Figure D1b**  
 Example of garages on a back lane

**E. On-site Amenity**

**Proposed as at 2 August 2014**  
 The BDA, WDA, RSDA, RWDA, RIDA, MWDA, MDA, and MSDA. are new urban growth areas that will encourage (although not require) a range of house sizes and types to be provided by development to meet projected demand for this by future populations. It is anticipated that some development in the BDA, WDA, RSDA, RWDA, RIDA, MWDA, MSDA, will take the form of town dwellings, or building formats where people may live closer to one another than they would in single detached dwellings. One essential element of a quality living environment is maintaining the on-site amenity - visual and aural privacy, functionality (rubbish storage, letterboxes), drying of washing, outdoor living - where people are living in closer proximity to one another. The guidelines below encourage the consideration of and provision for amenity in the BDA, WDA, RSDA, RWDA, RIDA, MWDA, MDA, and MSDA.

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**Guideline E1  
 OUTDOOR LIVING SPACE**  
*Refer to Figure E1a*

**Provide for a reasonable level of outdoor private space amenity on site by:**

- Providing a primary (the main space that is 20m<sup>2</sup> (or 30m<sup>2</sup> in MSDA and MWDA) in accordance with the TRMP rules) outdoor living area adjacent to the primary interior living areas and at the rear of the house.
- Locating backyard/courtyard living space where it will receive good sunlight access and with direct access to interior living space.
- Avoiding windows from living rooms and kitchens which directly overlook neighbours' primary outdoor living space.
- Providing for an outlook from outdoor space to views of the wider area where this does not conflict with the privacy of neighbours.
- Use of on-site planting to provide greenness and screening to neighbours.

These guidelines for amenity are important because:

- in more compact forms of development, the design for privacy needs to be considered at the outset and cannot be left to later as there may not be a sufficient space, and the opportunities for the function to be good may be lost
- outdoor living space that is private is of a high value where people are living in closer proximity to one another.

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**Guideline E2  
 FUNCTIONALITY**

**Provide for the functionality of living spaces for the benefit of the residents by:**

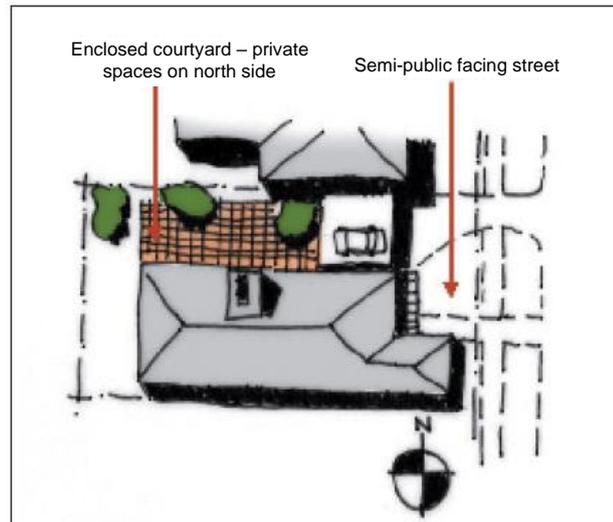
- Providing for acoustic privacy in joined houses in accordance with the NZ Building Code: G6 – Airborne and Impact Sound
- Incorporating universal design principles according to Lifemark™ certification in the initial design of dwellings in RIDA, or other certification that is functional for elderly and disabled residents
- Providing for rubbish storage in the outdoor living areas or other utility space for each dwelling
- Providing letterboxes at the front of each house
- Providing a place where washing can be dried outside

These guidelines for functionality are important because:

- lack of aural privacy between houses has a negative effect on the quality of life
- provision for rubbish storage, mail and washing need to be provided for at the outset of subdivision and development design.

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 Op 12/18

**Figure E1a**  
Providing outdoor private space



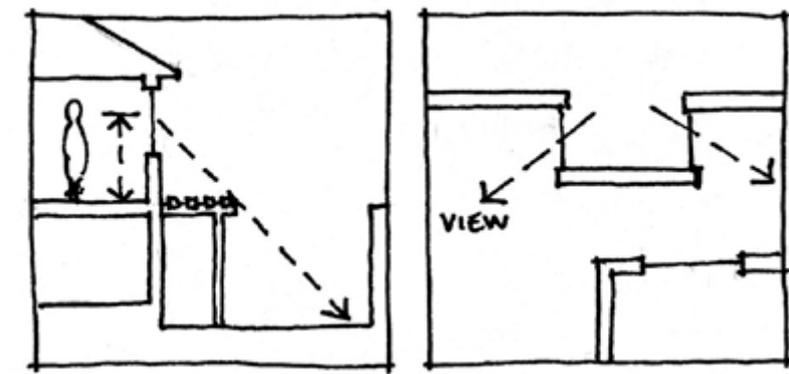
**GUIDELINE E3**  
**PRIVACY FOR INTERNAL SPACES**

C66 10/17  
Op 12/18

- Position windows or otherwise restrict or direct outlook so that the short-range view from one dwelling is not directly into the main internal living areas of any neighbouring dwellings, both within the development, or on adjacent sites.
- Where windows are to be located overlooking public or communal areas, position them so as to minimise loss of privacy from passers-by, while still letting people inside look out. This can be achieved by a range of means including positioning the internal space above outside areas, and locating windows of main living areas where they are not in close range view directly along a public way.

This guidelines for privacy is important because:

- Many areas in a house require privacy, and the best time to consider this is at the site planning stage and by the careful design and placement of windows. Such measures to achieve privacy need not unduly affect the outlook or daylight to the dwelling and may avoid the need for residents to resort to screening devices such as blinds or curtains.
- While total privacy is not reasonably achievable, housing can be designed so that in the normal course of events – sitting at the dining table, in a living room, or working in the kitchen, the view is not directly into the main windows or into the private space associated with a residential building on a neighbouring site or in the view of passers-by on a public way. Distance increases privacy, so privacy generally ceases to be of concern with views across a street.



**Figure E3a**  
Visual privacy by screening, position and orientation of windows

## F Frontages

The space between the front of a building and the street is the “public space” and presents the face of urban areas. The quality of the public environment in urban areas is strongly influenced by the characteristics of these spaces. That quality includes safety, amenity and walkability.

To achieve the desired environment for the [BDA](#), [WDA](#), RSDA, RWDA, MWDA, RIDA, MDA, MSDA, guidelines for frontages are proposed as set out below.

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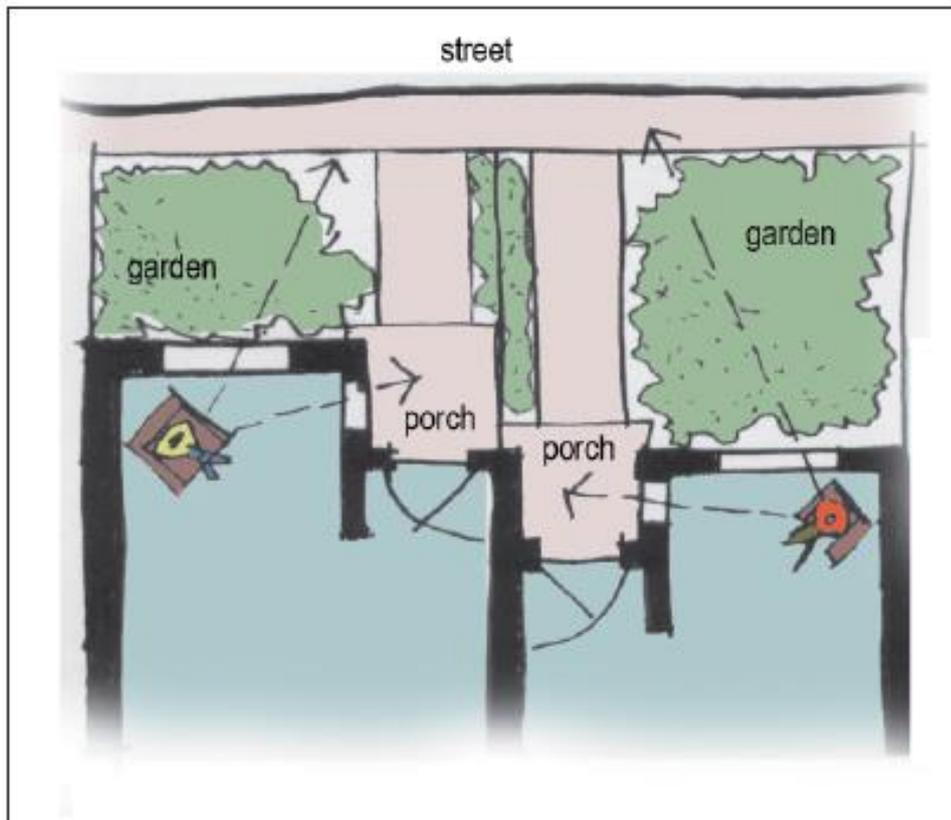
### Guideline F1 INTER-VISIBILITY *Refer to Figure F1a*

**Encourage potential for visual interaction between people on streets and people in buildings and the space in front of buildings on private land by:**

- Locating front doors and living spaces – dining, kitchen, lounge, family rooms – on the street side of the dwelling and forward of any garage.
- Avoiding high solid fences fronting to streets - keep fences low as high fences reduce personal safety for people using the street and on private property, by preventing informal surveillance between the property and street.
- Using tree and vegetation types which will suit the size of the space when they mature. Vegetation or trees which can be seen past or under, rather than thick tall hedges are preferable.

It is important that there is this interaction because:

- The safety of people in urban areas is improved where there are people passively observing what is happening there.
- The safety of private property is enhanced by the ability of people on the street or passing in vehicles to see the front of the dwelling – secluded areas behind high solid fences make easy places for crime to occur, such as breaking and entering
- The sense of community is enhanced where there are opportunities (even if these are not taken) for interaction between people across the private/public interface.



**Figure F1a**  
Providing for visual interaction

## **Guideline F2** **FRONTAGES**

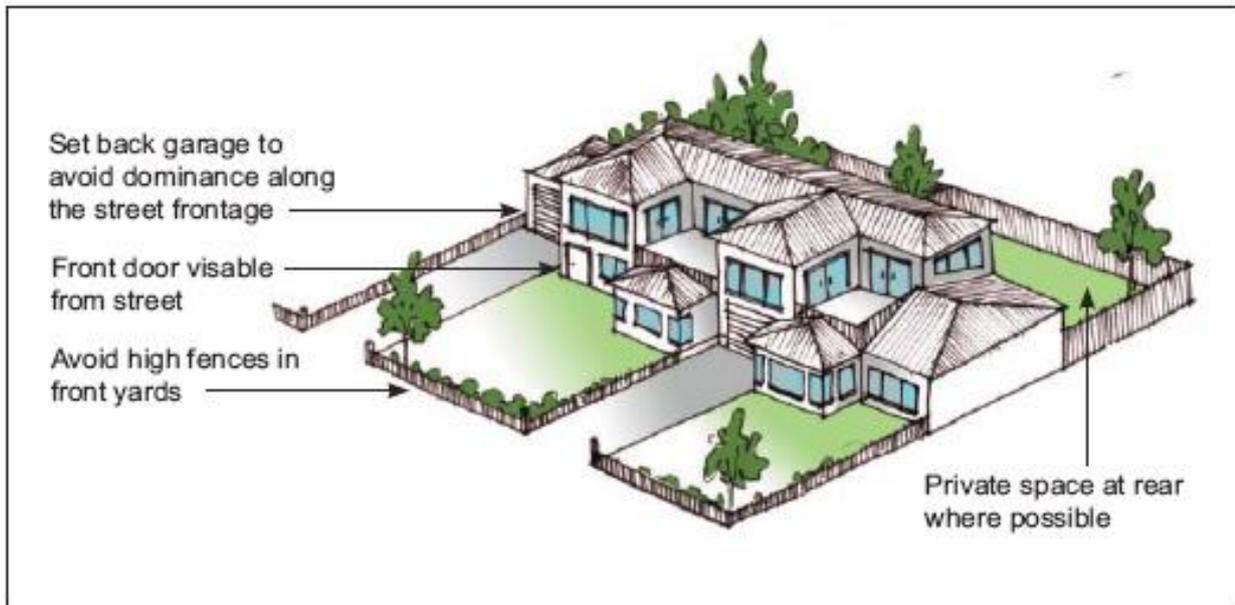
*Refer to Figure F2a*

**Encourage overall neighbourhood character, cohesion, quality and attractiveness by:**

- Providing for houses to be aligned to the street (not at an angle) and within a limited range of set backs to form a consistent street scale proportion.
- Using site depth efficiently by keeping street setbacks short and maximizing the backyard space for private open space.
- Front doorways not opening straight out onto the street – provide a sheltered threshold such as a porch, veranda, balcony, or raised entrance, or short set back (0-3m) – between the dwellings front door and the street edge.
- Giving all allotments a street frontage and avoid rear allotments.

It is important to recognise building front characteristics because:

- of visual coherence within building forms where there is less room for open space and vegetation to mitigate variability
- they ensure that each dwelling has a relationship to the street and its public life which becomes important where household sizes are small and people may live alone
- of safety in respect of passive surveillance from visual contact between the street and building occupants.



**G Public Open Space**

The provision of public open space within the Richmond, [Brightwater](#), [Wakefield](#), Motueka and Mapua areas is a strong feature of their character. The quality of public open space needs to be considered in the design of subdivision and the implementation of the development of that space to ensure it is functional, safe, and contributes positively to the quality of Richmond, [Brightwater](#), [Wakefield](#), Motueka and Mapua as places to live.

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<p><b>Guideline G1</b> <b>FUNCTION</b> <i>Refer to Figure G1a</i></p>
<p><b>Provide for the relationship between public and private space need to be recognized in the subdivision design by:</b></p> <ul style="list-style-type: none"> <li>Ensuring that greenways are provided to function for stormwater management in accordance with the Tasman District Engineering Standards.</li> <li>Ensuring that greenways and open space in accordance with the relevant structure plan for <a href="#">BDA</a>, <a href="#">WDA</a>, RSDA, RWDA, MDA, and MSDA and plan change for MWDA are provided.</li> <li>Providing public open spaces in addition to greenways at strategic locations where they contribute positively to residential amenity, not as 'left over' spaces from subdivision.</li> <li>Using a limited range of trees in open spaces that allow visibility under their canopy (rather than low shrub plants) to ensure that they are easily maintained and that there is good public safety.</li> </ul> <p>These guidelines are important because:</p> <ul style="list-style-type: none"> <li>public open spaces need to be safe and well used to be valued and retained</li> <li>the greenways function as essential stormwater management networks.</li> </ul>

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**Figure G1a**  
Rain garden in a residential street



**Figure G2a**  
Strategically located neighbourhood  
open spaces in addition to greenways

**Guideline G2**  
**CONNECTIONS**  
*Refer to Figure G2a*

**Provide for open spaces to connect to other open spaces to form a network by:**

- Providing walking and cycling pathways through the open space network and greenways which are 3 metres wide and connect to the surrounding street network.
- Enabling access to the open spaces from surrounding sites which are no less than 5 metres in width for public safety, but also to enable maintenance and vehicle access.

These guidelines are important because:

- public spaces can contribute significantly to the outlook of adjoining land uses and add value to these properties and the enjoyment of residents
- public spaces can provide an alternative movement network for walking and cycling as recreation and to move between destinations.



# PART II – APPENDIX 3: COASTAL TASMAN AREA SUBDIVISION AND DEVELOPMENT DESIGN GUIDE

## CHAPTER 1 - INTRODUCTION

### 1.1 Introduction

The Coastal Tasman Area Subdivision and Development Design Guide ('the Design Guide') has been developed by Council to guide subdivision and land development in the coastal Tasman area, from Mariri in the north to Waimea Inlet in the south. Planning Map 169 shows the extent of the coastal Tasman area and the landscape units within the area. The Rural 3 Zone covers most of the coastal Tasman area and is shown on Zone Maps 19 and 22.

The Design Guide will guide subdivision and development in the Rural 3 Zone of the Tasman Resource Management Plan (TRMP).

The Guide will help land developers in designing subdivisions and/or new buildings, which will minimise adverse environmental effects on rural land in the Rural 3 Zone.

The Rural 3 Zone comprises a substantial proportion of land which has productive land values, and rural and coastal amenity, character and landscape values. It also comprises land which is located in close proximity to main urban centres such as Richmond, Motueka and Mapua, major transport routes and the coast, and has high amenity values. This means it has come under increasing pressure for residential development.

In this Zone subdivision and development will be evaluated in terms of matters such as rural and coastal amenity, character and landscape values, productive land, and the availability of appropriate infrastructure and services.

This Guide does not seek to impose additional rules beyond those already in the Plan. It provides a set of guidelines to inform and guide landowners, developers, potentially affected people and the wider community about rural development expectations in the Rural 3 Zone.

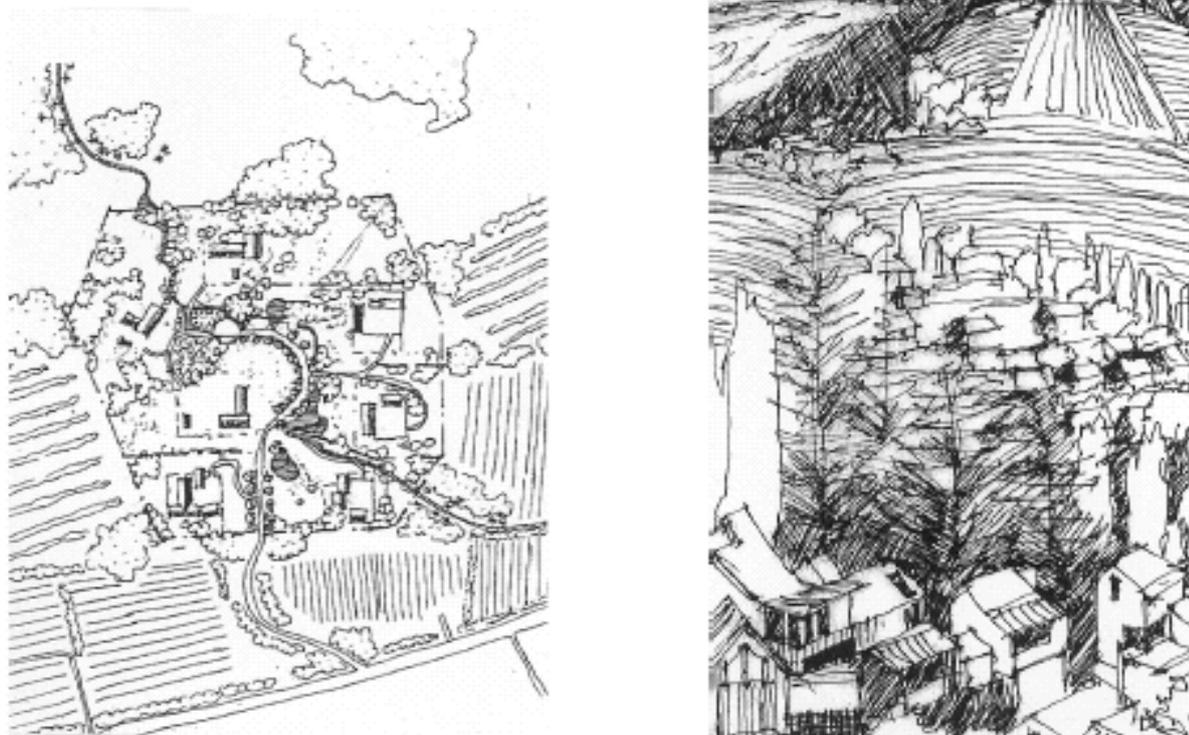
In all other zones within the coastal Tasman area, it is for the purpose of encouraging good design. In this role, it is a non-regulatory "education and advocacy" document that can encourage developers and landowners to achieve good design outcomes.

### 1.2 Purpose

The Guide has been developed to promote and encourage well-designed and innovative developments in the Rural 3 Zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive value.

The Guide serves as a method to implement the objectives and policies of the TRMP. It is intended to assist applicants in designing subdivision and development proposals that are consistent with the objectives and policies. It is also intended to provide clear and concise guidelines to landowners, developers and the community for the subdivision and development of land in the Rural 3 Zone.

In all other Zones within the coastal Tasman area, the Guide has a non-regulatory effect, encouraging and advocating the principles contained within it.



**Figure 1 – Cluster Subdivision Concept and Landscape Sensitive Design**

### 1.3 Links to TRMP

There are a number of objectives and policies in the TRMP which are relevant to subdivision and development in the Rural 3 Zone. By using the Design Guide in the design of subdivision and development, consistency with these objectives and policies can be achieved.

The policies that are most relevant to development in the Rural 3 Zone are contained within Section 7.3A of the TRMP. These policies articulate what it is that Council seeks for the Coastal Tasman Area. The policies relate to the more general objectives of the rural issues section (Chapter 7). They also relate back to landscape objectives and policies (Section 9.2). Site amenity objectives and policies of Chapter 5 and the objectives contained in Chapter 8 'Margins of Rivers, Lakes, Wetlands and the Coast' are also relevant.

In addition to land management, domestic wastewater management is something that must be addressed in the Rural 3 Zone. The objectives and policies in Chapter 33 'Discharges to Land and Fresh Water' tell us what Council's expectations are for on-site domestic wastewater and stormwater management. The Guide encourages an integrated design approach to both 'land' and 'water' sections of the Plan.

Consistency with this Design Guide can help to ensure that all of these objectives and policies are met. Consistency with the Design Guide is one of the assessment criteria for subdivision and land use consents in the Rural 3 Zone.

## 1.4 Using the Design Guide

The Guide should be used to guide the preparation of consent applications for any subdivision and land development proposal in the coastal Tasman area, particularly the Rural 3 Zone. It is expected that the following guidelines will enable the objectives and policies to be met.

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There are three key sections in this guide. They are the:

- A. **Process** (Chapter 2). This is the “how to” part of the Design Guide, setting out a course of action that can achieve good design outcomes. Follow this process for good design outcomes.
- B. **Guidelines** (Chapter 3). This section can help applicants to achieve the policies and objectives of the TRMP. This section sets out more specific guidance about possible design methods and practical solutions.
- C. **Location-Specific Guidelines** (Chapter 4). These advisory notes are very specific to landscape matters in particular locations, providing a baseline for landscape assessments. These location-specific matters will provide more detail about appropriate landscape sensitive design.

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For all Rural 3 subdivisions and development proposals, Council is interested in the applicant demonstrating consistency with the Design Guide in the following ways:

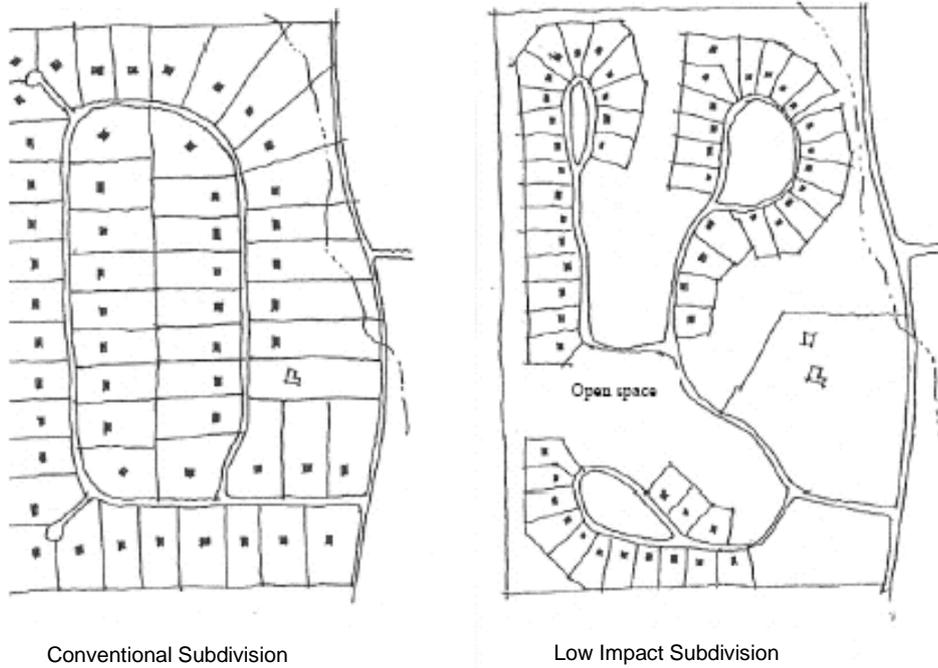
1. **Consistency with the process in Chapter 2.** Good process can reduce time, effort and cost for applicants and Council, and ultimately result in better subdivision design outcomes. Council will take into account the size and scale of the proposed development and the particular attributes of the site when applying the test of consistency against the process of Chapter 2.
2. **Consistency with the guidelines in Chapter 3.** The guidelines provide specific guidance on particular design matters. Achieving the guidelines can ensure that the objectives and policies of the TRMP are met.

The location specific guidelines in Chapter 4 provide more detail about how landscape guidelines can be met in specific locations. They should be used to identify appropriate subdivision and development options in terms of landscape objectives and policies of the TRMP.

## CHAPTER 2 – PROCESS

### 2.1 Why define a process?

Historically, subdivision design methods have focused on maximising allotment yield based on a minimum allotment size and key subdivision standards. The design process intended for development in the Rural 3 Zone and this Design Guide differs somewhat from this approach.



**Figure 2 – Conventional versus Low Impact Subdivision Designs**

In the Rural 3 Zone “Discretionary Activity” (Restricted) subdivision outcomes are intended to be the product of in-depth site assessments of key matters like productive values, landscape character and amenity values and wastewater disposal constraints. By overlaying all of the assessment information, development constraints and opportunities can be determined.

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Only after this process can subdivision and development opportunities be designed. In some cases, especially where the subject land area is small, there may be no subdivision opportunity.

To ensure that the best possible outcomes can be achieved in every subdivision, a design process has been developed to guide applicants in preparing and designing subdivisions and/or developments. By following the process, applicants will find it easier and will be more likely to achieve the guidelines in this Guide.

Consistency with the process will be considered as part of the assessment of a subdivision. However, in so doing, Council does recognise that each subdivision and set of circumstances will be unique, and that there is more than one way that the guidelines may be followed.

### 2.2 Process Steps

#### 2.2.1 Research

- (a) Read the Design Guide, including all of the guidelines and location-specific guidelines. C6 7/07  
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- (b) Identify consent requirements, including subdivision, land use (for dwellings) and wastewater discharge consents.

- (c) Visit the site and locality, and become familiar with it in the context of the Design Guide.

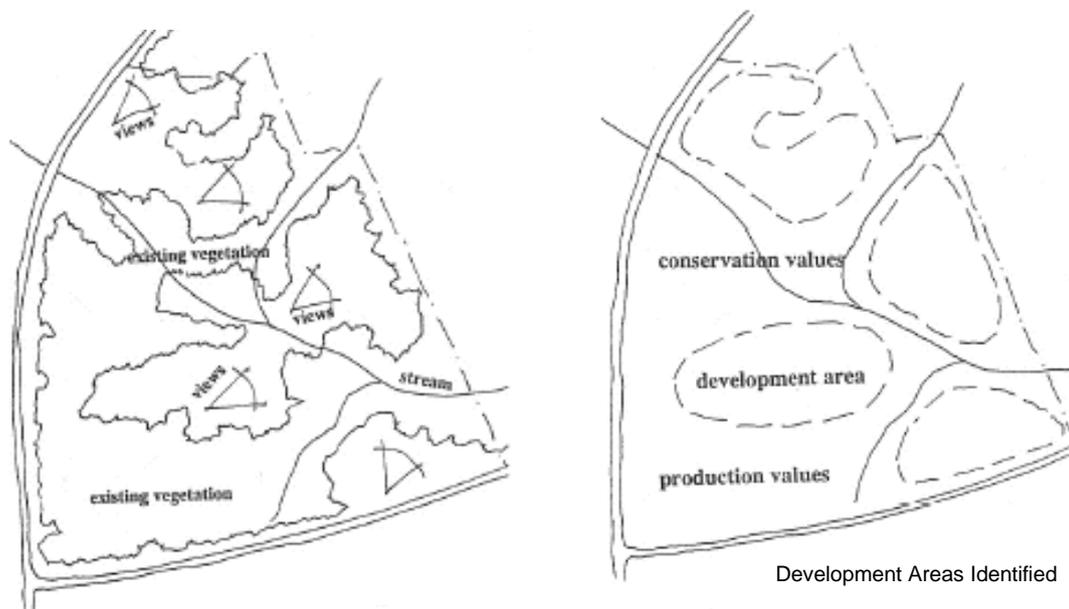
### 2.2.2 Communicate and consult

- (a) Discuss development ideas with Council staff, neighbours and other potentially effected parties early in the design process.

### 2.2.3 Gather information and research

- (a) Use the guidelines of this Design Guide as a checklist for collecting the right kind of information, and to determine which topics may require further research and investigation. In particular, ensure that the following information requirements have been identified, recorded and mapped:

- (i) Landscape, character, productive land uses and amenity attributes of the site and the surrounding landscape, such as topographic features, coastal features, rural amenity values and vegetation patterns. Include any attributes that are addressed in the location specific guidelines of the Design Guide (Chapter 4). C6 7/07  
Op 10/10
- (ii) Drainage features of the site and surrounding landscape, including surface water bodies, flood risk areas, topographical drainage patterns and coastal margins.
- (iii) Social-cultural attributes, such as existing buildings, current and historic land uses, wāhi tapu, and archaeological sites.
- (iv) Productive land values of the site, such as soil type, land productivity assessment rating, topography, aspect and water.
- (v) Attributes that are relevant to the on-site disposal of wastewater, such as soil permeability, groundwater depths, slope and topography, aspect, and surface water bodies.
- (vi) Attributes which are relevant to the provision of infrastructure services, such as roads, access-ways, stormwater management features, water supply and public amenities.



**Figure 3 – Information Gathering and Assessment**

### 2.2.4 Assess and evaluate

- (a) Assess the information collected above using the guidelines and location-specific guidelines in chapters 3 and 4 of this Design Guide. C6 7/07  
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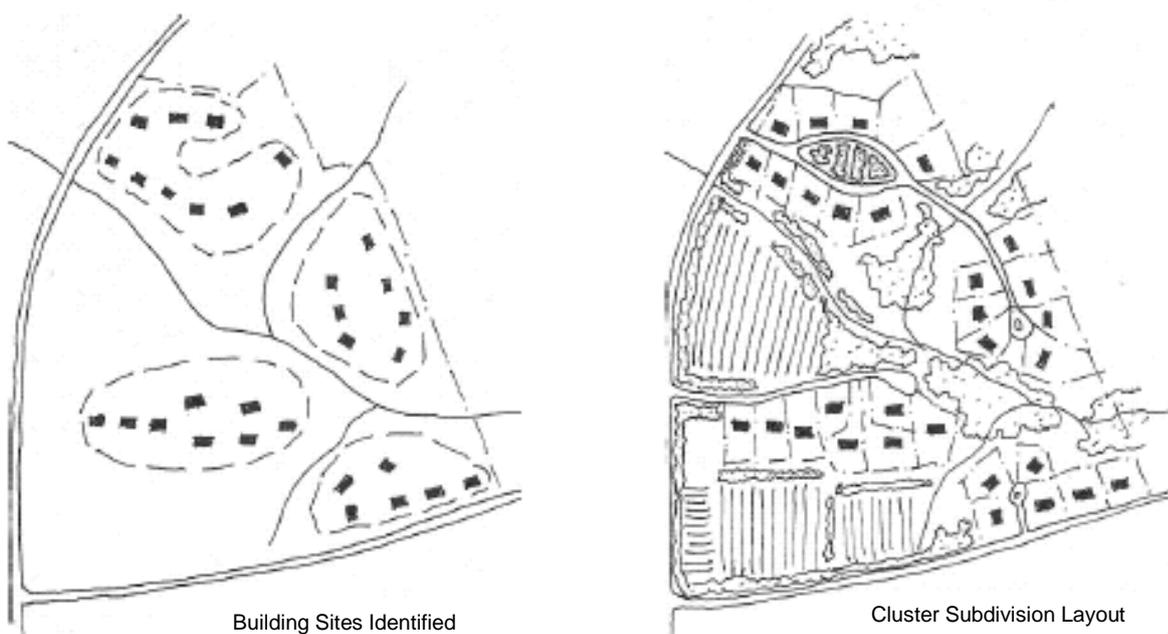
- (i) Map and describe areas of the site where land development would potentially result in adverse environmental effects because of environmental constraints. This information is termed “constraints information”.
  - (ii) Map and describe areas of the site where development could occur without adverse environmental effects that are more than minor. This information is termed “opportunities information”.
- (b) Overlay the constraints information with opportunities information from (a)(i) and (ii) above. Use a map or maps to show areas that may be developed without adverse effects, and areas where development may result in conflict with one or more of the guidelines of the Design Guide.
- (c) Identify any measures that may be used to avoid, remedy or mitigate a constraint and how a constraint may be overcome in a way that enables the guidelines to be met.

**NOTE:** In some cases, especially where the site is relatively small, the subject land area may not be suitable for any further subdivision and land development. All parts of the land may be affected by one or more development constraints in terms of the guidelines of this Design Guide.

### 2.2.5 Design options for subdivision and development

- (a) Determine possible building location areas and allotment boundaries using the areas identified as opportunities for development. Apply the guidelines of the Design Guide when choosing sites and determining boundaries (Chapter 3).
- (b) Identify road, access, service infrastructure, stormwater and wastewater management options using the guidelines of the Design Guide (Chapter 3).
- (c) Combining steps (a) to (c), draft possible design option(s) for a subdivision and development proposal.
- (d) Compare each design option against the guidelines of the Design Guide.
- (e) Select a preferred design option based on consistency with the guidelines, alignment with the location-specific guidelines in Chapter 4, and all relevant objectives and policies of the Tasman Resource Management Plan.

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**Figure 4 – Opportunities Assessment and Subdivision Design Layout Option**

**2.2.6 Document the process**

- (a) Compile all of the documentation used in the process of design, including the information gathered, the assessment and evaluation process, and the process of subdivision and development design.
- (b) Explain and provide reasons for the preferred option.
- (c) Submit the application and all process documentation to Council.

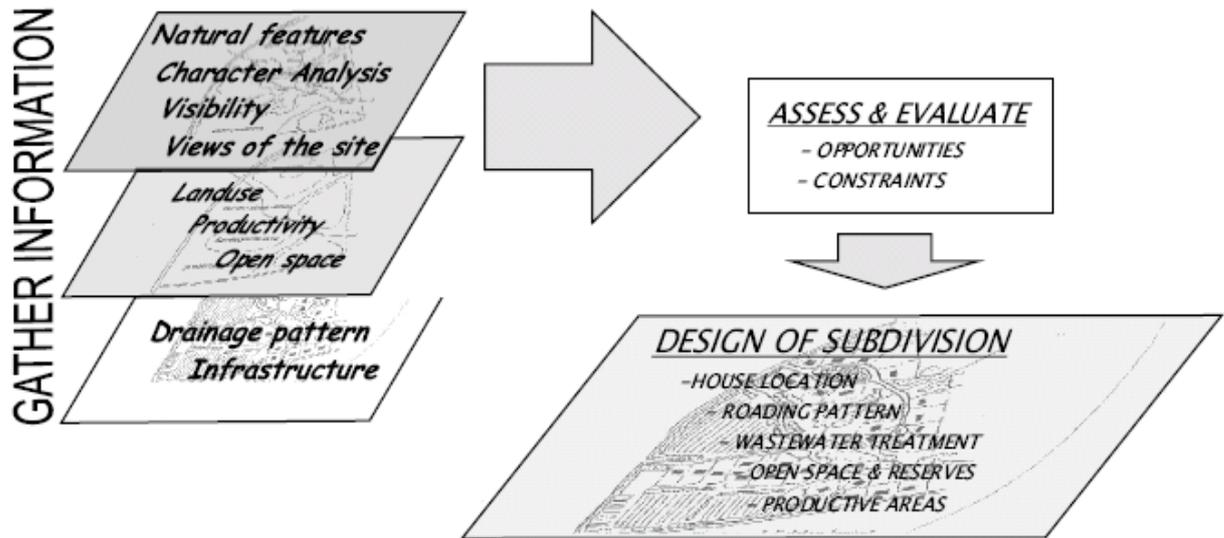


Figure 5 – Subdivision Design Process

## CHAPTER 3 - GUIDELINES

### 3.0 Introduction

The guidelines provide extra assistance to applicants seeking to achieve the policies and objectives of the TRMP in respect of Rural 3 Zone subdivision and development.

They should be used to guide development and will be used in an assessment of consistency that is a requirement of the TRMP rules.

### 3.1 Landscape

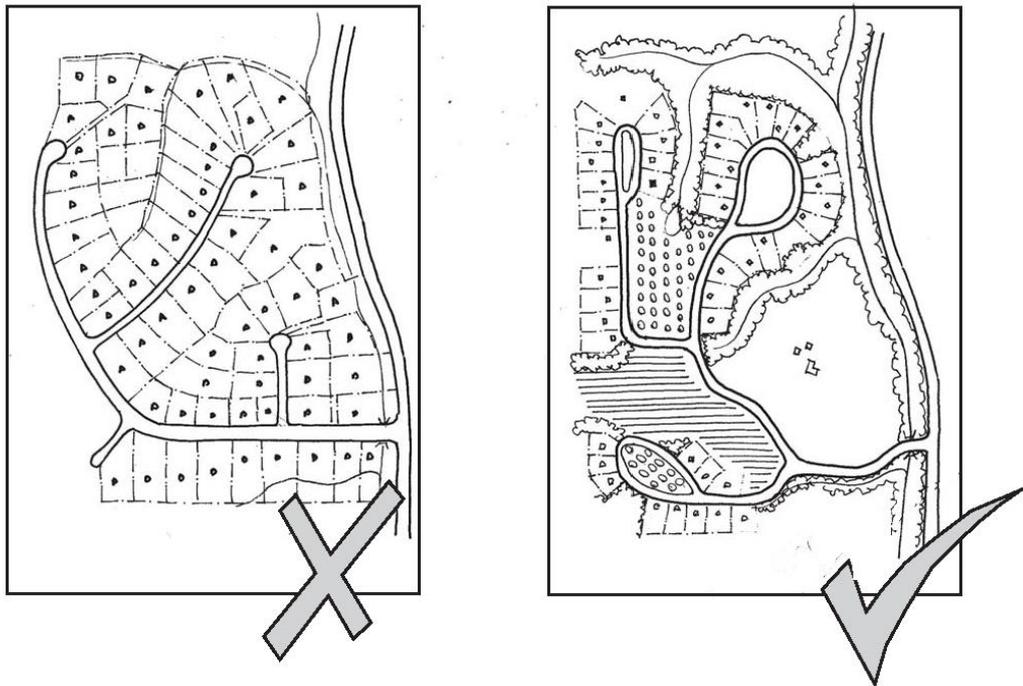
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- (a) Avoid built development on visually prominent landscape features, such as ridgelines and hilltops.
- (b) Retain the rural character of the site, including but not limited to a predominance of unbuilt open space and built features associated with rural productive activities.
- (c) Determine allotment boundaries in a way that is sensitive to the topography of the land.
- (d) Cluster built development in locations that are less visually prominent when viewed from public roads and other public places, including the coastline.
- (e) Ensure that new built development is clustered in and around existing built development, except where those buildings are located in a visually prominent location.
- (f) Choose building styles for new buildings that are complementary to existing development and to other development within a cluster.
- (g) Choose building form, colour and finish materials that are visually recessive, non-reflective and merge into, rather than stand out, of the natural landscape.
- (h) Ensure consistency with the relevant location-specific guidelines of Chapter 4 of the Design Guide.

### 3.2 High Productive Land

- (a) Retain land that has high productive values for present or future productive land uses.
- (b) Separate and/or buffer existing and future potential rural productive activities from residential land use activities so that residential activities will not result in undue restriction on those rural productive activities.
- (c) Seek to retain high productive land in unfragmented land-holdings, to maximise existing and future opportunities to use the land for rural productive purposes.
- (d) Remove and replace quality topsoil from underneath buildings or hard surfaces to places where it may be re-used for rural productive purposes.

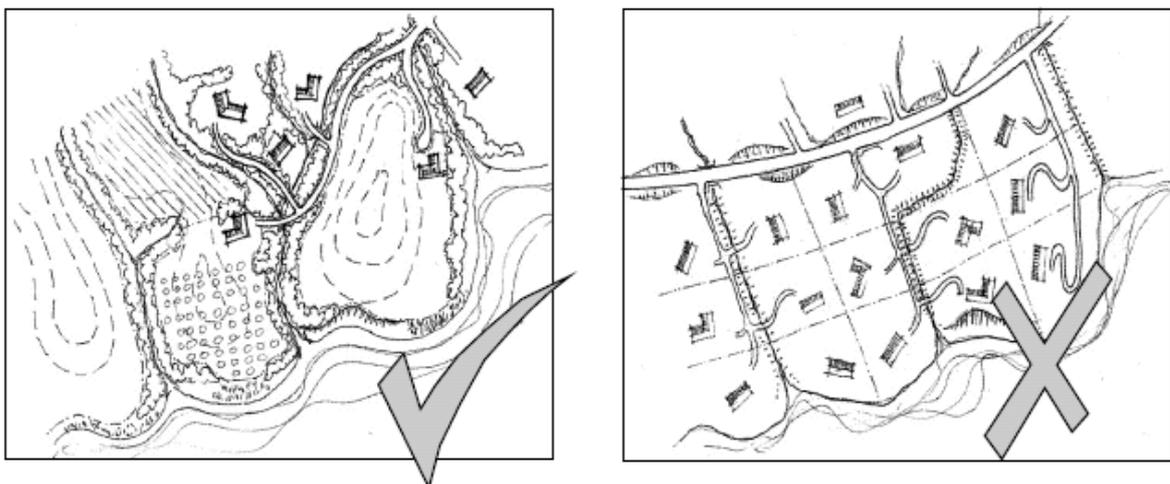
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**Figure 6 – Protecting Productive Values**

### 3.3 Fresh Water Resources and the Coastline

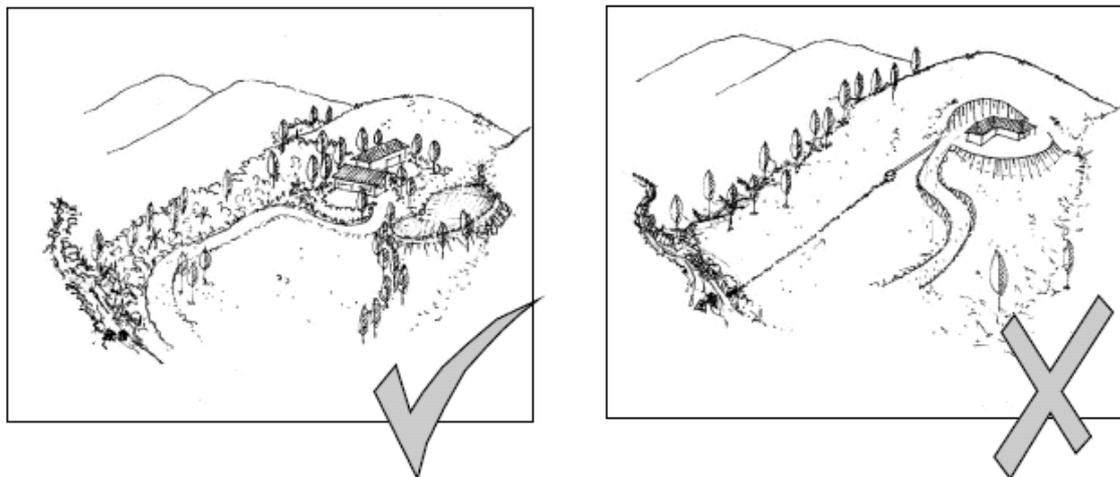
- (a) Seek to maintain and/or enhance riparian buffer strips along the margins of all freshwater resources and the coast.
- (b) Seek to protect riparian margins and the coast from stock access.
- (c) Avoid, remedy or mitigate the effects of earthworks in close proximity to surface water bodies and the coastline. C6 7/07  
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- (d) Avoid, remedy or mitigate the effects of modification of freshwater resources, in preference for protection and enhancement of them, which can benefit in-stream ecological values.
- (e) Seek to retain a significant separation distance and/or buffer between any building development and the margins of significant freshwater resources and the coast.
- (f) Create esplanade reserves along the margin of significant waterways and the Waimea and Moutere Inlets.



**Figure 7 – Maintaining and Enhancing Water Resources**

### 3.4 Drainage and Stormwater

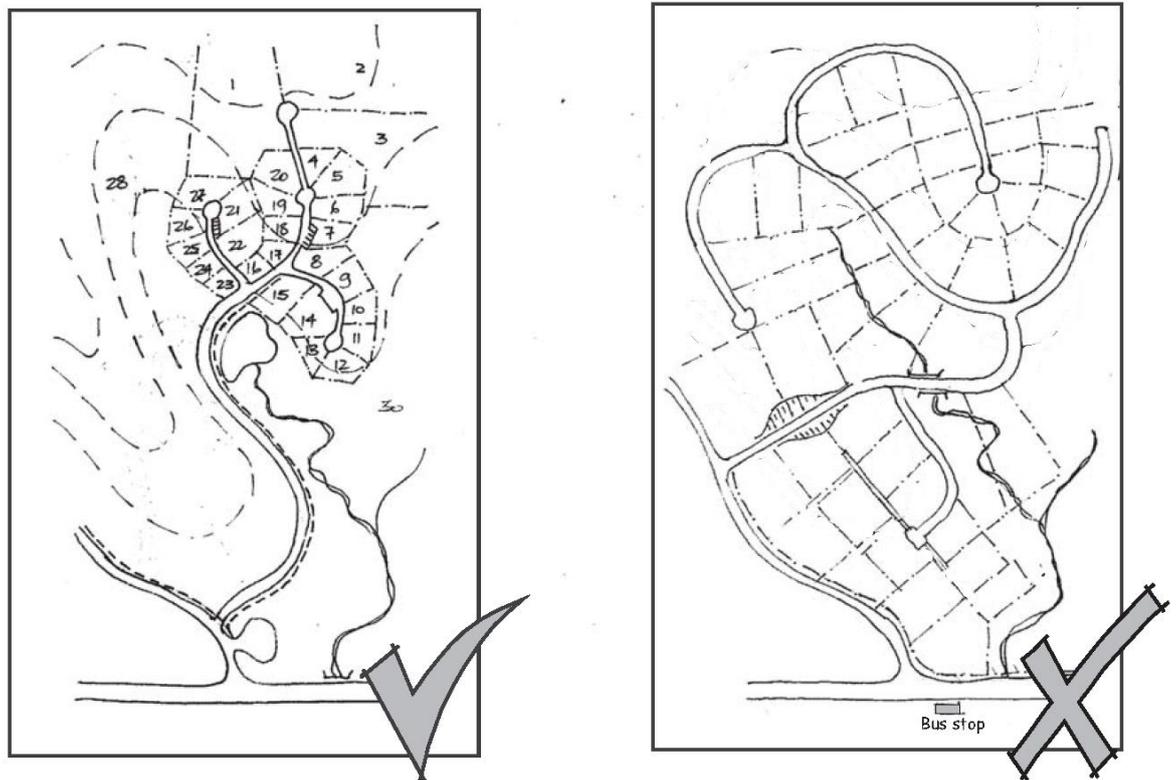
- (a) Retain the natural drainage characteristics of the landscape, including drainage contours, wetlands and streams.
- (b) Avoid extensive earthworks and re-contouring.
- (c) Manage stormwater runoff using natural drainage features of the site, and/or management methods that mimic natural water features such as streams, wetlands and ponds.
- (d) Use Low Impact Design solutions for the management of stormwater where appropriate and suitable for the site conditions. C6 7/07  
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- (e) Use low impact stormwater design solutions.
- (f) Consider the use of on-site stormwater detention in the management of stormwater to enhance groundwater replenishment and/or provide an alternative source of non-potable water.
- (g) Ensure that any recontouring and landscape modifications are in keeping with the location-specific guidance (Chapter 4).



**Figure 8 – Low Impact Drainage and Stormwater Management**

### 3.5 Access and Transport

- (a) Design roads and driveways to complement land contours and minimise the need for significant earthworks.
- (b) Keep roads and driveways to a minimum, whilst maintaining minimum standards for road safety and the efficient functioning of the road network.
- (c) Provide for alternative transportation and access opportunities, such as safe pedestrian access, cycleways and opportunities for future public transport needs.
- (d) Take into account the transport needs of rural productive land uses in the design and layout of roads and internal accesses.
- (e) Minimise the use of street lighting so that it is in keeping with rural expectations, whilst maintaining minimum standards for personal and road safety.
- (f) Apply location-specific guidance (Chapter 4) to the design of access and roads.

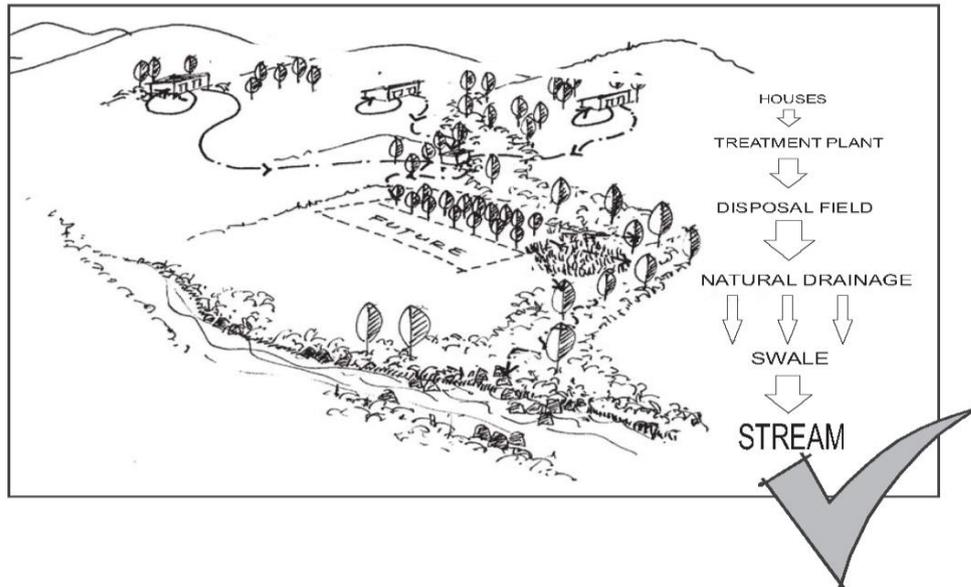


**Figure 9 - Low Impact Design Stormwater Management**

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### 3.6 Wastewater

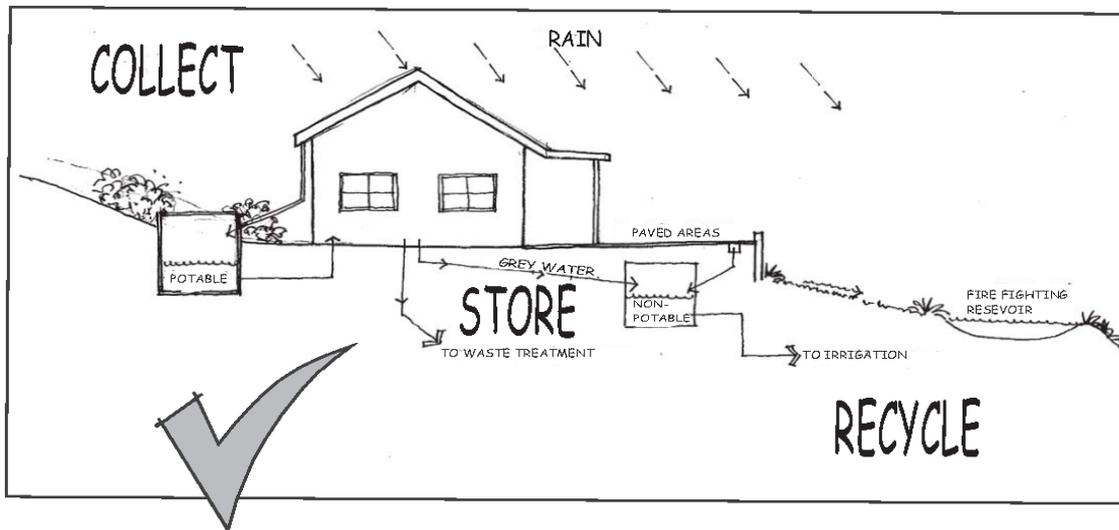
- (a) Provide a wastewater management system for the treatment and disposal of domestic wastewater from each dwelling, adequate to avoid, remedy or mitigate any actual or potential effects on water quality.
- (b) Ensure that the disposal field of the wastewater systems(s) is located on terrain that is suitable for the disposal of wastewater in terms of soil permeability, drainage, slope, groundwater depth, waterways proximity and aspect.
- (c) Ensure that the on-site wastewater treatment and disposal system(s) does not compromise other resource values such as the ability of high quality land to be used for rural productive uses.
- (d) Locate the disposal system so that it does not compromise or become compromised by existing and proposed land features, such as stormwater drainage features, natural waterways, roads and building location areas.
- (e) Ensure that the disposal system is large enough to assimilate the proposed long-term wastewater volume as well as incorporating sufficient reserve area.
- (f) Apply water conservation measures in the design of the wastewater management system where possible, such as water use restrictions and grey-water recycling.



**Figure 10 – Wastewater Management**

### 3.7 Water Supply

- Apply water conservation principles, such as rainwater storage and stormwater detention, in the design and layout of the development.
- Collect and store rainwater from the roofs of buildings and impermeable surfaces.
- Collect stormwater for non-potable water demands, such as irrigation for gardens and crops and/or additional fire-fighting capacity.
- Provide on-site water storage for the purpose of firefighting.

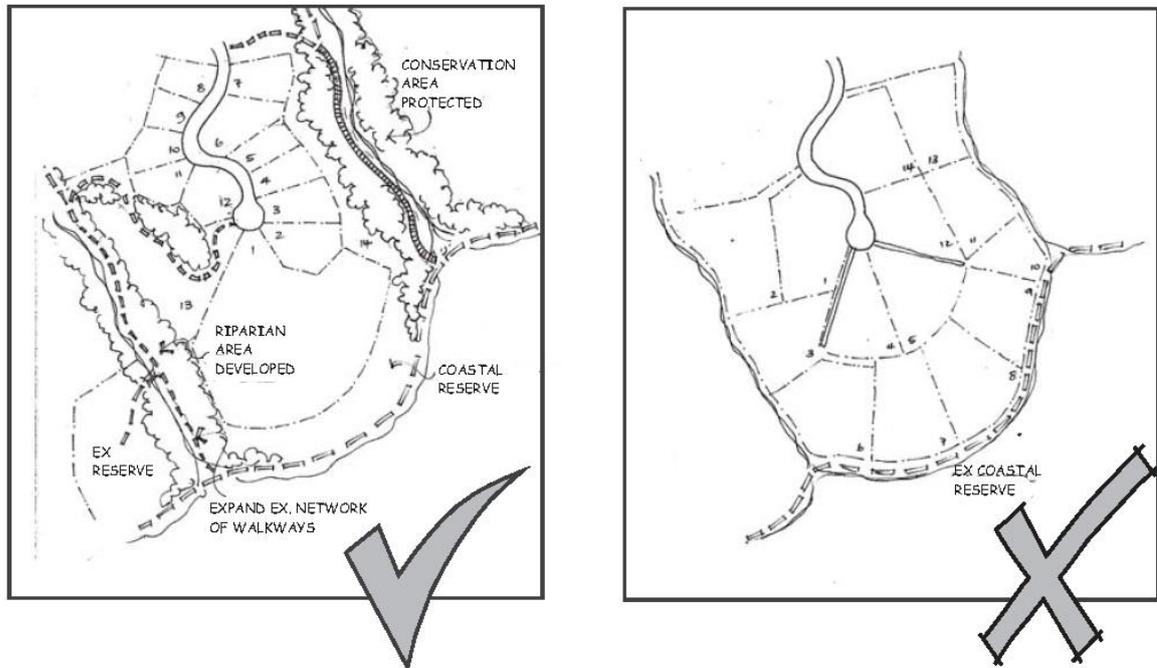


**Figure 11 – On-site Water Storage, Efficient Use and Re-cycling**

### 3.8 Recreation, Conservation and Open-Space

- Provide for public access alongside coastal margins and significant inland waterways.
- Provide for alternative public accessways - such as cycle-paths, walkways and bridle-paths - to connect dwellings and link them to each other, to public amenities and to other community services.

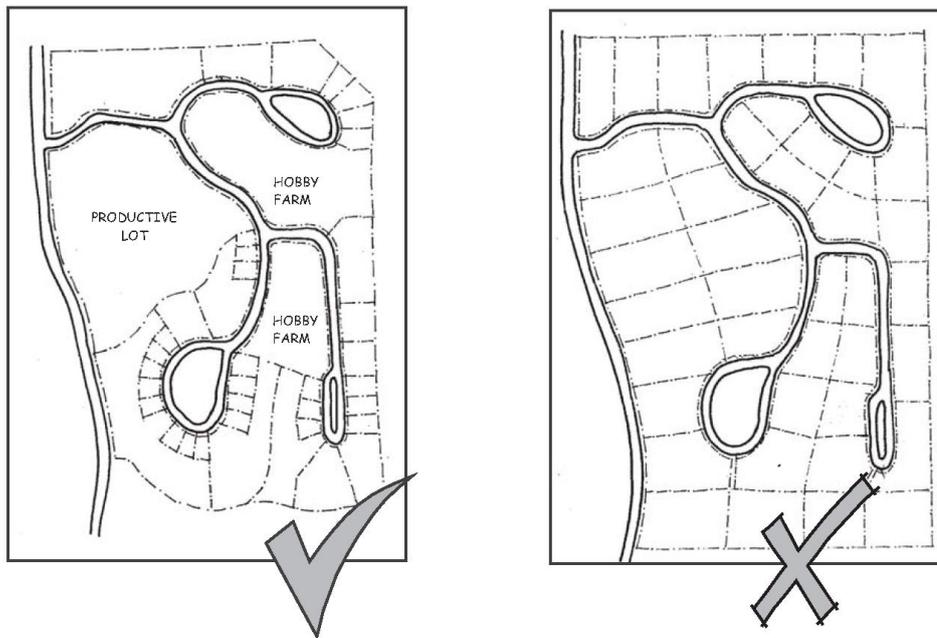
- (c) Seek to include public unbuilt open-space areas - such as recreation, conservation and amenity areas - within the subdivision, for the purpose of encouraging social interaction and healthy liveable communities.
- (d) Integrate public unbuilt open-space areas with other design outcomes, such as effective stormwater management, riparian enhancement, and landscape protection.
- (e) Apply location-specific guidance (Chapter 4) when integrating recreation and public open-space areas into the design and layout of the subdivision.



**Figure 12 - Open-space Management through Subdivision Design**

### 3.9 Allotments

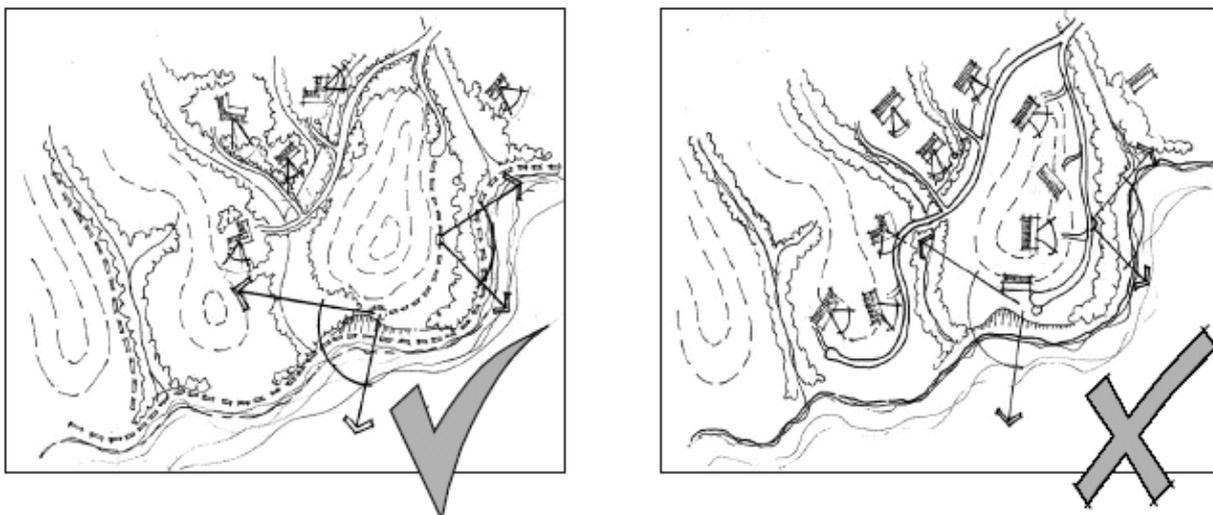
- (a) Apply the matters relating to location-specific guidance (Chapter 4) to the design and layout of allotments, when considering a pattern of allotments that will be sensitive to landscape values.
- (b) Provide for allotment shapes and sizes which are sensitive to the topography of the site and sensitive to the landscape character of the surrounding environment. C6 7/07  
Op 10/10
- (c) Determine allotment boundaries with a view to minimising the potential for adverse cross-boundary effects between current and future rural productive uses.
- (d) Seek to ensure that high-productive land is not fragmented by allotment boundaries in a manner that may prevent it from being utilised for existing or future productive land uses.



**Figure 13 – Allotment Layout and Design**

### 3.10 Building Location Areas

- (a) Seek to retain dwelling privacy and outlooks to the rural and/or coastal landscape in the selection of building location areas.
- (b) Ensure that building location areas are in places that are not highly visible from the coast and public viewing points.
- (c) Develop an uncluttered pattern of building location areas on the landscape.
- (d) Locate building location areas in positions that will avoid, remedy or mitigate the potential for adverse cross-boundary effects with productive land uses.
- (e) Avoid placing building location areas on land that has high productive values.
- (f) Use the location-specific guidance (in Chapter 4) to assist in determining appropriate locations for building location areas.



**Figure 14 – Building Location Area Layout**

### 3.11 Buildings and Structures

- (a) Ensure that groups of buildings and rural village-type clusters of dwellings relate to each other and demonstrate similar or complementary styles and appearances.
- (b) Locate buildings and structures, including water storage tanks, on sites that are not visually prominent.
- (c) Seek to locate dwellings to take advantage of site features, such as sun exposure, shelter, privacy and outlook.
- (d) Ensure that building colours are recessive and that finish materials are non-reflective.
- (e) Ensure that the form and design of all buildings is visually unobtrusive, using low profile designs as opposed to multiple storey designs.
- (f) Ensure that chimneys, satellite dishes and any other roof protrusions are visually unobtrusive.
- (g) Avoid, remedy or mitigate the effects of locating buildings or structures on or in close proximity to prominent landscape features, such as hilltops, ridgelines or the coast. C6 7/07  
Op 10/10
- (h) Avoid locating buildings or structures in close proximity to the coastline and on or over riparian margins.



Figure 15 – Low Impact Building Design

### 3.12 Vegetation

- (a) Seek to use amenity plantings to add to the overall amenity values of the site and surroundings. C6 7/07  
Op 10/10
- (b) Seek to use vegetation to protect riparian margins of streams, inland waterways and the coastline and to stabilise steep and/or unstable slopes and enhance conservation and amenity values.
- (c) Use plantings to screen buildings and structures.
- (d) Seek to use vegetation and plantings in the design of the subdivision in accordance with the location-specific guidelines of Chapter 4.

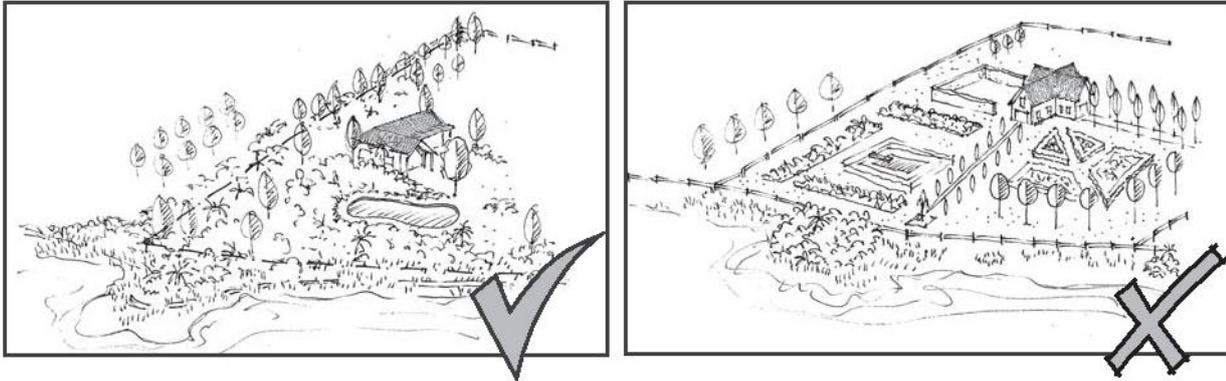


Figure 16 – Landscape Sensitive Vegetation and Plantings

**3.13 Long-term Management**

- (a) Define the long-term management of land that has high productive values, by addressing the ownership structure, legal arrangements, management responsibilities, maintenance funding, and any risk mitigation measures, where appropriate.
- (b) Define the long term management of infrastructure systems, including ownership, discharge consent responsibilities, management and maintenance structures, funding of maintenance requirements and any risk mitigation measures, where appropriate. C6 7/07  
Op 10/10
- (c) Consider the development of a management plan to clearly articulate the details of any shared infrastructure system, such as any legal arrangements, funding responsibilities and maintenance requirements. C6 7/07  
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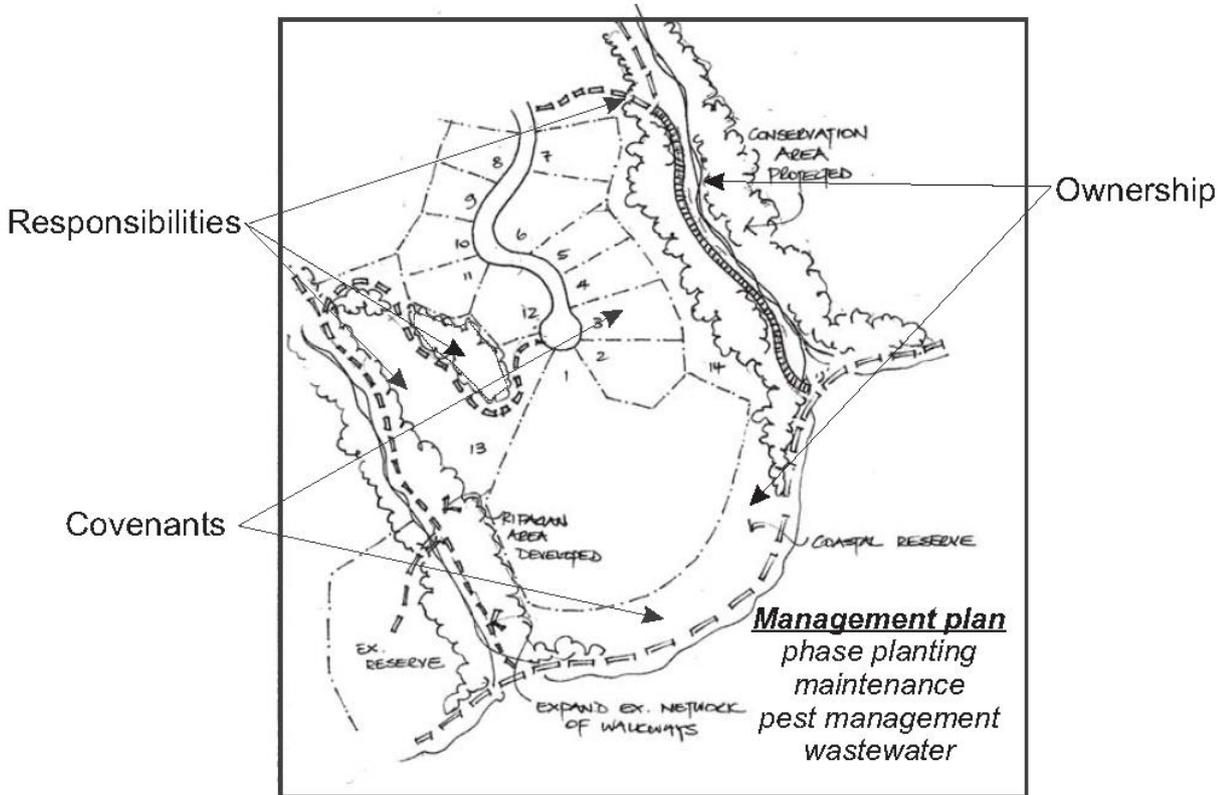


Figure 17 – Long-term Management of Shared Open Space and Wastewater

## CHAPTER 4 – LOCATION-SPECIFIC GUIDELINES

### 4.0 Introduction

The location-specific guidelines have been prepared to accompany the map of landscape areas within the coastal Tasman area (see Planning Map 169). They are particularly important for understanding Council's expectations in terms of the landscape guidelines contained in Chapter 3 of this Design Guide.

Based on landscape characteristics and values, a series of landscape units and sub-units has been determined. The capacity of each unit and sub-unit to absorb more development in landscape terms has been assessed. The location-specific guidelines provided in this section are based on this assessment.

Consistency with the location-specific guidelines can ensure that the landscape values of the coastal Tasman area are not compromised by inappropriate subdivision and development.

### 4.1 Maisey Road South (Landscape Unit 10)

Maisey Road South is relatively discrete and visually contained compared with the adjacent landscape units to the north and west. This area is not particularly visible from the coastal highway. There are few significant landscape features other than the distinctive watercourse pattern and associated landforms which are generally only evident from within the area itself. Views into the Redwood Valley area and the Waimea Inlet are significant as are views from those areas back into the landscape unit.

Maintaining the landscape qualities of this unit will involve:

- (a) The maintenance of open space and productive buffers when viewed from the Coastal Highway.
- (b) Focusing on cluster development within the internal landforms and gully system.
- (c) Utilising riparian planting areas, ponds and wetland opportunities as buffer and open space areas.
- (d) Consideration of the visual effects of development, when viewed from the Redwood Valley areas.

### 4.2 Waimea Inlet (Landscape Unit 9)

This landscape unit consists of four sub-units each of which appears as individual landforms extending from the Coastal Highway out into the Waimea Inlet. These peninsula-like landforms are significant coastal landscapes and are typical of the character and diverse landscape pattern of the coastal Tasman landscape.

Views of these coastal landforms from the Mapua and Rabbit Island/Moturoa areas are significant as are the views from the Coastal Highway and from within the sub-units themselves. While the Waimea Inlet unit displays quite different characteristics to the Inland Waimea unit (Unit 8), the inland landscape unit is integral to the Waimea Inlet particularly when viewed from the Inlet and from the Mapua and Rabbit Island/Moturoa areas. From these northern locations, the Inland Waimea unit provides the background setting for the Waimea Inlet. Accordingly, development within the Inland Waimea unit will have direct effects on the perception of the Waimea Inlet unit.

The scale of the Waimea Inlet unit is small and more intimate than the adjacent inland landscapes. Consequently, development along the lines of discrete infilling or small clusters of two to three allotments is likely to be more appropriate. Generally the north side of the peninsulas is flatter, more visible and in horticultural production, compared to the southern slopes which tend to be steeper and in pasture with shelter and amenity plantings.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The maintenance of the open and rural pattern and character of the area.
- (b) Maintaining a wide and extensive riparian buffer at the Waimea Inlet, particularly where adjacent landforms are low and relatively flat.
- (c) Maintaining views of and to the Waimea Inlet.
- (d) Avoiding skyline development and development that is highly visible.
- (e) Retaining existing amenity and conservation tree planting and supplement these as appropriate with further strategic plantings.
- (f) Avoiding house sites in open and visually exposed locations.
- (g) Avoiding development where extensive earthworks are required.
- (h) Maintaining landscape diversity and open rural pattern, particularly when viewed from other peninsula sub-units, the Waimea Inlet, the Mapua area and Rabbit Island/Moturoa.

#### **4.2.1 Waimea Inlet – Research Orchard Road (Sub-unit 9D)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The maintenance of the eastern ridge as a visual buffer with any development being discrete and not visually apparent.
- (b) Maintaining a Coastal Highway buffer.
- (c) Locating house sites back from the inlet towards the heads of local gully landforms.

#### **4.2.2 Waimea Inlet – Hoddy Road (Sub-unit 9C)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Development primarily occurring inland between the old Coastal Highway and the realigned Coastal Highway.
- (b) Maintaining the character and pattern of land use on the peninsula in its present low-density form.
- (c) Considering infill development or small clusters of two to three lots which are likely to be more appropriate in the Hoddy Road area.
- (d) Restricting development east of where the seal ends on Hoddy Road as this outer peninsula area has little or no potential for further development of house sites without significant landscape and visual effects.

#### **4.2.3 Waimea Inlet – Bronte (Sub-unit 9B)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The maintenance of the open rural character as seen and experienced from Bronte Road East.
- (b) Limiting further development on the south side of Bronte Road to infilling in appropriate and discrete locations.
- (c) Maintaining the landform character on the south side of Bronte Road.

- (d) Ensuring that development on the north side of Bronte Road complements the existing pattern and nature of the landscape over the more visually prominent slopes.

#### **4.2.4 Waimea Inlet – Matahua (Sub-unit 9A)**

In this sub-unit there will be limited scope for additional subdivision and residential use in accordance with the guidelines.

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#### **4.3 Inland Waimea (Landscape Unit 8)**

This landscape unit consists of a series of well-defined inland valleys extending from the Coastal Highway back to Old Coach Road, which essentially follows the main north-south coastal ridge that defines the western extent of the Rural 3 Zone. The overall pattern and character of each area is rural.

The sub-units Stringer Creek (8C), Trafalgar Road (8B) and Nile Road (8A) have considerable potential for cluster-like development, particularly if this is carried out comprehensively and on an individual catchment or sub-unit basis. The Stringer Creek unit, and to a lesser extent the Trafalgar Road unit, also have potential for the development of rural village concepts either as stand-alone developments or integrated cluster or similar development concepts. In order to achieve the optimum outcome, a comprehensive and integrated approach to the development of the entire sub-unit or valley system needs to be undertaken.

The valley areas which make up the landscape sub-units are well defined and visually contained. The outlooks and aspect from and within each sub-unit is attractive and in most instances the effects of development as envisaged under the Rural 3 Zone can be accommodated and generally contained within each sub-unit.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Comprehensively planned proposals as a means of optimising development opportunities.
- (b) Maintaining a single and central access to the Coastal Highway from each sub-unit.
- (c) Utilising the existing streams and wetland areas as landscape features.
- (d) Ensuring that there is a substantial backdrop of trees, particularly on the main defining ridges and steeped hill country, in order to achieve a strong visual backdrop to the coastal environment when viewed from the Coastal Highway, the Waimea Inlet, Mapua, Rabbit Island/Moturoa and more distant locations.
- (e) Utilising the varied landforms for development, particularly those on the north-facing slope.
- (f) Minimising development on the south-facing slopes in each sub-unit.
- (g) Keeping all development off significant landforms and ridges that are characteristic of or define the landscape sub-units.
- (h) Avoiding development that is visually prominent on internal ridges and landforms.
- (i) Avoiding development on steep slopes where extensive earthworks are required.
- (j) Ensuring distant views from the Mapua and Rabbit Island/Moturoa areas are not compromised by development, particularly with regard to the landscape setting and tree backdrop that the higher slopes of the area provide.
- (k) Setting development back several hundred metres from the Coastal Highway.

- (l) Having no development fronting or directly accessing Old Coach Road.
- (m) Consideration of farm park concepts as an alternative to cluster developments.
- (n) Consideration of rural village concepts as a feature and focus for an integrated development scenario.

#### **4.3.1 Stringer Creek (Landscape Sub-Unit 8C)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Focusing development on the north-facing slopes south of Stringer Creek.
- (b) Utilising Stringer Creek as a major open space feature.
- (c) Confining building development to areas below the ridgeline and spurs.
- (d) Utilising the existing stock underpass of the Coastal Highway as a pedestrian access to the Waimea Inlet.

#### **4.3.2 Trafalgar Road (Landscape Sub-Unit 8B)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Focusing development on north-facing slopes south of the main internal valley stream.
- (b) Utilising the main internal valley stream as a major open-space feature.
- (c) Generally confining building development to areas below spurs and ridgelines within the sub-unit.

#### **4.3.3 Nile Road (Landscape Sub-Unit 8A)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Largely confining development to the south- and north-facing slopes of the sub-unit.
- (b) Utilising the main internal valley stream as a major open-space feature.
- (c) Generally confining building development to areas below spurs and ridgelines within the sub-unit.
- (d) Avoiding any development on the central ridge between Nile Road and Dominion Road.
- (e) Adopting a more discrete infilling approach to development within areas used for rural productive activity. C6 7/07  
Op 10/10
- (f) Limiting development on the north-facing slopes above Dominion Road.

#### **4.4 Old Coach Road South (Landscape Unit 7)**

The pattern of the internal ridgelines and associated valleys which extend eastwards from the Old Coach Road are a distinctive feature of the Old Coach Road South unit. The more distant views of the Waimea Inlet and its associated landforms provide spectacular and expansive views from the upper slopes of this area.

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The Old Coach Road South unit has been clear-felled and is currently experiencing a change to rural-residential holdings. Given the extent of approved subdivision, it is likely that there will be limited scope for further development within this area.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The retention of the distinctive internal ridge and valley pattern.
- (b) Focusing on small cluster or infill development in strategic locations where views both in and out of the area will not be compromised.
- (c) Utilising extensive and integrated riparian plantings, wetlands and ponds as open space features and/or visual buffers.
- (d) Avoiding skyline development, and development that is highly visible.
- (e) Siting buildings and structures so they appear to sit within the landscape rather than on the landscape.

#### **4.5 Inland Tasman (Landscape Unit 6)**

The Inland Tasman unit consists of three internal valleys like sub-units that display similar characteristics and development opportunities as those in the Inland Waimea unit (Unit 8). The difference between these units is in part the nature of the current land use, the steepness of the topography, and the more visually apparent sub-unit definition in the Inland Waimea unit. In general, the Inland Tasman unit is more undulating, not as steep, and has a more distinctive and diverse landscape pattern. However, while the sub-units in this unit may not appear to be as visually well-defined and self-contained as those in the Inland Waimea unit, there are distinct landscape boundaries between the sub-units.

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Within the Inland Tasman unit, considerable changes in land use are occurring with large areas of forest being clear-felled and orchards behind removed. Rural residential subdivision is also occurring in localities around the mid-slope of the sub areas. In recent years the character of the area has changed with the removal of both forest and orchard trees. Generally the landscape in unit five has more open appearance and, in many areas, is relatively devoid of any visible tree plantings. Trees, both productive and amenity or conservation plantings, are an important element in the coastal Tasman landscape. Where extensive areas of woody vegetation are removed, the qualities of the landscape tend to diminish and, in some cases, are severely compromised.

Sub-units Beulah Ridge (6B), William Road (6A) and to a lesser extent Pomona Road (6C) have considerable potential for cluster-like development, particularly if this was carried out comprehensively and on an individual or extensive sub-unit basis. Sub-units Beulah Ridge (6B) and Williams Road (6A) also have potential for the development of rural village concepts as stand-alone developments or integrated with cluster or similar development concepts. In order to achieve the optimum outcome, a comprehensive and integrated approach needs to be undertaken. Similar opportunities are available in the upper area of the Horton Road sub-unit (5A), particularly if this is integrated with Beulah Ridge (6B).

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Comprehensively planned proposals as a means of optimising development opportunities.
- (b) Maintaining as far as possible the particular character of each sub-unit.
- (c) Ensuring that substantial plantings of trees, including back drop plantings on the higher slopes are initiated and maintained in order to provide a distinctive landscape setting for development.

- (d) Ensuring that development of this landscape unit does not compromise development opportunities in Landscape Unit 6.
- (e) Utilising existing streams, ponds and wetland areas as landscape features.
- (f) Seeking to ensure that areas used for rural production activities are maintained and protected wherever possible as an integral part of the ‘developed’ landscape pattern. C6 7/07  
Op 10/10
- (g) Keeping all development off significant landforms and ridges that are characteristic and/or define the landscape sub-units.
- (h) Avoiding development on steep slopes, visually prominent landforms, and where extensive earthworks are required.
- (i) Having no development fronting or directly accessing Old Coach Road.
- (j) Consideration of farm parks concepts as an alternative to cluster developments.
- (k) Consideration of rural village concepts as a feature and focus within the landscape unit.
- (l) Being sensitive to views from the Coastal Highway.

#### **4.5.1 Pomona Road (Landscape Sub-unit 6C)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The maintenance of the productive appearance and pattern of the landscape.
- (b) Focusing development on the western side of the sub-unit.
- (c) Developing the flatter and less visually prominent areas of what is largely a relatively open landscape on the western side of the sub-unit.
- (d) Considering infill development of small clusters of two to three lots rather than larger clusters.
- (e) Retaining and supplementing amenity plantings.

#### **4.5.2 Beulah Ridge (Landscape Sub-unit 6B)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Avoiding visually prominent development on the main ridges and internal spurs.
- (b) Utilising local internal terraces and plateaus for cluster-like developments.
- (c) Being mindful and sensitive to the development impacts and relationships between adjacent sub-units and, in particular, sub-unit 6B and to a lesser extent sub-units 5A and 6A.
- (d) Focusing development opportunities west of the ridge above Awa Awa Road.
- (e) Generally keeping development below spurs and ridgelines within the sub-unit.

#### **4.5.3 Williams Road (Landscape Sub-unit 6A)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Retaining an adequate and effective buffer to the Tasman settlement.
- (b) Focusing development towards the central and upper areas of the sub-unit.

- (c) Generally keeping development off the upper ridges and below spurs and ridgelines within the sub-unit.
- (d) Creating a sense of identity and pattern in a landscape that currently exhibits few distinctive landforms.
- (e) Utilising the moderately rolling landforms and distinctive valleys to create a new and diverse landscape pattern.
- (f) Maximising riparian plantings as a form-giving element to the landscape.

#### **4.6 Coastal Highway North (Landscape Unit 5)**

Landscape Unit 5 largely covers the flat and low rolling ridges south of the Coastal Highway between Ruby Bay and the settlement of Tasman. There are two sub-units within this landscape unit.

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While the two sub-units have potential for cluster-like development and should be comprehensively planned on a unit basis, both areas offer opportunities for a farm or orchard park type development, either on a large scale or as smaller developments. Likewise a compact village-like development may also be an appropriate form of development. The retention of a meaningful productive pattern to the landscape is, however, considered to be essential with any form of development under the Rural 3 Zone. As previously noted, there are visual relationships and connections between sub-units Ruby Bay Cliffs (5B), Horton Road (5A) and Beulah Ridge (6B). This relationship should be respected, particularly if development occurs in close proximity to each of these sub-units.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Maintaining the productive horticultural pattern and appearance of the landscape particularly when viewed from the Coastal Highway.
- (b) Setting development back from the Coastal Highway.
- (c) Comprehensively planned proposals as a means of optimising development opportunities and maintaining landscape values.
- (d) Keeping development off significant landforms and ridges that are visually significant or prominent.
- (e) Avoiding skyline development.
- (f) Avoiding development on steep slopes or where extensive earthworks are required.
- (g) Consideration of integrated farm park concepts as an alternative to cluster like development.
- (h) Consideration of an integrated comprehensive development focusing on a central feature and combining parts or all of sub-units Ruby Bay Cliffs (5B), Horton Road (5A) and Beulah Ridge (6B).
- (i) Utilising existing streams, ponds and wetlands as landscape features.
- (j) Initiating extensive amenity and conservation tree planting to replace and supplement existing tree pattern which has been modified and reduced.
- (k) Integrating patterns of use, development and landscape enhancement with the adjacent Inland Tasman Landscape Unit 6.

## **4.7 Kina (Landscape Unit 4)**

The Kina unit (Landscape Unit 4) extends from the Moutere Bluff to the north end of the Kina Peninsula. The Tasman Sea defines the eastern edge of the landscape unit, with the Coastal Highway defining the western edge of the unit. The peninsula-like landform consists of three landscape sub-units. The Kina South (4C) and Tasman Golf Course (7B) units, while similar in nature, are different in terms of the landscape setting and character compared to sub-unit, Kina Peninsula (4A), which appears more open and is more visible than sub-units, Kina South (4C) and Tasman Golf Course (4B).

In recent years rural residential development has occurred throughout the landscape unit, particularly in the northern area of the Kina Peninsula unit (4C). Generally this development is not visible from the coastal highway. While visibility of Landscape Unit 7 from the coastal highway is constrained between Moutere Bluff and the settlement of Tasman, views of Kina peninsula and the north-facing slopes of the Tasman Golf Course unit (4B) are visually significant when travelling south.

Within the Kina South (4C) and Tasman Golf Course (4B) units there is potential for both infill development and/or small cluster developments. Development on the western slopes above the Coastal Highway is likely to be visually prominent and should be confined to discrete locations. Further development within the Kina Peninsula unit (4A) is limited.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Sensitivity to the views of development from the Coastal Highway, the Moutere Inlet, and the Ruby Bay area in general.
- (b) Sensitivity to views of development from the inland area and in particular the Coastal Highway North and Inland Tasman landscape units (6 and 5).
- (c) Adequate setbacks from the Coastal Highway and the coastal margins, particularly in sub-units Kina South (4C) and Tasman Golf Course (4B).
- (d) Keeping all development off significant landforms and ridges.
- (e) Avoiding development on steep slopes and where extensive earthworks are required.
- (f) Visually containing development within discrete locations.
- (g) Utilising existing streams and wetland areas as landscape features.

### **4.7.1 Kina South (Landscape Sub-unit 4C)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Focusing further development in the southern area of the sub-unit.
- (b) Keeping development inland of the coastal escarpment.
- (c) Considering an internal focus for development.

### **4.7.2 Tasman Golf Course (Landscape Sub-unit 4B)**

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Maintaining landscape diversity particularly when viewed from the Moutere Inlet and from the Coastal Highway.
- (b) Maintaining the appearance and pattern of land use in a low density form.

**4.7.3 Kina Peninsula (Landscape Sub-unit 4A)**

Maintaining landscape qualities will be achieved by limited opportunities for subdivision and the location of additional house sites in this landscape sub-unit.

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**4.8 Harley Road South (Landscape Unit 3)**

Unlike the landscape units to the south of this unit, the Harley Road Landscape Unit extends from a relatively narrow neck adjacent to the Moutere Inlet up to Old Coach Road ridge. Within this landscape unit the boundary between the Rural 3 Zone and the Rural 2 Zone defines the two sub-units that make up the Harley Road South Landscape Unit. While this landscape sub-unit boundary may appear to be somewhat arbitrary, it generally accords with the landscape character and pattern of the area and its wider landscape setting.

Landscape Unit 3, which encompasses the Rural 3 Zone, is relatively well defined in visual terms by the existing valley landforms that define this landscape unit. The backdrop to the large internal valley is the Old Coach Road ridge with the Harley Road ridge to the north and the Dicker Road ridge to the south defining the other major edges to the unit. The more open and narrow landscape unit comprising the Rural 1 Zoned land (sub-unit 3A) provides partial containment from the Coastal Highway with local landforms relative to both the orientation of the main part of the valley and public viewpoints from the Coastal Highway and the Moutere Inlet in general. While sub-unit 3A is not within the Rural 3 Zone, in landscape terms, the relationship between these two sub-units is important and should be acknowledged in any development proposals within the Harley Road South landscape unit.

Access to development clusters within the Rural 3 Zone should be from Old Coach Road, Harley Road or Dicker Road rather than from the Coastal Highway. With the Dicker Road alignment being the likely alignment for the Ruby Bay bypass, access from Old Coach Road is possibly the best option. Notwithstanding this Old Coach Road, from the Dicker Road intersection to the Moutere River, should be considered and protected as a future major scenic road corridor. Views to the coast and Tasman Bay/Te Tai-o-Aorere and inland to the Arthur Range/Wharepapa and Kahurangi National Park are possible from this location. Accordingly, development clusters should be located sensitively to protect views with houses planned and sited so as to avoid potential adverse visual effects on the expansive and panoramic views that will be available from this section of Old Coach Road in the future.

The large internal valley, which makes up Landscape Unit 3, offers considerable scope for discrete clusters of development utilizing the existing landform pattern to define appropriate development clusters. The bulk of this land is currently in one ownership and it is essential from a landscape perspective that a comprehensive and integrated structure plan for the entire unit be prepared and approved prior to applications being made for individual cluster developments. The already consented Rural 3 development immediately to the south of Harley Road is relatively well contained relative to the balance of the landscape unit and will not compromise the preparation of a structure plan and the integrated design development of the balance of the landscape unit.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The preparation of comprehensive and integrated development proposals as a means of optimising development opportunities and environmental outcomes.
- (b) Consideration of a farm park or rural village-type development as an alternative to the more traditional cluster-type development.
- (c) Maintaining the distinctive character, landform and stream patterns within the overall landscape unit.
- (d) Utilising existing streams, ponds and wetland areas as landscape features.
- (e) Keeping all development of buildings and structures off significant and defining landforms and ridges that are characteristic and/or features of the landscape unit.

- (f) Avoiding development on steep slopes, visually prominent landforms and where extensive earthworks are required.
- (g) Avoiding direct lot access from Old Coach Road.
- (h) Having no further development or access off Harley Road.
- (i) Limiting development cluster access from Dicker Road so as to minimise possible conflicts with future bypass extensions to Tasman.
- (j) Maintaining the open character of the Dicker Road ridge as a defining landscape feature between Landscape Unit 8 and Landscape sub-units 6B and 6A.
- (k) Maintaining the open character of the Harley Road ridge as a defining feature between Landscape Units 3 and 2.
- (l) Being sensitive to the protection of views from Old Coach Road.
- (m) Integrating patterns of use, development and landscape enhancement with the adjacent landscape unit and associated sub-units.
- (n) Keeping all buildings and structures below the Old Coach Road ridge.
- (o) Initiating extensive amenity and conservation tree planting to replace and supplement the existing forest tree pattern, which will be dramatically reduced.

#### **4.9 Harley Road North (Landscape Unit 2)**

The Harley Road North Landscape Unit extends northward from Harley Road to the northern boundary of the Rural 3 Zone. The landscape unit is defined on its inland side by Old Coach Road and the Rural 3 Zone boundary on the seaward side. As with Landscape Unit 3 (Harley Road South), the area has historically been defined by its forestry use on the steep upper slopes and the more productive Rural 1 and 2 land on the lower and flatter landforms that extend down to the Coastal Highway. In landscape terms, the wider Landscape Unit, which includes Sub-Unit 2A, extends from Old Coach Road to the Coastal Highway. While the boundary between these two sub-units is land use and cadastral based, it nevertheless provides an appropriate landscape and visual differentiation between sub-units.

Landscape Unit 2 essentially consists of four relatively well-defined valley systems. The area overall, as well as the individual valleys, have the potential to accommodate cluster type development. As with Landscape Unit 3, development access would best be from Old Coach Road, utilising the defining ridges between each of the valleys. Access from the Coastal Highway via Eden Road or Weka Road would be adverse and would change the nature and character of these rural areas. From a landscape perspective, it is important that the open nature of the defining ridges be retained with the cluster developments being set within the respective valley systems thereby retaining the overall open rural character to the landscape whilst providing a framework and context for the individual development clusters.

Development in the immediate area of the Rural 3 Zone boundary and the Rural 1 and 2 zone land on the seaward side of the Rural 3 Zone should be sensitive to the landscape values of both sub-units. In addition, the development of clusters and individual lots should acknowledge and be sensitive to the longer term prospect of Old Coach Road becoming a major scenic road corridor between Mapua and Motueka.

While the valley immediately to the north of Harley Road has recently been subdivided, the balance of the landscape unit should be subject to a comprehensive and integrated structure plan prior to any further development of individual clusters of development. Given the current land tenure position within both Landscape Units 3 and 2, the opportunity for the preparation of a comprehensive structure plan would ensure the best development outcome could be achieved in this large green fields area.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) The preparation of comprehensive and integrated development proposals as a means of optimising development opportunities and environmental outcomes.
- (b) Consideration of a farm park or rural village-type development as an alternative to the more traditional cluster type development.
- (c) Maintaining the distinctive character, landform and stream patterns within the overall landscape unit.
- (d) Utilising existing streams, ponds and wetland areas as landscape features.
- (e) Keeping all development of buildings and structures off significant and defining landforms and ridges that are characteristic and/or features of the landscape unit.
- (f) Avoiding development on steep slopes, visually prominent landforms and where extensive earthworks are required.
- (g) Avoiding direct lot access from Old Coach Road.
- (h) Being sensitive to the protection of views from Old Coach Road.
- (i) Integrating patterns of use, development and landscape enhancement with the adjacent landscape unit and associated sub-units.
- (j) Keeping the rooftops of all buildings and structures well below the Old Coach Road ridgeline so that they are not visible from the road.
- (k) Initiating extensive amenity and conservation tree planting to replace and supplement the existing forest tree pattern, which will be dramatically reduced.

#### **4.10 Mariri (Landscape Unit 1)**

While this landscape unit does not come within the Rural 3 Zone, its relationship and landscape context with sub-units 3A & 2A along with their combined relationship with the adjacent Rural 3 Zone, is particularly important from a landscape and rural character perspective. The coastal edge between the Tasman settlement and Mariri has a distinctive landscape character and pattern of rural development that should be maintained and protected. Development within the adjoining Rural 3 Zone should clearly acknowledge and be sensitive to the rural and landscape values of the coastal margin and foothills along the adjacent Moutere Inlet.

Maintaining the landscape qualities within this landscape unit will involve:

- (a) Ensuring development in the adjacent Rural 3 Zone respects the rural characteristics and landscape values of this landscape unit and sub-units 3A and 2A.
- (b) Providing access to the adjacent Rural 3 Zone developments from Old Coach Road.
- (c) Retaining the existing zoning Rural 1 and Rural 2 pattern within this landscape unit and the adjacent sub-units 3A and 2A.



# PART III: COASTAL MARINE AREA

## INTRODUCTION

Part III applies to the coastal marine area, which extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it.

Part III, parts of Chapters 30 and 31 of Part V (taking, using or diverting coastal water), and Chapter 35 and part of Chapter 36 of Part VI (coastal marine discharge issues, objectives, policies and rules) together constitute the Regional Coastal Plan.

There are many linkages between coastal marine issues and issues on dry land, as activities, their effects, and natural processes operate across mean high water springs. Integrated management is necessary between the land, coastal marine area, discharges and other parts of the Plan to reflect the continuity of these matters.

Linkages between this Plan and fisheries management are prescribed in the Act and the Fisheries Acts 1983 and 1996. Their combined effect is that the Regional Coastal Plan:

- (1) cannot control fishing practices for fisheries management purposes; and
- (2) cannot control the effects of fishing practices on foreshore, seabed or marine organisms; and
- (3) is not a mechanism for resolving conflicts between fishing sectors.

The Regional Coastal Plan cannot put boundaries around marine farming areas on grounds of effects on sustainability of fisheries resources.

Schedule 25C records the locations of river mouths agreed between Council and the Minister of Conservation, as required by Section 2 of the Act. It also includes the derived locations where the boundary of the coastal marine area crosses those rivers.

## Coastal Occupation Charges

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(D 11/21)  
Op 7/22

In accordance with section 64A of the Act, Council is required to consider whether or not a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area should be included in the Regional Coastal Plan.

Council agrees with the principle of coastal occupation charges and considers that an appropriate regime would assist in the sustainable management of the common marine and coastal area. However, given the legal and policy uncertainties around such a charging regime, Council has decided not to impose a charging regime at present.

Until such a time that a charging regime is included in the Plan, the Council will continue to co-operate with and support other regional authorities and central government agencies in the development of a legally defensible charging regime. Council will also continue to advocate the necessary changes to the legislation and policy at a national level.

## General Policies for the Coastal Marine Area

There are three policies in the New Zealand Coastal Policy Statement 1994 that are especially relevant to managing effects of activities in the coastal marine area. Two of these policies, 3.2.2 and 3.2.4, are adopted into this Plan and are set out below, along with explanations of how they are to be applied. The third policy below is developed from NZCPS 3.3.1 and Policy 13.7 of the Tasman Regional Policy Statement (July 2001).

These policies are particularly relevant in locations where the values of Part II of the Act are high, such as the areas listed in Schedule 25D, and to activities that have non-complying status.

## Policy: Preference for Avoiding Adverse Effects

Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable. (NZCPS 3.2.2)

### **Explanation**

The policy requires Council to avoid adverse effects of activities as a first priority. Where complete avoidance of adverse effects is not practicable, Council will consider ways to mitigate or remedy those effects. The Act provides the further option of offsetting adverse effects.

All of these options involve the question of what is practicable. For any particular activity, some adverse effects may be avoided, some remedied, some mitigated, or some offset. If, despite any combination of these options there will remain adverse effects that are more than minor, Council has the option of refusing consent.

### **Policy: Cumulative Effects**

Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree. (NZCPS 3.2.4)

### **Explanation**

This policy requires Council to:

- consider the additive effect of allowing more of the same or similar activity;
- consider the additive result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect;
- consider the composite bundle of effects from all activities that operate in, or that cause effects in, the coastal environment; and
- evaluate the significance of those classes of effects.

### **Policy: Precautionary Approach**

Because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.

In developing and administering this Plan, the Council will take into account:

- all relevant information;
- uncertainty or inadequacy in information about likely or actual effects of activities, or about the resources and values of the locations where activities are proposed;
- whether adverse effects or uncertainties can be adequately managed by conditions of consent, or whether refusal of consent or prohibiting the activity by Plan rule, is more appropriate;
- the ability to review conditions of consent if new information shows unforeseen or unacceptable adverse effects of the activity, or that effects can be better managed.

### **Explanation**

This policy gives effect to NZCPS 3.3.1.

## CHAPTER 20: EFFECTS OF CRAFT USING THE SURFACE OF COASTAL WATERS

### 20.0 INTRODUCTION

The range of activities occurring on coastal waters can cause effects which include:

- (a) navigation and safety risks;
- (b) disturbance to wildlife or marine mammals, or damage to habitat;
- (c) disruption of amenity values.

Navigation issues arise from the mix of craft types operating in the District, particularly the concentration of craft of different size, speed capability, visibility and manoeuvrability along the Abel Tasman National Park coastline. These problems can be exacerbated by the different skill levels of craft operators, particularly novice hirers of rental kayaks. Navigation issues can also arise from the placement of structures such as moorings, or marine farm structures: established navigation practices may affect where structures can be located.

Wildlife in estuaries, on sand bars, or in other feeding and roosting areas, can be disturbed by craft—both motorised and manual or wind-powered. Seals may also be disturbed or put at risk by the proximity or speed of craft. Wash from craft has potential to affect plant communities along the shoreline. Some plant communities on estuary islands are particularly vulnerable, but this threat needs to be compared with the normal effects of wind, tide and waves.

Amenity effects include noise, particularly the loss of natural quiet in areas where conservation values are strongly held but also in relation to the enjoyment of other beaches and areas of coastal residential use. Numbers of craft (and people) present can affect the quality of experience sought by some people, as can the range of activities present. For example, the relative solitude of a kayaking and camping trip can be disrupted by water skiing; and conversely, the enjoyment of water skiing can be affected by a succession of kayak fleets passing through. These amenity effects are greatest in proximity to Abel Tasman National Park where there is an inevitable tension between the conservation values associated with a national park, and the fact that the coastline of the Park offers some of the most attractive areas in the District, both for boating activities and for walking or enjoying the Park's qualities.

People being delivered to the Park by craft, particularly from commercial craft, contribute to congestion at Park campsites, but so do campers arriving by other means. Control of numbers arriving by craft is not considered justifiable in isolation from controls on numbers arriving by other means. This situation may alter within the life of this Plan, and Plan changes can be promoted if appropriate.

Use of the water surface for aircraft operations could affect navigation and natural and amenity values, but is not currently an issue in the District.

Noise emissions from craft are addressed in Chapter 24 of this Plan, and water contamination effects are addressed in Part VI.

### 20.1 CRAFT ACTIVITY

#### 20.1.1 Issue

The passage of craft across coastal waters may compromise navigational safety with other craft. Craft movements need to be considered in relation to the siting, marking and lighting of any structures in the coastal marine area. Craft activity may have effects on amenity and natural values.

The mooring or anchoring of craft within the coastal marine area can affect other activities on the surface of the water, particularly when the space occupied is excessive or inappropriately located.

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(D 10/21)  
Op 7/22

## 20.1.2 Objective

Safe navigation, amenity values and natural values that are not compromised by the passage of craft, or by other activities on the surface of the water.

## 20.1.3 Policies

*Refer to Policy sets 21.1, 21.2, 21.6, 21.7.  
Refer to Rule sections 25.3.*

- 20.1.3.1** Council will ensure that movements of craft or other activities on the surface of coastal waters do not create or aggravate risks to safe navigation, particularly in areas of intensive seasonal use of craft and in relation to the scale, intensity, frequency, duration and mix of activities.
- 20.1.3.2** To avoid, remedy or mitigate adverse effects on safe navigation from structures, occupation or other uses of the coastal marine area, especially in established fishing areas, Mooring Areas, ports or their approaches, or in other intensively used coastal marine space. **C72 6/20  
(D 10/21)  
Op 7/22**
- 20.1.3.2A** To minimise the occupation of the surface of coastal waters by moored and anchored craft by: **C72 6/20  
(D 10/21)  
Op 7/22**
- (a) providing Mooring Areas in appropriate locations and encouraging the use of moorings within these areas as permitted activities;
  - (b) encouraging the establishment and use of public moorings in appropriate locations;
  - (c) requiring the use of space-efficient mooring systems where practicable and appropriate.
- 20.1.3.2B** To provide for the management and allocation of space for moorings in specifically identified Mooring Areas and through the Mooring Area Bylaw.
- 20.1.3.2C** To avoid activities within Mooring Areas where the activity will interfere with the use or management of moorings within the Mooring Areas.
- 20.1.3.2D** To avoid the adverse effects on the efficient use of coastal space within a Mooring Area arising from granting new or re-consenting of existing coastal permits for moorings. **C72 6/20  
D 10/21  
Op 7/22**
- 20.1.3.3** To avoid, remedy or mitigate adverse effects on amenity values and natural values, including:
- (a) disturbance of wildlife or marine mammals;
  - (b) disruption to natural quiet;
  - (c) degrading the quality of experience of particular activities;
- from the scale, intensity, frequency, duration or mix of activities using craft.

## 20.1.20 Methods of Implementation

### 20.1.20.1 Regulatory

- (a) Rules that regulate construction and operation of structures in the coastal marine area.
- (b) Rules that regulate amenity effects of the use of craft.
- (c) Rules that regulate disturbance or damage to animal or plant habitats by the use of craft.
- (d) Rules that regulate the use of coastal marine space for aircraft takeoffs and landings.
- (e) Bylaw provisions that regulate the speed of craft.
- (f) Bylaw provisions that reserve space in certain locations for particular uses of craft, or other mobile activities on the surface of coastal waters, including anchorages, access lanes, swimming, water-skiing, windsurfing, or jet-skiing, for commercial, recreational, or any other purpose; or that prohibit activities in certain locations.
- (fa) Bylaw provisions which manage the allocation of space, design and use of moorings within Mooring Areas. C72 6/20  
D 10/21  
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- (g) Bylaw provisions that allow occupation and use of areas by craft for special occasions such as regattas or races.
- (h) Bylaw provisions that require craft or structures to be adequately lit.
- (i) Bylaw provisions that require commercial uses of craft to be licensed in relation to:
  - (i) the seaworthiness of the craft;
  - (ii) the competence of the operator; and
  - (iii) the safety of the commercial operation.
- (j) Periodic surveys of Mooring Areas be undertaken for marine pests in conjunction with the Top of the South Biosecurity Partnership. C72 6/20  
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### 20.1.20.2 Investigations and Monitoring

- (a) A programme of monitoring the intensity of craft use, particularly at intensively used locations such as Kaiteriteri Bay, Astrolabe Roadstead, Torrent Bay/Rākauroa and The Anchorage.
- (b) Investigations into the need for reserved areas for access lanes, water-skiing and other activities at these and other locations, or the need to prohibit certain water surface activities at certain locations.
- (c) Recording of all new coastal structures for notification to the New Zealand Hydrographic Authority, Land Information New Zealand.

### 20.1.20.3 Education and Advocacy

- (a) A programme of information and advice on safe boating practices and water safety generally.

### 20.1.20.4 Works and Services

- (a) A programme of maintenance of Council ramps and other water access points for craft on beaches.
- (b) Maintenance and provision of navigation aids.

### **20.1.30 Principal Reasons and Explanation**

Activities involving the movement of watercraft, including vessels and aircraft, in coastal waters may create navigational safety risks, particularly in the vicinity of other craft, people or structures in the coastal marine area. There is a need to control features such as speed, location, seaworthiness and operator competence in relation to craft movements. As well, there is a need to control the siting, marking and lighting of structures in the coastal marine area to avoid or reduce the risk of craft colliding with structures, particularly in areas most often used by craft. Amenity and natural values can be affected by the use of craft.

### **20.1.40 Performance Monitoring Indicators**

**20.1.40.1** Incidence of accidents or complaints concerning navigation of craft.

## **20.50 ENVIRONMENTAL RESULTS ANTICIPATED**

**20.50.1** Maintenance of an acceptable level of navigational safety between craft, people and structures in the coastal marine area.

**20.50.2** Maintenance of amenity and natural values in the coastal marine area.

# CHAPTER 21: EFFECTS OF DISTURBANCE, STRUCTURES AND OCCUPATION ON COASTAL MARINE CONSERVATION, HERITAGE, ACCESS AND AMENITY VALUES

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## 21.0 INTRODUCTION

This chapter deals with the effects of use and development on natural resources, conservation of natural resources, features, processes, ecosystems, and heritage, access and amenity values in the coastal marine area. It does not deal with these matters on dry land in the coastal environment, despite the fact that many of these issues cross the boundary between land and sea. Issues relating to the effects of subdivision, use and development of coastal land are addressed in chapters 5, 6, 8, 9 and 10.

The coastal marine area is used for a variety of activities, many of which are temporary, such as the passage of craft, or have no environmental effects. Physical modifications to the foreshore or seabed, such as reclamations, deposition or removal of material, passage of vehicles or animals, or other disturbance, and structures, or other occupation of coastal marine space may have a number of adverse effects on the coastal environment. These potential effects include:

- (a) changes to the natural functioning of marine ecosystems and resulting effects on marine plants and animal life and their habitats through physical disturbance or contamination;
- (b) changes to natural coastal processes such as sediment movement or water flow, with modifications to the composition of the foreshore or seabed or location of the shoreline;
- (c) limiting of public access to or along the coast with private occupation of coastal marine space, chiefly by structures, and with associated navigation hazard;
- (d) visual impact of physical modifications;
- (e) demand for the use of coastal land in association with the use of adjacent coastal marine space, such as buildings, parking areas or roads.

The Resource Management Act and the New Zealand Coastal Policy Statement require the natural character of the coastal environment to be preserved, while allowing appropriate use and development. Natural character may include a naturalness or unmodified form for coastal marine space, processes, materials, habitats and ecosystems. Some areas are extensively and significantly modified, and others less so. Permanent structures or other physical modifications such as land disturbance may alter the natural

character either within the coastal marine area or on coastal land. The use of adjacent coastal land may affect the natural character of the coastal marine area, particularly through access to the foreshore or sea.

The Resource Management Act and the New Zealand Coastal Policy Statement also require the protection of outstanding natural features and landscapes from inappropriate subdivision, use or development. The dominant landscape of the coastal marine area is surface seascape (the expanses of coastal water) together with the shoreline of beaches, tidal flats or cliffs. The underwater seascape is also important. The naturalness of the seascape is a significant element of landscape value in the coastal marine area. This includes the general absence of structures or the presence only of those that are visually unobtrusive or otherwise appropriate in a coastal setting.

The coastal marine ecosystems, as with terrestrial and freshwater ecosystems, are required by the Resource Management Act to be safeguarded in relation to their life-support capacity or healthy functioning, and in particular, significant habitats of coastal marine animal life are to be protected. This means all coastal marine habitats need protection from damage unless natural processes modify habitats (for example, changes to sandy shorelines as a result of storm events). Threats to ecosystems arise from land-based activities such as sedimentation from land disturbances, contaminant discharges from point source or diffuse sources, and from disturbances or contamination in the coastal marine area itself, such as the infilling of estuary margins, bottom dredging as a fishing practice, sewage discharges, discharges from vessels, the placement of structures, or the passage of vehicles, vessels, people or animals in foreshore areas. Part II of the Plan addresses land disturbances on coastal land, and Part VI addresses land-based and coastal marine discharges. Invasive plants such as *Spartina* may also threaten foreshore habitats.

There is a large number of areas within the coastal marine area that are recognised as having nationally or internationally important natural ecosystem values. These areas are identified in a schedule to Chapter 25 of the Plan. They include most estuaries and inlets, and tidal flats, sandspits and stretches of coastline adjoining coastal land of significant natural character. Disturbances, structures and contamination are particular concerns in these areas.

There are limitations on the scope of the Plan to address adverse effects on habitats and on marine organisms from lawful harvesting of fisheries resources by the disturbance of foreshore or seabed. The Plan also cannot control enhancement or harvesting activities that involve structures, occupation or disturbance, if the purpose of the control is to manage any fisheries resource or if the control (except control over structures) results in the allocation of access to a fisheries resource between fishing sectors. “Fisheries resources” include any marine organism. These effects on habitats or marine organisms, or controls on fisheries resources, should be addressed by the Director-General of Fisheries under the Fisheries Act 1996, through fishing permits and regulations. An indirect means of protecting fisheries resources results from the creation of marine reserves where the taking of fish is prevented for purposes of scientific study of marine resources. Marine reserves in the region at 1998 are the Tonga Marine Reserve adjoining Abel Tasman National Park, and Te Tai Tapu Marine Reserve in the southern part of Whanganui Inlet.

Natural coastal processes such as shoreline change through erosion, accretion or potential sea-level rise, or freshwater and sediment movement into and along the coast, or storm flooding or inundation by the sea, contribute to the natural character and the form and changes in coastal marine habitats. Structures or physical modification to the foreshore or seabed for a variety of purposes may disrupt the natural functioning of these processes, and there is a requirement under the Act and the New Zealand Coastal Policy Statement to restrain such effects, so as to let processes run their course. However, intervention in processes may be sought where community assets or physical resources in or adjoining the coastal marine area (such as roads or other infrastructure) may be otherwise adversely affected.

The coastal marine area is public domain, and the Act and the New Zealand Coastal Policy Statement require the maintenance and enhancement of public access to and along the coastal marine area. Some structures and works facilitate access, but others impede it. Public access, including the use of craft, may result in an intensity of use of the coastal marine area that has adverse effects on navigational safety or on natural values. For example, congestion of craft occurs along parts of the Abel Tasman National Park coastline, where safety issues are compounded by the mix of craft types – particularly by their different operating speeds and degrees of visibility.

The coast is a finite resource and the New Zealand Coastal Policy Statement 2010 recognises and promotes the efficient use of the coastal environment. Consolidating activities into areas, encouraging multiple and public structures and requiring developments to occur without lengthy delays are some ways in which efficient use can be made of the coastal environment. The removal of abandoned or redundant structures also frees up the coast for other users and reduces environmental and aesthetic impacts.

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The Plan identifies specific locations within the planning maps as Mooring Areas. These areas have been assessed and identified as appropriate locations for the mooring of private and commercial craft. Within the Mooring Areas, mooring is permitted subject to the mooring owner holding a Mooring Licence issued by the Harbourmaster under a separate moorings bylaw. In the first instance, Mooring Licences will be allocated to mooring owners who hold a resource consent for mooring within the Mooring Area, then to applicants for public moorings and then on a first-come, first-served basis. Once Mooring Areas become full, Council will allocate mooring space to those listed on a waiting list for the Mooring Area. In Kaiteriteri, allocation of space within one Mooring Area is restricted for public moorings and the allocation of space within the second Mooring Area is restricted to commercial operators and existing mooring owners.

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The coastal marine area contains sites and areas of natural and cultural heritage value, particularly areas of traditional Māori association. Few items of historical heritage value exist in the coastal marine area, and without some economic use these are likely to continue to deteriorate because of the nature of the marine environment. The Act places significance on the protection of heritage values generally. Natural habitats and seascapes can be regarded as natural heritage resources and require protection on this basis also. Places or areas of heritage value to Māori include traditional seafood collecting areas (mahinga mātaītai), fishing grounds, places of spiritual significance (wāhi tapu) and landing sites (tauranga waka). The coastal marine area itself may be regarded by Māori as a valued resource or taonga. Tangata whenua may oppose the use or development of these areas. An example is the threat to tangata whenua interests of aquaculture in the vicinity of ancestral land and kai moana at Pariwhakaoho. Tangata whenua may seek recognition of entitlements referred to by the Treaty of Waitangi. Tangata whenua interests in the heritage values of the coastal marine area may span across traditional and commercial concerns, but all of which may be equally regarded as taonga. There are a number of processes under fisheries and other legislation in addition to the Act that are relevant to such values or interests. For example, threats to kai moana from other fishing activities are managed under the Fisheries Act and cannot be addressed in this Plan. The Fisheries Act also includes provisions for tangata whenua to manage important traditional fisheries through the establishment of mahinga mātaītai and taiapure.

Amenity values in the coastal marine area are largely supported by its natural character and landscape value. Continuing or current activities may affect the amenity of the area, particularly where there is permanent change. However, amenity may be enhanced by provision of structures such as ramps, berthage or moorings that enable use and enjoyment of the sea. Again, the amenity value of the coast may be affected by changes on adjacent coastal land, particularly at areas of intensive development.

## **21.1 PRESERVATION OF NATURAL CHARACTER**

### **21.1.1 Issue**

Use or development in the coastal marine area, including structures, occupation and disturbance may adversely affect the natural character of the coastal environment. The appropriate form, scale or location of such use or development that preserves natural character is to be determined.

### **21.1.2 Objective**

Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

### 21.1.3 Policies

*Refer to Rule sections 25.1 – 25.5, 36.2, 36.6, 36.7.*

- 21.1.3.1** To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:
- (a) physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance;
  - (b) disturbance of plants, animals, or their habitats;
  - (c) structures, including impediments to natural coastal processes;
  - (d) the use of vessels or vehicles;
  - (e) stock grazing or trampling on coastal margins;
  - (f) the discharge of any contaminant or waste.
- 21.1.3.2** To avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes in the coastal marine area, including natural expanses of coastal water, arising from modification other than through natural processes.
- 21.1.3.3** To restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.
- 21.1.3.4** To avoid, remedy, or mitigate damage to foreshore, seabed and coastal marine animals and plants, caused by the passage of people, vehicles, vessels, or passage or grazing by stock.
- 21.1.3.5** To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting natural character, except where removal would have an adverse effects on the environment or where the structure has heritage or cultural values. C72 6/20  
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- 21.1.3.6** To minimise the adverse effects of moorings on natural character by identifying appropriate areas for mooring and encouraging mooring within those areas.

### 21.1.20 Methods of Implementation

#### 21.1.20.1 Regulatory

- (a) Rules that control disturbance, including reclamation, deposition, or excavation or removal of material, or structures or other works or activities having adverse effects on:
  - (i) the foreshore or seabed;
  - (ii) the natural movement of water, sediment, biota or air; or
  - (iii) natural ecosystems.
- (b) Rules that control the effect of structures in areas with significant natural ecosystem values, including estuaries, sand beaches, and areas adjacent to coastal land with significant natural ecosystem values, and which include prohibiting some classes of structures if their adverse effects on those values cannot otherwise be avoided, remedied or mitigated.
- (c) Rules that control the effects of coastal discharges on natural habitats, plants and animals.
- (d) Rules that provide for the removal of unauthorised, abandoned or redundant structures. C72 6/20  
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- (e) Rules that encourage the establishment of moorings within Mooring Areas.

**21.1.20.2 Investigations and Monitoring**

- (a) Identification of elements of natural character in the coastal marine area, to be applied in the consideration of consent applications.
- (b) Programme of investigations to establish baseline information about coastal marine process, ecosystems and habitats in the District.
- (c) Programme of monitoring coastal marine processes, habitats and ecosystems, and changes to the natural character of the coastal marine area resulting from disturbances, structures, or other uses.

**21.1.20.3 Education and Advocacy**

- (a) Support for initiatives of other organisations to protect natural and physical resource values that contribute to the natural character of the coastal marine area.

**21.1.30 Principal Reasons and Explanation**

Physical modification to the coastal marine area by disturbances, structures, reclamation or other works can adversely affect the natural character of the coastal marine area and adjoining coastal land. The functioning of natural coastal processes and areas of natural value, including natural habitats of plants and animals, may be adversely affected. The Act and the New Zealand Coastal Policy Statement require the preservation of the natural character of the coastal environment, including the coastal marine area, as a matter of national importance. They also require the healthy functioning of coastal marine ecosystems. It is necessary to control the location, scale or form of such activities to ensure that they are appropriate uses of the coastal marine area. Stock may damage or alter the plant and animal communities that contribute to the natural character of coastal margins, especially the margins of estuaries.

**21.1.40 Performance Monitoring Indicators**

- 21.1.40.1** Extent of disturbance, occupation or structures in the coastal marine area, particularly in those areas with significant natural character.
- 21.1.40.2** The form and degree of effects on plant and animal species and their habitats; on natural coastal processes and landforms, and on natural character in general.

**21.2 PROTECTION OF HABITATS AND ECOSYSTEMS****21.2.1 Issue**

The protection of coastal marine habitats and ecosystems from the damaging effects of disturbances, discharges, structures, or the introduction of animals or plants, or passage of vessels, vehicles, people or animals.

**21.2.2 Objective**

Avoidance, remediation, or mitigation of adverse effects on marine habitats and ecosystems caused by:

- (a) access by vessels, vehicles, people, or animals;
- (b) the introduction of species non-indigenous to the District;

- (c) disturbance of the foreshore or seabed;
  - (d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;
  - (e) the disposal of contaminants or waste, or accidental spillage of substances;
- with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.

### **21.2.3 Policies**

*Refer to Rule sections 25.1 – 25.5.*

- 21.2.3.1** To assess existing unauthorised structures or works in the coastal marine area and either require their authorisation or removal after considering the significance of the effects of such structures or works on:
- (a) natural character;
  - (b) natural coastal processes and patterns;
  - (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;
  - (d) public access to coastal marine space;
  - (e) visual amenity and landscapes or seascapes;
  - (f) navigational safety;
  - (g) historic and cultural values.
- 21.2.3.2** To allow navigational aids necessary for the efficient achievement of safe navigation throughout the coastal marine area, and to protect them from adverse effects of other activities.
- 21.2.3.3** To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:
- (a) natural character;
  - (b) natural coastal processes and patterns;
  - (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;
  - (d) public access to coastal marine space;
  - (e) visual amenity and landscapes or seascapes;
  - (f) navigational safety;
  - (g) historic and cultural values.
- 21.2.3.4** To require that utility structures or facilities in the coastal marine area are proposed only after a comparative evaluation is undertaken of the effects of alternative sites or routes for such utilities, including on land not in the coastal marine area.
- 21.2.3.5** To avoid, remedy or mitigate adverse effects from the maintenance, replacement or protection of utility structures or facilities, including roading structures, wharves, or jetties, in the coastal marine area.

- 21.2.3.6** To remove or require the removal of unauthorised, abandoned or redundant structures affecting marine habitat or ecosystems except where removal would have adverse effects on the environment or where the structure has heritage or cultural values. **C72 6/20  
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- 21.2.3.7** To prevent authorisation for any structure or work in the coastal marine area for or in conjunction with the harvesting or enhancement of any plant or animal, from being implemented, unless and until the fisheries purpose for which such structure or work is required has been authorised under the relevant Fisheries Act.
- 21.2.3.8** To avoid, remedy or mitigate adverse effects of beach grooming or replenishment, particularly on public access, amenity values, coastal processes, ecosystems, habitats and lawful structures.
- 21.2.3.9** To enable the excavation or removal of foreshore or seabed material for marine mammal rescue or burial.
- 21.2.3.10** To allow the use of the foreshore where there are no adverse effects on:
- (a) public access and safety;
  - (b) amenity values;
  - (c) plants, animals or habitats;
  - (d) natural features and processes;
  - (e) existing authorised structures.
- 21.2.3.11** To allow temporary exclusion of the public from specified parts of the coastal marine area for military training activities, subject to any other adverse effect of the activities being avoided, remedied or mitigated.
- 21.2.3.12** To prevent structures or works on the foreshore and intertidal flats within and adjacent to the Farewell Spit Nature Reserve, except in relation to marine mammal rescue or burial.
- 21.2.3.13** To avoid adverse effects on, and support the protection of, the bryozoan coral beds adjacent to Separation Point/Te Matau.
- 21.2.3.14** To avoid, remedy or mitigate adverse effects of structures (including moorings) in the coastal marine area between Tata Islands and Toko Ngawa Point.
- 21.2.3.15** To retain the open space of Kaiteriteri Bay without further structures other than the existing boat ramp, swimming platform and moorings within the Mooring Areas. **C72 6/20  
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- 21.2.3.16** To confine port activities and facilities to existing port locations, unless sites with less adverse environmental effects from such activities can be demonstrated.
- 21.2.3.17** To promote measures to re-establish natural coastal conditions or processes.

**21.2.3.18** To limit the number, location, and scale of structures in the coastal marine area adjoining the Abel Tasman National Park in accordance with the following:

- (a) one public mooring at each of Tata Islands, Mutton Cove, and Taupo Point;

*[Policy 21.2.3.18 (b) & (c) is deleted]*

- (d) structures listed in Schedule 25A;

- (e) moorings in association with an interest in a land title at Boundary Bay, Torrent Bay/Rākauroa, or Astrolabe Roadstead, and only to the extent that the cumulative effect of moorings at each location is not adverse nor affects marine habitats or ecosystems;

- (f) swing moorings at The Ancho.3.1rage are limited to one for each private property at The Anchorage (as at 25 May 1996), plus one other existing mooring;

- (g) structures or moorings will not be allowed adjacent to Adele/Motuaronui or Fisherman's island.

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**21.2.3.19** To enable instruments and materials to be deployed in the coastal marine area for scientific investigations, subject to any adverse effects being avoided, remedied or mitigated.

**21.2.3.20** To regard reclamation as generally inappropriate, and ensure that any reclamation:

- (a) is for a purpose that functionally must be located on the coast and in the coastal marine area;
- (b) is of the minimum practical extent for the proposed purpose and adequate management of any adverse effects arising from that purpose, and for any area needed for public access;
- (c) avoids locating in areas with nationally or internationally important natural ecosystem value, unless there is no feasible alternative location for the activity for which reclamation is sought.

**21.2.3.21** To restrict structures and disturbance such as port developments, jetties, moorings or aquaculture from locating in areas where they would adversely affect nationally or internationally significant natural ecosystem values or significant habitats such as estuaries and intertidal areas.

**21.2.3.22** To protect the margins of the coastal marine area from damage by stock.

**21.2.3.23** To provide for consistent protection for coastal habitats and ecosystems across the line of mean high water springs, where the natural habitat of species crosses this line.

**21.2.3.24** To eradicate invasive non-indigenous species where practicable and protect coastal marine habitats and ecosystems from invasion by non-indigenous species.

**21.2.3.25** To encourage the re-establishment of species indigenous to the coastal marine area.

**21.2.3.26** To avoid, remedy or mitigate adverse effects of vehicles in estuarine areas.

## 21.2.20 Methods of Implementation

### 21.2.20.1 Regulatory

- (a) Rules that control disturbances, structures or other works that interfere with or limit the movement of coastal water or that involve the excavation or removal of material.
- (b) Rules that limit the number, location, and scale of structures in the coastal marine area adjoining the Abel Tasman National Park in accordance with the following:
  - (i) one public mooring at each of the Tata Islands, Mutton Cove, and Taupo Point;

*[Method 21.2.20.1(b)(ii) is deleted.]*

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*[Method 21.2.20.1(b)(iii) is deleted.]*

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- (iv) structures listed in Schedule 25A;
 

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- (v) moorings will be allowed only in association with an interest in a land title at Boundary Bay, Torrent Bay/Rākauroa, The Anchorage or Astrolabe Roadstead, and only to the extent that the cumulative effect of moorings at each location is not adverse nor affects marine habitats or ecosystems;
 

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- (vi) structures or moorings will not be allowed adjacent to Adele/Motuareronui or Fisherman's island.
- (c) Rules that control the dredging of foreshore or seabed.
- (d) Rules that control specified ramps, moorings, jetties, or boatsheds, or the maintenance or repair of specified wharves, breakwaters or coastal protection works, where these are existing, unauthorised works, or new works.
- (e) Rules that control the occupation of space and use and maintenance of network utility structures.
- (f) Rules that control or prohibit the placement of structures for aquaculture purposes.
- (g) Rules that allow the installation and use of navigational aids.
- (h) Rules that regulate or prohibit the use of jetties, moorings or boatsheds along specified reaches of the Abel Tasman coastline, and prohibit boatsheds anywhere for accommodation purposes.
- (i) Rules that manage adverse effects from the maintenance, repair, reconstruction or replacement of roads, bridges, culverts and causeways.
- (j) Enforcement of rules in relation to all unauthorised existing structures or works in the coastal marine area.
- (k) Rules that regulate adverse effects on coastal marine plants, animals, habitats and ecosystems, from activities involving disturbance, discharge and deposition, including:

- (i) the passage of craft, vehicles, people or animals;
- (ii) construction and maintenance of network utilities;
- (iii) aquaculture structures;
- (iv) disturbances or structures interfering with the movement of coastal waters, or involving excavation or removal of material;
- (v) the discharge, dumping or spillage of contaminants or waste.

#### **21.2.20.2 Investigations and Monitoring**

- (a) Assessment of all existing structures in the coastal marine area and establishment of their authorisation or other status.
- (b) Recording of all new coastal structures for notification to the New Zealand Hydrographic Authority, Land Information New Zealand.
- (c) Programme for monitoring the effects of activities such as disturbances, structures and discharges on coastal marine habitats and ecosystems.
- (d) Investigation of the closure on any unformed legal roads currently located in the coastal marine area and consultation with affected landowners and other parties.

#### **21.2.20.3 Education and Advocacy**

- (a) Advocacy for the maintenance of restrictions on fishing methods over bryozoan beds adjacent to Separation Point/Te Matau.
- (b) Programme of advice and information on appropriate recreational and boating practices in relation to the protection of coastal marine habitats and plants and animals.
- (c) A programme of education and advice to promote public understanding of the values and sensitivity of estuarine environments, in particular identifying activities that are likely to compromise those values.

#### **21.2.20.4 Works and Services**

- (a) Removal of causeways, tidebanks, culverts or other structures within or adjacent to the coastal marine area to restore natural coastal conditions, processes or ecosystems.
- (b) Programme of chemical control for *Spartina* under the Regional Pest Management Strategy.

### **21.2.30 Principal Reasons and Explanation**

Disturbances, structures, works or occupation of the coastal marine area for these or other activities can have a range of adverse effects, including effects on natural habitats and marine life, coastal marine ecosystems, natural coastal processes, public access, visual effects, and other effects, such as adverse effects on amenity or cultural values of sectors of the community. The Act and the New Zealand Coastal Policy Statement require such adverse effects to be avoided, remedied or mitigated. Regulating these activities because of their adverse effects is necessary and appropriate.

Some activities may require restrictions on public access for public safety and security reasons, including defence purposes.

### **21.2.40 Performance Monitoring Indicators**

**21.2.40.1** Extent of disturbance, occupation or structures in the coastal marine area, including:

- (a) the extent to which public access is diminished by structures or private occupation, or navigation impeded;

- (b) the extent to which the open space and natural character of the coastal marine area are diminished by structures or works;
- (c) the extent to which physical and biological processes are disrupted.

**21.2.40.2** Surveyed condition of coastal marine ecosystems affected by any disturbance, structure, occupation or discharge.

## **21.3 PROTECTION OF LANDSCAPES, SEASCAPES AND NATURAL FEATURES**

### **21.3.1 Issue**

The appropriate form, scale or location of use or development in the coastal marine area that protects landscapes, including surface and underwater seascapes and natural features.

### **21.3.2 Objective**

Maintenance of the natural character and landscape of the coastal marine area.

### **21.3.3 Policies**

*Refer to Rule sections 25.1 – 25.5.*

**21.3.3.1** To allow Mooring Areas and structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification.

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**21.3.3.2** To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting natural features or landscape, except where removal would have adverse effects on the environment or where the structure has heritage or cultural values.

### **21.3.20 Methods of Implementation**

#### **21.3.20.1 Regulatory**

- (a) Rules that avoid, remedy or mitigate adverse effects of disturbance, structures or works on landscape values in the coastal marine area.
- (b) Rules that enable the removal of unauthorised, abandoned or redundant structures adversely affecting natural feature or landscape.

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#### **21.3.20.2 Investigations and Monitoring**

- (a) Identification of areas where open space values are to be protected.

### 21.3.30 Principal Reasons and Explanation

Many coastal landscapes and seascapes in the Tasman coastal marine area are of outstanding value, and most have significance for the District. The protection of the natural components of such landscapes from the adverse effects of structures or physical modification is an important aspect to preserving the natural character of the coastal marine area, and of maintaining its amenity value.

### 21.3.40 Performance Monitoring Indicators

**21.3.40.1** Assessed changes to landscape and seascape values in the coastal marine area arising from disturbance, structures or occupation.

## 21.4 PROTECTION OF NATURAL COASTAL PROCESSES

### 21.4.1 Issue

Modification or interference with natural coastal processes by disturbance or structures.

### 21.4.2 Objective

Maintenance of natural coastal processes free from disturbance or impediments.

### 21.4.3 Policies

*Refer to Rule sections 16.3, 25.1 – 25.5.  
Refer to Policy sets 13.1.3, 23.1.3.*

- 21.4.3.1** To avoid impediments to natural coastal processes except where a community need (such as the need to protect a physical resource of significance to the community) outweighs adverse effects on the natural environment.
- 21.4.3.2** To avoid, remedy or mitigate adverse effects of increases in intensity and value of development on coastal land, where the land is at risk from natural coastal processes.
- 21.4.3.3** To require the likely effects of disturbance, including excavation, deposition or removal of material, or structures, on natural coastal processes, to be avoided or mitigated.
- 21.4.3.4** To investigate and monitor current natural coastal processes.

### 21.4.20 Methods of Implementation

#### 21.4.20.1 Regulatory

- (a) Rules that regulate the effects of disturbance or structures on natural coastal processes.
- (b) Rules that allow the maintenance and repair of certain existing structures that are coastal erosion or flooding protection works.
- (c) Enforcement of rules and the Act in relation to unauthorised coastal protection works.

#### 21.4.20.2 Investigations and Monitoring

- (a) Programme of investigations and monitoring current natural coastal processes.

**21.4.20.3 Advocacy and Education**

- (a) The provision of information and advice about appropriate land use to limit or reduce the degree of risk from natural coastal processes.

**21.4.30 Principal Reasons and Explanation**

Natural coastal processes such as shoreline change or flooding from the sea are a feature of the coast's natural character, and structures or works may impede or be adversely affected by such processes. The presumption under the Act and the New Zealand Coastal Policy Statement is the maintenance of these processes. It is necessary to control structures or other works to allow processes to run their course.

**21.4.40 Performance Monitoring Indicators**

- 21.4.40.1** Establishment or removal of coastal protection structures or other coastal structures impeding natural coastal processes.

**21.5 PROTECTION OF CULTURAL HERITAGE VALUES****21.5.1 Issue**

Allowing for appropriate use and development in the coastal marine area while protecting the cultural heritage values of the coastal marine area, including tangata whenua interests in areas or taonga.

**21.5.2 Objective**

Maintenance of the cultural heritage values of items, sites or areas in the coastal marine area, including taonga of the tangata whenua.

**21.5.3 Policies**

- 21.5.3.1** To avoid damage or offence to traditional cultural values held by iwi over the coast in the vicinity of Pariwhakaoho as a result of structures, occupation, disturbance, or discharges.
- 21.5.3.2** To consult with tangata whenua over commercial activities (other than fishing) in the coastal marine area in the vicinity of Pariwhakaoho.
- 21.5.3.3** To ensure that no historical heritage item in the coastal marine area is a danger to navigation.

**21.5.20 Methods of Implementation****21.5.20.1 Regulatory**

- (a) Rules that prohibit structures or occupation for aquaculture purposes, or control other structures, disturbance or discharges, in the vicinity of the Pariwhakaoho area.

**21.5.20.2 Education and Advocacy**

- (a) Advise the New Zealand Hydrographic Authority, Land Information New Zealand of any heritage resource which may be a danger to navigation.

### 21.5.20.3 Works and Services

- (a) Make safe and, or, mark, any heritage resource which may be a danger to navigation.
- (b) Assemble and disseminate information about heritage resources in the coastal marine area.
- (c) Record, mark the location of, or install interpretive information at or near the site of, any heritage item in the coastal marine area.

## 21.5.30 Principal Reasons and Explanation

Cultural heritage values of historic, archaeological or other sites, particularly those of significance to the tangata whenua, are a key feature of the coast's natural character and of the traditional relationship of Māori with the coast. It is necessary to protect particular areas of demonstrated significance and to account for Treaty-based interests in coastal space.

## 21.5.40 Performance Monitoring Indicators

- 21.5.40.1** Satisfaction of the tangata whenua in relation to the protection of space at Pariwhakaoho and the management of coastal marine taonga.
- 21.5.40.2** Incidence of damage or destruction of any historical or cultural heritage item, site or area in the coastal marine area.

## 21.6 EFFECTS OF PUBLIC ACCESS

### 21.6.1 Issue

Public access to the coastal marine area may be restricted by private occupation, and public or private access may adversely affect natural character, ecosystems, heritage and amenity values.

### 21.6.2 Objective

Maintenance and enhancement of public access in the coastal marine area, including public passage or navigation:

- (a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and
- (b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.

### 21.6.3 Policies

*Refer to Rule sections 25.1 – 25.5.*

- 21.6.3.1** To avoid, remedy or mitigate adverse effects of facilities for access to and from the coastal marine area and consider the functional need for those activities to occupy the coastal marine area.

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- 21.6.3.2** To avoid, remedy or mitigate adverse effects of private occupation of space in the coastal marine area, having regard to the common right of public access to or in that area.
- 21.6.3.3** Public access in the coastal marine area will be restricted only where necessary to:
- (a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (b) protect cultural and spiritual values of the tangata whenua;
  - (c) protect public health and safety;
  - (d) ensure consistency consistent with the purpose of a resource consent;
- or other exceptional circumstances.
- 21.6.3.4** To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting public access, except where removal would have adverse effects on the environment or where the structure has heritage or cultural values. C72 6/20  
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- 21.6.3.5** To enable Mooring Areas to establish in appropriate locations where the structures will enhance public access to and along the coastal marine area.
- 21.6.3.6** To minimise the effects on public access from moored and anchored craft by:
- (a) providing Mooring Areas in appropriate locations and encouraging mooring within those areas;
  - (b) encouraging public moorings in appropriate locations;
  - (c) requiring the use of space efficient mooring systems where practicable and appropriate.

## 21.6.20 Methods of Implementation

### 21.6.20.1 Regulatory

- (a) Rules that prohibit structures that would prevent public access in areas of significant natural value, including estuaries, tidal flats, inshore areas and offshore areas supporting significant coastal marine habitats, except where structures are necessary to protect natural heritage, cultural and spiritual values of the tangata whenua, public health and safety, some scientific purposes and to ensure security consistent with the purpose of a resource consent.
- (b) Rules that prevent private occupation that impedes public access across the foreshore.
- (c) Rules that prohibit occupation by structures where their adverse effects on natural character, natural ecosystems and public interest, cannot otherwise be avoided, remedied or mitigated.
- (d) Bylaw provisions that reserve space for uses of craft, vessels or other activities on the surface of coastal waters, and that prohibit activities in certain locations.
- (e) Bylaw provisions that allow occupation and use of areas for vessels for special occasions.
- (f) Rules that allow the temporary exclusive occupation of space, including temporary structures for military training purposes.
- (g) Rules that regulate the effects of disturbance, structures or occupation on public access in the coastal marine area.
- (h) Rules that enable the removal of unauthorised, abandoned or redundant structures adversely affecting public access. C72 6/20  
(D 10/21)  
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- (i) Rules that encourage efficient moorings, public moorings and moorings in appropriate locations.

### 21.6.30 Principal Reasons and Explanation

Access to and occupation of coastal marine space for private or commercial purposes may result in reduced opportunities for the use and enjoyment of that space by others. There is a need to control the uptake of space for such occupations in relation to the effect of loss of access for the public.

In some cases it may be possible to maintain or enhance public access in conjunction with private use of the coastal marine area, including public access over structures authorised for private or commercial purposes.

The Act and the New Zealand Coastal Policy Statement require maintenance and enhancement of public access to the coastal marine area, and disturbances, structures or other occupations of coastal space need to be controlled to ensure public access is retained as far as practicable.

### 21.6.40 Performance Monitoring Indicators

21.6.40.1 Rate of uptake of coastal space for private occupation.

## 21.7 ENHANCEMENT OF AMENITY VALUES

### 21.7.1 Issue

The conflict between the amenity value of the coastal marine area that depends on its natural character, and the cultural or recreational amenity obtained through changes to those natural qualities.

### 21.7.2 Objective

Maintenance and enhancement of the amenity value derived from the natural character of the coastal marine area.

### 21.7.3 Policies

*Refer to Rule sections 25.1 – 25.5.*

21.7.3.1 To avoid, remedy or mitigate the adverse effects of activities in the coastal marine area, including structures for its use and enjoyment, on the amenity values of any part of the coastal marine area or coastal land, particularly on those values dependent on natural character, such as in areas adjacent to national parks, estuaries and open beaches, and taking into account:

- (a) location
- (b) permanence
- (c) size and number
- (d) frequency and duration of use
- (e) need to exclude other activities or people.

### 21.7.20 Methods of Implementation

#### 21.7.20.1 Regulatory

- (a) Rules that regulate the adverse effects of the passage of craft or vehicles across or along the foreshore, particularly in estuaries.

- (b) Rules that regulate the construction, removal, use and maintenance of structures. C72 6/20  
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- (c) Rules that regulate the amenity effects of any disturbances or structures interfering with the movement of coastal water or sediment or involving excavation or removal of material.

### **21.7.30 Principal Reasons and Explanation**

The amenity value of the coastal marine area and of adjacent coastal land may be adversely affected by physical modifications and structures and its maintenance is a key element of the natural character of the coastal marine area. It is necessary to control the amenity effects of structures, disturbances or other activities, particularly as these may also affect the natural character of the coastal marine area.

### **21.7.40 Performance Monitoring Indicators**

- 21.7.40.1** Surveyed satisfaction of coastal users with the amenity value of the coastal marine area as affected by activities in the coastal marine area.

## **21.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 21.50.1** No decline in the healthy functioning and natural life-supporting capacity of coastal marine ecosystems and the natural functioning of the coastal processes.
- 21.50.2** Retention of valued natural habitats and features.
- 21.50.3** Limited rate of change of coastal landscapes and seascapes.
- 21.50.4** Minimal loss of opportunity for public access to coastal marine space as a result of private or commercial activities. Enhanced public access opportunities as a result of consent decisions.
- 21.50.5** Treaty of Waitangi principles upheld.
- 21.50.6** Retention of the key features of the Tasman's coastal marine area, including landscape and seascape values, amenity values, natural or unmodified ecosystems, active natural processes and cultural heritage values.
- 21.50.7** Continued public access to all significant coastal marine space but a continued reduction in complete access to certain areas.



## CHAPTER 22: AQUACULTURE

### 22.0 INTRODUCTION

This chapter deals with aquaculture development in the coastal marine area of the District. Aquaculture development is expected to have significant social, cultural and economic benefits for the District. It is also the activity likely to cause the greatest degree of change in the coastal marine area of the District in the immediate future.

The demand for space, and the wide range of competing interests and values, has led to specific sites in the coastal marine area being identified for aquaculture purposes and labelled Aquaculture Management Areas (AMAs). These AMAs, along with the related management provisions of the Plan and the prohibition of aquaculture activities over the remainder of the coastal marine area of the District, are seen as an efficient and effective means of promoting sustainable management of aquaculture and the environment in which it is undertaken.

The space required for aquaculture is subject to a range of competing demands and has particular recognised values. Thus the careful provision for and management of space for aquaculture activities is critical if the sustainable management of the coastal marine resource is to be achieved. Aquaculture has the potential to affect several of the matters of national importance identified in the Act: natural character, landscape, ecological values, public access and iwi values.

The coastal area of Golden Bay/Mohua and Tasman Bay/Te Tai o Aorere has significance to iwi. It is an area that sustained their tupuna. The values held by iwi about specific areas or sites may be diminished or destroyed by activities such as aquaculture. However, iwi also have interests as existing and potential future participants in aquaculture. It is for iwi to integrate their current and future aspirations for aquaculture with their wider values. While the location of the AMAs has been determined after having considered these wider iwi values, the Plan provisions recognise the potential for adverse effects on iwi values in respect of individual applications within AMAs. The Plan provisions which follow ensure that iwi commercial interests are not disadvantaged relative to other commercial interests.

Tangata whenua iwi have a responsibility, derived from their status as kaitiaki, to ensure the maintenance of the mauri (life force) of coastal waters within their rohe (tribal boundary), and have an expectation that their customary access to and use of traditional resources in the coastal marine area will be maintained.

Ngati Tama, Te Atiawa, and Ngati Rarua have been acknowledged and recognised as tangata whenua and kaitiaki in Mohua and Te Tai o Whakatu. As such, these iwi hold mana over the lands (whenua) and coastal waters (moana) within their rohe, exercised in accordance with tikanga. The AMAs have been named by the iwi as: Waikato (AMA 1), Puramakau (AMA 2), and Te Kumara (AMA 3).

Caution is needed in providing for, authorising, and managing the use of the public domain for aquaculture so that sustainable management of the resources of the coastal marine area is achieved. Provision for aquaculture must be accompanied by appropriate mechanisms to ensure that the overall coastal marine ecosystem retains its life-supporting capacity for its natural populations of organisms.

An area of Wainui Bay is separately recognised as an exception to the Aquaculture Exclusion Area. There is a specific policy recognising the favourable characteristics of this area for spat catching and its contribution to the aquaculture industry. Aquaculture rules provide for mussel farming, including mussel spat catching and mussel spat holding in the mapped area of Wainui Bay as a discretionary activity for which resource consent may be sought.

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Given the competing values associated with the establishment and ongoing operation of aquaculture in the District's coastal marine areas, and the incomplete understanding of its potential effects on the ecology and natural character of Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua, a cautious and adaptive approach has been taken in managing aquaculture. Additionally, in some sites in Tasman Bay, consideration needs to be given to the layout of structures for navigational purposes.

This approach allows the industry to develop, and at the same time ensures that more is learned about the environmental effects associated with aquaculture. It also provides mechanisms to limit and appropriately manage these effects.

In addition to the adaptive management approach, there are also mechanisms that exist in the Act to limit aquaculture development within the AMAs should effects of unforeseen significance occur. These mechanisms include:

- the Section 17 duty to avoid, remedy or mitigate adverse effects;
- the Section 123 provision to limit the duration of a consent;
- the Section 128 opportunity for Council to review conditions of consent;
- the powers under Sections 132 and 314 to cancel a consent;
- the Section 314 power of the Court to issue enforcement orders.

The Plan incorporates provisions for the ongoing sustainable management of aquaculture, while providing for consent applications to be made for a variety of species. The Plan recognises that the initial development and subsequent expansion of the industry is dependent upon a high level of ecological investigation, ongoing monitoring, and management of expansion. Ecological Advisory Groups will provide technical advice to assist the Council in managing any ecological effects that may arise for different types of aquaculture. Funding for the group(s) will be derived from monitoring charges imposed on relevant aquaculture consent holders.

## 22.1 PROTECTION OF VALUES

### 22.1.1 Issue

How to provide opportunity to achieve social and economic benefits from aquaculture, while maintaining, enhancing or protecting natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

### 22.1.2 Objective

Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

### 22.1.3 Policies

*Refer to Policy sets 21.1 – 21.7.*

*Refer to Rule section 25.1.*

#### AMAs

**22.1.3.1** To enable the AMAs to be used as discrete locations where aquaculture may occur in a way that adequately manages adverse effects on the natural and physical resources of the coastal environment, and on its life-supporting capacity, natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi.

**22.1.3.2** To provide for and map a discrete area where a resource consent may be sought for mussel spat catching and spat holding in recognition of the favourable characteristics of this area for spat catching and its contribution to the aquaculture industry.

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- 22.1.3.3** To prohibit aquaculture activities outside the locations identified in policies 22.1.3.1 and 22.1.3.2.
- 22.1.3.4** To limit aquaculture activities in subzones (a) – (d) of AMA 2 Puramakau and subzones (a) – (d) of AMA 3 Te Kumara to seasonal and rotational catching of scallop spat.
- 22.1.3.5** To limit aquaculture activities in subzones (e) – (k) of AMA 2 Puramakau and subzones (e) – (h) of Te Kumara, to seasonal and rotational catching of mussel spat.
- 22.1.3.6** To provide for the use of subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara for aquaculture that:
- (a) safeguards the life-supporting capacity of the environment;
  - (b) is compatible with and does not adversely affect existing aquaculture activities; and
  - (c) avoids as far as practicable adverse effects on the environment, and where complete avoidance is not practicable, ensures that adverse effects are remedied or mitigated.
- 22.1.3.7** To promote efficient utilisation of the AMAs for aquaculture activities.
- 22.1.3.8** To maintain public access to coastal space and resources (except where access is managed under other statutes).

#### **Tangata Whenua Iwi**

- 22.1.3.9** To recognise and provide for the relationship of iwi and their customs and traditions with their ancestral lands, waters, sites, wāhi tapu, and other taonga.
- 22.1.3.10** To protect sites of significance to iwi, including wāhi tapu and wāhi taonga, in providing for aquaculture.
- 22.1.3.11** To provide for continued customary access to traditional coastal resources (except where access is managed under other statutes).

#### **Adaptive Management**

- 22.1.3.12** To adopt a cautious and adaptive approach to aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara, limiting the extent of development until the significance of any adverse ecological effects of aquaculture is better known.
- 22.1.3.13** To allow successive stages of mussel farming development when Council is satisfied that the risk of adverse ecological effects is manageable.
- 22.1.3.14** To manage aquaculture involving filter feeding bivalves (excluding mussels) and/or other extractive species in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara, by requiring that any development be staged through:
- (a) authorising a first stage of development, with requirements to monitor and report on environmental effects resulting from farming the space at the full intensity of development allowed for that stage;
  - (b) allowing successive stages of development under the same consent, when Council is satisfied that the risk of adverse ecological effects is managed in accordance with policy 22.1.3.6.
- 22.1.3.15** To manage the development of aquaculture involving additive species by using tendering to allocate authorisations to apply for coastal permits to occupy space in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.

- 22.1.3.16** In accordance with policy 22.1.3.15, to tender a combined total of up to 280 hectares of space, for which consent applications can be made to occupy space for the purpose of aquaculture involving additive species.
- 22.1.3.17** Subject to policy 22.1.3.16, to determine the actual area to be tendered using information from investigations into physical conditions (such as depth and current) for aquaculture activities and any scientific investigations undertaken into environmental limits on aquaculture involving additive species.
- 22.1.3.18** Subject to policies 22.1.3.15 and 22.1.3.16, to:
- (a) limit the extent of development of aquaculture involving additive species to 10 hectares as a first stage of development under any consent until the significance of any adverse ecological effects is better known;
  - (b) allow successive stages of development (up to the total area held under an authorisation issued pursuant to policy 22.1.3.15) under the same consent, when Council is satisfied that the risk of adverse ecological effects is managed in accordance with policy 22.1.3.6.
- 22.1.3.19** To provide for the monitoring of actual and potential effects of aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara, on species, habitats, and ecological processes within Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua so that any individual and cumulative ecological effects are better understood.
- 22.1.3.20** To provide for the integrated management of natural and physical resources within the AMAs by requiring applicants for consent (other than for seasonal spat catching) to provide an ecological management plan over the entire subzone to which the application relates.
- 22.1.3.21** To provide for a formal review mechanism within consents issued for aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara, so that feedback and learning from monitoring can be utilised to review the appropriateness of conditions of consent.
- 22.1.3.22** To ensure the integrated management of ecological effects of aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.
- 22.1.3.23** To establish Ecological Advisory Group(s) to advise the Council on appropriate staging and development of aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.
- 22.1.3.24** To fund the activities of Ecological Advisory Group(s) through charges applied to consents for aquaculture in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.

### **Spat Catching**

- 22.1.3.25** To provide locations where spat catching can be carried out either seasonally or permanently.
- 22.1.3.26** To maintain a distinct season free from any form of aquaculture structures or occupation, in specific spat catching subzones.
- 22.1.3.27** Where appropriate, to limit the space used for spat catching in any spat catching season, in order to mitigate adverse effects on the natural and physical resources of the coastal environment.

## Miscellaneous

- 22.1.3.28** To avoid or mitigate significant adverse effects of mussel farming development in AMA 2 on natural character values in central Golden Bay/Mohua.
- 22.1.3.29** To ensure that navigation risks from aquaculture structures are adequately avoided or mitigated.
- 22.1.3.30** To ensure that aquaculture activities are managed to minimise:
- (a) the risk of incursion, predation and disease transmission;
  - (b) introduction of biosecurity risk organisms;
  - (c) genetic risk to wild stock.

## 22.1.20 Methods of Implementation

### 22.1.20.1 Regulatory

- (a) The zoning of areas, as Aquaculture Management Areas, and the prohibition of aquaculture elsewhere except for the Wainui Bay mussel farming sites as shown on the planning maps.
- (b) Recognition of Treaty Values in the coastal marine area through the zoning of AMAs and the setting aside of the Aquaculture Exclusion Area, and in decisions on consent applications.
- (c) Rules that require consent applications in specified subzones to be supported by comprehensive information on actual and potential effects of the proposed development, including effects on ecosystems and habitat in the vicinity of the application site, and proposals for the management of those effects.
- (d) Consent conditions requiring consent holders to monitor effects of aquaculture, including effects on ecosystems and habitat, to assist better understanding and management of the coastal environment.
- (e) Rules that allow applications for aquaculture involving filter feeding bivalves (including mussels) and other extractive species for whole specified subzones, but which limit initial development, with progression able to proceed if evaluation of monitoring from any stage indicates that the risk of adverse ecological effects is manageable.
- (f) Rules that allow applications for aquaculture involving additive species, but which limit the first stage of development, with progression beyond this if evaluation of monitoring from any stage indicates that the risk of adverse ecological effects is manageable.
- (g) Establishment of Ecological Advisory Group(s) (EAG) comprised of appropriately qualified marine ecologists to advise the Council on ecological effects of aquaculture in specified subzones. The composition of an EAG will be in accordance with the protocol in Schedule 25H.
- (h) Requirements for financial contributions, Section 36 charges, coastal occupation charges, and any other charges to assist in managing effects of aquaculture.

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### 22.1.20.2 Education and Advocacy

- (a) Support for industry self-regulation to manage effects on the environment, such as through national guidelines and codes of practice, in addition to industry meeting conditions established through this Plan or incorporated in resource consents.
- (b) Advocating for the allocation of Public Good Science Fund monies for investigating effects of aquaculture on public resources.
- (c) Public availability of monitoring data and results.

### 22.1.20.3 Investigations and Monitoring

- (a) Development of a long-term strategy for monitoring the state of the coastal environment in Golden Bay/Mohua and Tasman Bay/Te Tai o Aorere, including monitoring effects from aquaculture activities. The strategy will include monitoring undertaken by the Council or other agencies, as well as monitoring that is required by conditions on coastal permits.
- (b) Evaluating results of monitoring, to determine whether consent conditions should be altered, and to determine the rate or scale of expansion (or contraction) of aquaculture through staging.
- (c) Monitoring compliance with the conditions of individual consents.
- (d) Advocating for and participating in the gathering of information (including scientific investigations) relating to the effects of aquaculture involving additive species in Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua, including to inform decisions about tendering space in marine farming subzones pursuant to policy 22.1.3.15 and decisions on coastal permit applications.

### 22.1.30 Principal Reasons and Explanation

Aquaculture has the potential to bring economic benefits to the District and the nation.

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It also has potential to adversely affect existing attributes of, and activities carried out in, the coastal environment of the District. Some of those attributes have predominantly non-monetary value, yet in combination they also contribute to economic benefits such as through tourism.

The Plan provisions enable opportunity for aquaculture and indicate where it is appropriate and where it is not, in accordance with the Act. The provisions incorporate a cautious approach to aquaculture that takes the form of:

- (a) zoning discrete AMAs for aquaculture and prohibiting it elsewhere;
- (b) requiring baseline assessment of application sites coupled with requirements to monitor the effects of aquaculture activities;
- (c) seasonal use of spat catching sites.
- (d) providing for development of aquaculture (other than spat catching in specified subzones) in stages according to the results of monitoring.
- (da) providing for mussel farming, including mussel spat catching and mussel spat holding in the mapped area of Wainui Bay as a discretionary activity.

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The combination of zoning areas for aquaculture and prohibiting it elsewhere addresses the potential impact of aquaculture on natural character, landscape, ecological, public access, recreational, and amenity values, and those values important to tangata whenua iwi. It also has benefits of certainty both for parties wishing to participate in aquaculture, and for parties seeking a level of surety from effects of aquaculture.

The requirements for baseline information and subsequent monitoring of effects of aquaculture need to be supplemented by state-of-the-environment monitoring by Council, to gain a more comprehensive understanding of the coastal environment and the impact that aquaculture activities have on it. This process of increasing the knowledge base will be important for further policy development and decision-making, as well as ensuring the longer term sustainability of the natural resources in Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua and the appropriate management of important coastal values in this area. Information needs to be made readily available so that people in the community can participate effectively in the sustainable management of the coastal environment.

Uncertainty about possible adverse effects warrants limited areas initially being made available for aquaculture involving extractive or additive species until effects are better understood. The same uncertainty warrants consents being subject to conditions requiring monitoring of effects. A sharing of knowledge from different agencies and operators will be needed for further policy development relating to aquaculture, particularly in relation to cumulative effects and the long-term sustainability of the marine environment.

### **Aquaculture Involving Filter Feeding Bivalves and/or Other Extractive Species**

Controlled activity status enables an initial stage of mussel or filter feeding bivalve farming to begin with minimal administrative processes, and restricted discretionary status is applied to larger scale proposals. Aquaculture involving other extractive species is subject to a discretionary resource consent process irrespective of the size of the proposal, in recognition of the limited information that is available on the farming of species other than filter feeding bivalves in the District. Ecological monitoring conditions are imposed to improve the information base for decisions about subsequent stages of mussel, filter feeding bivalve and other extractive species farming. Provision is made for review of consent conditions, providing opportunity to curb the activity or allow its expansion, depending on the results of monitoring.

Seasonal use of spat catching sites allows spat catching to occur in locations where permanent farming operations would have unacceptable effects on natural character and amenity values, navigation or public access opportunities. A distinct season without spat catching structures in place is necessary to achieve that intent.

Encouraging and involving the industry, the community, environmental groups and iwi in developing the Council's monitoring programme should help ensure its success. In addition, industry initiatives for promoting and implementing alternative methods of managing effects are encouraged. These methods include ecological management plans and codes of practice, which will assist in the sharing of knowledge and provide for a greater understanding of the issues by all the parties that have a stake in the coastal marine area.

### **Aquaculture Involving Additive Species**

Aquaculture involving additive species has not previously occurred in Tasman and its effects on the Tasman marine environment are largely unknown. A more cautious approach has therefore been adopted to applications for this type of aquaculture.

A limited amount of space will be available to be used for aquaculture involving additive species, with a maximum of 280 hectares within subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara. The actual area that will be made available will reflect the results of investigations into physical conditions (such as depth and current) and any scientific investigations undertaken into environmental limits on aquaculture involving additive species.

As there is limited space, tendering will be used to offer the opportunity to convert existing farms or establish new farms for additive species. However, space in subzones (b) – (d) of AMA 1 Waikato, (l) – (o) of AMA 2 Puramakau, and (l) of AMA 3 Te Kumara, will not be tendered until these subzones have become gazetted aquaculture areas. There will therefore be more than one round of tendering. Furthermore, the Council may choose to tender smaller areas of space in several rounds of tendering.

Tendering will provide industry with the flexibility to determine where they would like to farm additive species and the extent to which they would like to develop such farms. While the 280 hectare maximum space is based on an average of 20 hectares in each subzone (excluding the spat catching subzones), tendering will enable industry to develop more space in one subzone and less in another.

Successful tenderers will have to apply for resource consent to develop the allocated space. This will be subject to a discretionary resource consent process, which will be informed by available scientific research and include the requirement to develop ecological monitoring programmes to comprehensively assess both the individual effects of each proposal and cumulative effects in combination with other aquaculture activities in the same and neighbouring subzones. It will also be a requirement that the development be staged, with no more than 10 hectares developed initially under any consent. Further expansion would be dependent on the results of monitoring. A successful tender is no guarantee of obtaining resource consent.

**22.1.40 Performance Monitoring Indicators**

- 22.1.40.1** Increased level of knowledge by Council, consent applicants and holders, and the community, about the marine environment.
- 22.1.40.2** The nature of monitoring required by consent conditions.
- 22.1.40.3** The nature and incidence of adverse effects of aquaculture development, including changes to habitat conditions and ecosystems, and navigation incidents involving aquaculture structures.

**22.1.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 22.1.50.1** Development of aquaculture with limited adverse effects on the coastal environment overall.
- 22.1.50.2** Social, cultural and economic benefits are gained from aquaculture, without unacceptable environmental costs.

## CHAPTER 23: NATURAL HAZARDS AND HAZARDOUS SUBSTANCES

### 23.0 INTRODUCTION

#### A. Natural Hazards

Natural hazards are essentially natural processes or events. They are regarded as hazards to the extent that they are a threat to life, property or some environmental feature. The principal concern is when the area, quality or character of land - and hence its value - is reduced by natural coastal process.

Erosion and deposition are continuing processes. Major fluctuations occur during storm events. A long-term database is needed to show long-term trends, distinct from short-term fluctuations. Erosion and deposition occur along soft shoreline and where rivers discharge sediment from eroding catchments.

Sea-level rise is a potential process, likely to exacerbate erosion, deposition and flooding.

Flooding on the coast is an intermittent hazard. Tide level, river flood water, onshore winds, and low atmospheric pressure, are contributing factors. Its effect at varying flood height can be predicted, but the occurrence and scale of flooding can only be predicted at short notice. River mouths and estuaries are primarily affected, but tide or river levels may also prevent stormwater draining from sites further landward, as in Motueka.

Earthquake and tsunami are isolated events, whose timing, scale and effect are not predictable.

The Act and the New Zealand Coastal Policy Statement seek the avoidance or mitigation of adverse effects of natural hazards. The natural processes that cause hazards cannot be avoided but, where possible, their effects should be avoided or mitigated. Sustainable management of physical resources could include protection of land and buildings. However, the natural character of the coastal environment is required to be preserved. It will not be preserved if the natural processes that create it are interfered with or disrupted.

The New Zealand Coastal Policy Statement proposes that the ability of natural features to protect subdivision, use or development should be maintained and, where appropriate, enhanced. It also proposes that the functioning of coastal processes should be protected, and that coastal protection works should be avoided, without resolving inconsistencies between these statements. The New Zealand Coastal Policy Statement also limits coastal protection works to circumstances where they are the best practicable option (without indicating how that is to be assessed), requiring abandonment or relocation of structures to be considered as alternatives to protection works.

#### B. Hazardous Substances

The presence of hazardous substances in the coastal marine area is limited to fuel and cargo in vessels transiting the area and minor vessel refuelling installations at the District's ports. Possible sources are in waste or effluent requiring disposal, or future undersea resource investigation or extraction processes.

The Act's provisions regarding discharges to the coastal marine area are in transition, with the current Plan rule and resource consent requirements likely to be replaced. Regulations will define and govern the discharge of "harmful substances", and any dumping of waste is to be by consent only (not through Plan rules).

The Maritime Transport Act 1994 requires Council to prepare and implement an oil spill contingency plan.

Hazardous substances in the coastal marine area are a possible future issue, and this chapter provides general contingency measures.

## 23.1 NATURAL HAZARDS

### 23.1.1 Issues

- 23.1.1.1** The desire to protect the value of land by preventing loss of land, inundation, raised water-table or saltwater intrusion, compared with the practicality and cost of achieving effective protection and the legislative preference to let natural processes run their course.
- 23.1.1.2** The effects of coastal protection works on:
- (i) habitats and ecosystems;
  - (ii) currents, wave energy, sediment movement and deposition;
  - (iii) natural character, landscape and amenity values;
- and effects beyond the site of the works.
- 23.1.1.3** The navigational risks of mobile sand spits, bars and banks, and of reduced water depth in estuaries.
- 23.1.1.4** Habitat damage from flood or storm events, or change in habitat type such as reduced area or depth of water in estuaries and diminished intertidal margin, as mean high water springs advances to land of increasing gradient.

### 23.1.2 Objective

Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.

### 23.1.3 Policies

*Refer to Policy set 13.1.*

*Refer to Rule sections 16.3, 25.1 – 25.5.*

- 23.1.3.1** To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required.
- 23.1.3.2** To avoid developments or other activities that are likely to interfere with natural coastal processes, including erosion, accretion, and inundation, except as provided for in Policy 23.1.3.6.
- 23.1.3.3** To prevent natural hazards being aggravated by subdivision, use or development, including off-site effects of any coastal protection works.
- 23.1.3.4** To monitor coastal processes and the extent to which they constitute a hazard.
- 23.1.3.5** To prepare a hazard management strategy identifying hazards, hazardous areas, and management options for these.
- 23.1.3.6** To allow the establishment of coastal protection works only where:
- (a) the works are justified by a community need;
  - (b) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost, or have greater adverse effects on the environment;

- (c) it is an inefficient use of resources to allow natural processes to take their course;
- (d) for works protecting individual properties, the works will not cause or exacerbate adverse effects on other properties in the vicinity;
- (e) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect the natural character, natural processes or amenity values of the coastal marine area beyond the site of the work;
- (f) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes do not adversely affect the natural character or amenity values of the coastal marine area;
- (g) public access to and along the foreshore is maintained or enhanced; and
- (h) other adverse effects of the work are avoided, remedied, or mitigated.

**23.1.3.7** To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.

**23.1.3.8** To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).

## **23.1.20 Methods of Implementation**

### **23.1.20.1 Regulatory**

- (a) Rules that allow certain existing coastal protection structures, but control their adverse effects on coastal processes.
- (b) Rules that control likely adverse effects of other structures or works for coastal protection purposes.
- (c) Rules that control buildings and subdivision on coastal land, including in the Coastal Risk Area and the Coastal Environment Area.

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## **23.1.30 Principal Reasons and Explanation**

Coastal processes constitute hazards to use of coastal land, and over time may change the character of the coastal environment. Existing coastal development that becomes at risk, generates a demand for protection works. The Act and the New Zealand Coastal Policy Statement require natural processes to not be impeded in preserving the natural character of the coastal environment. New development that may be exposed to hazard effects should be avoided, and protection works for existing development need to be controlled where adverse effects may result.

## **23.1.40 Performance Monitoring Indicators**

- 23.1.40.1** Changes in the extent of coastal subdivision and buildings in areas subject to coastal erosion or sea flooding.
- 23.1.40.2** Establishment or removal of coastal protection structures or other coastal structures impeding natural coastal processes.

## 23.2 HAZARDOUS SUBSTANCES

### 23.2.1 Issue

Hazardous substances present risks in the coastal marine area.

### 23.2.2 Objective

A coastal marine area in which public safety, people's property, and the environment, are free of adverse effects from hazardous substances.

### 23.2.3 Policies

*Refer to Rule section 16.7.*

- 23.2.3.1 To avoid any likely adverse effects of any facility for the storage, use, or transport of any hazardous substance in the coastal marine area, including those effects arising from the inappropriate location, design, construction or management of such facilities.
- 23.2.3.2 To require the storage or transport of hazardous substances in the coastal marine area to comply with the requirements or advice of the manufacturer.
- 23.2.3.3 To prevent the disposal of any hazardous substance in the coastal marine area.
- 23.2.3.4 To require contingency plans to be prepared and implemented for any accidental discharge of any hazardous substance into the coastal marine area arising from its storage, use or transport.
- 23.2.3.5 To prevent the generation of radioactive material or the generation of energy from radioactive material in the coastal marine area.

### 23.2.20 Methods of Implementation

#### 23.2.20.1 Regulatory

- (a) Rules that regulate the storage or use of hazardous substances in the coastal marine area.
- (b) Rules that prohibit the manufacturing or processing of any hazardous substance in the coastal marine area.
- (c) Rules that prohibit the generation of radioactive material or the generation of energy from radioactive material, or the use of radioactive material for educational or research in the coastal marine area.

### 23.2.30 Principal Reasons and Explanation

The use, transport, storage or disposal of hazardous substances may significantly contaminate the coastal marine area. It is unacceptable to allow such risks in this mobile and natural environment. Activities connected with hazardous substances are controlled to avoid or limit these risks.

### 23.2.40 Performance Monitoring Indicators

- 23.2.40.1 Establishment of activities involving the use, storage, transport or disposal of hazardous substances in the coastal marine area.

**23.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 23.50.1** No increased exposure of built development to coastal hazards.
- 23.50.2** Continued change to shoreline form and location as a result of coastal processes, except where protection works have been established.
- 23.50.3** No increased risk of contamination from hazardous substances in the coastal marine area.



## CHAPTER 24: NOISE EMISSIONS

### 24.0 INTRODUCTION

There are several sources of noise in the coastal marine area:

- (a) vessel noise, especially repetitive noise at one location, such as generators running on anchored or berthed vessels;
- (b) recreational noise, including amplified sound (stereos etc.) and nautical revelries;
- (c) port activities, including cargo handling, boat building and maintenance and port construction works;
- (d) machinery used in beach grooming or replenishment;
- (e) offshore operations such as drilling, mining or processing.

Marine noises may be continual, repetitive, recurring, occasional, or single event. Noise from vessels in transit is normally of short duration at any one place. Noise from repetitive or fixed activities, or stationary vessels, is more likely to cause nuisance to people. Wildlife may remain disturbed long after a vessel has passed or be affected over a prolonged period by a succession of vessels.

Natural sources include wind and wave noise, which frequently mask the non-natural noises.

The main adverse effects of marine noise are disturbance to birdlife and marine mammals, whether at sea or ashore, and detraction from other people's activities or their enjoyment of particular activities. Effects on fish life are more limited.

Noise is a matter of perception. Noise associated with normal or considerate use of vessels, machinery or activities, or where its duration is known to be finite, is likely to be accepted; but noise is likely to be cited as a major factor in any inconsiderate use of vessels.

### 24.1 EFFECTS OF NOISE

#### 24.1.1 Issue

The effects of noise from activities in the coastal marine area on natural character, wildlife, amenity values and people's enjoyment of other activities.

#### 24.1.2 Objective

A coastal marine area in which noise levels do not adversely affect natural character, amenity values or wildlife in the coastal environment.

#### 24.1.3 Policies

*Refer to Policy sets 20.1, 21.1, 21.6.*

*Refer to Rule sections 25.1 – 25.5.*

**24.1.3.1** To avoid, remedy or mitigate adverse effects of noise from activities in the coastal marine area on the natural character of the coastal environment and in places where natural quietness contributes to the amenity value of a coastal locality.

**24.1.3.2** To avoid, remedy or mitigate adverse effects of noise from activities in the coastal marine area on wildlife, including seabirds and marine mammals, and especially effects on their continued

occupation of their usual habitat, including feeding and roosting areas and their ability to breed successfully.

## **24.1.20 Methods of Implementation**

### **24.1.20.1 Regulatory**

- (a) Rules that direct (including prohibit) the location of particular activities or the use of particular types of craft, where effects of noise cannot be adequately managed by other means.
- (b) Rules that limit the hours or seasons of operations.
- (c) Rules that limit noise levels of coastal marine activities.

### **24.1.20.2 Education and Advocacy**

- (a) Promoting awareness of the effects of noise on fauna inhabiting the coastal environment.
- (b) Promoting consideration of other people's values when causing noise in the coastal environment.

## **24.1.30 Principal Reasons and Explanation**

Noise is potentially an issue in the coastal marine area. This chapter sets out a policy and implementation framework should it become necessary to regulate noise in any particular instance. The policies will be applied to any activity requiring a coastal permit. No rules have been included but could be incorporated by subsequent Plan change (subject to public submissions at that time).

## **24.1.40 Performance Monitoring Indicators**

- 24.1.40.1** Incidence of conflict arising from noise emissions from activities in the coastal marine area.

## **24.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 24.50.1** Continued use and enjoyment of the coastal environment (including land adjoining the coastal marine area) without disruption by noise from marine activities.
- 24.50.2** Continued occupation by wildlife of their usual habitat and continued successful breeding.

# CHAPTER 25: COASTAL MARINE AREA RULES

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**25.1 STRUCTURES AND OCCUPATION**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1, 24.1.*

**25.1.1 Scope of Section**

This section deals with occupation and associated structures for a range of purposes, within the coastal marine area. Disturbance relating to aquaculture structures is addressed in Section 25.1. Disturbance relating to other activities in the coastal marine area are dealt with in Section 25.2. Information required with coastal permit applications for occupation or structures is detailed in Chapter 26.

**25.1.2 Structures Relating to Craft****25.1.2.1 Permitted Activities (Structures Relating to Craft)**

Any structure for the launching, haulout, mooring, berthage, or storage of craft, including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The activity is the occupation of the coastal marine area by, and use of, a structure listed in Schedule 25A; OR
- [Clauses (i) – (vi) of condition 25.1.2.1(b) are deleted]*
- (c) The activity is the occupation of the coastal marine area by and use of a mooring structure in a Mooring Area that is authorised by a Mooring Licence issued under the Council Consolidated Bylaw, Chapter 5A, provided that:
- (i) no person lives on board a craft moored on the mooring for a period exceeding seven days within any two calendar months;
  - (ii) no commercial operations are undertaken on board a craft moored on the mooring;
  - (iii) any mooring in Torrent Bay/Rākauroa and Boundary Bay Mooring Area is in association with an interest in a land title at Torrent Bay/Rākauroa and Boundary Bay; OR
- (d) The activity is the maintenance, repair or replacement of the structure and meets the following conditions (except mooring within a Mooring Area):
- (i) There is no change in the character, intensity or scale of the structure.
  - (ii) There is no change in the location of the structure.
  - (iii) The materials used are similar or the same as previously used for the structure.
- (e) The owner of the structure provides their name and contact details to the Harbourmaster;

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AND

- (f) The structure is maintained free of any pest or pest agent declared under the Biosecurity Act 1993.

**25.1.2.2 Controlled Activities (Structures Relating to Craft)**

[Rule 25.1.2.2 is deleted]

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**25.1.2.3 Discretionary Activities (Structures Relating to Craft)**

Any structure for the launching, haulout, mooring, berthage, or storage of craft, or yacht or boat club clubrooms, and including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds, that does not comply with rule 25.1.2.1, is a discretionary activity, if it complies with the following conditions:

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- (a) The structure is not sited in any area identified in Schedule 25D, except:
- (i) within 200 metres of the breakwaters at Port Tarakohe, as they existed at 31 December 2002;
  - (ii) within 100 metres of the wharves, jetties, boatramps or slipways at Port Mapua, Port Motueka, Waitapu, Collingwood or Mangarakau, as they existed at 31 December 2002;
  - (iii) within 75 metres of the public jetty at Torrent Bay/Rākauroa, as it existed at 31 December 2002;

OR

- (b) The structure is a launching ramp or swing mooring; and
- (c) The New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work at the time of commencement and completion.

**A resource consent is required.** Consent may be refused or conditions imposed to manage any likely effect of the activity. Council's assessment of an application may include, but is not restricted to, consideration of the following matters:

- (1) The purpose of the structure, and the appropriateness of its being located in the coastal marine area, including reasons why any location on dry land is not suitable.
- (2) The scale of the structure.
- (3) Structural integrity.
- (4) The effects of the structure and its use, including:
  - (a) effects on the natural character of the coastal environment;
  - (b) effects on the shape of the shoreline (in plan view and profile);
  - (c) effects on the long-term stability of the foreshore or seabed;
  - (d) effects on animal and plant habitats and ecosystems, including effects on the natural ecosystem values of the areas listed in Schedule 25D;
  - (e) the risk of material or contaminants moving or leaching from the structure into any part of the coastal marine area;
  - (f) changes to wave patterns, current flow, sediment transport and deposition, exchange of saltwater and fresh water, nutrient transfer, or other coastal processes;
  - (g) navigational safety;
  - (h) public access;
  - (i) access and use by other authorised activities.
  - (j) amenity values of the locality;
  - (k) efficiency of the use of space for the structure;

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- (l) effects of the existence and use of the structure on landscape and seascape values and visual amenity;
  - (m) effects during the construction, continued existence, maintenance and use of the structure;
  - (n) any likely adverse effects from the removal of any existing structure;
  - (o) effects on water quality;
  - (p) effects on any network utility; C72 6/20  
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  - (q) effects on any heritage or cultural value. Op 7/22
- (5) Measures to avoid, remedy, or mitigate any identified adverse effects of the structure.
- (6) Circumstances where removal of the structure will be required.
- (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).
- (8A) Circumstances when living aboard the structure or any associated use will be provided for. C72 6/20  
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- (8B) Any declaration under the Biosecurity Act 1993.
- (9) In relation to launching ramps, the following:
- (a) the need for ancillary facilities such as trailer parking, catwalk or protection from wind and wave action;
  - (b) safety in relation to other adjacent activities;
  - (c) width and gradient of the ramp, and its alignment to wind, waves and current;
  - (d) practicality in relation to natural foreshore processes.
- (10) In relation to slipways and haulout facilities for vessel construction or maintenance, the following:
- (a) the use for which the facility is sought, and the effects of that use on the environment and on other activities and values in the vicinity;
  - (b) measures to prevent the escape of wastes and contaminants to the coastal marine area;
  - (c) appropriate authorisation for the dry land activity to which the facility relates.
- (11) In relation to swing or pile moorings, the following:
- (a) relationship with tenure, use and character of land in the vicinity;
  - (b) permanence, or ease of removal;
  - (c) intended duration or frequency of use, including seasonal or intermittent use.
- (12) In relation to jetties, wharves and other structures providing berthage, the following:
- (a) practicality and effectiveness of the structure in relation to tidal range and seabed gradient, and its effects on the natural character and public access, or access by other specified parties, to and along the coastal marine area or its margins;
  - (b) the use of the facility, including commercial, public or sole or shared private use;

- (c) relationship with the tenure, use and character of land in the vicinity.
- (13) In relation to boatsheds, including ancillary ramps or slipways, the following:
  - (a) practicality and effectiveness of the structure in relation to tidal range and seabed gradient.

#### 25.1.2.4 Non-Complying Activities (Structures Relating to Craft)

Any structure for any of the purposes specified in rule 25.1.2.3, that does not comply with the conditions of that rule, is a non-complying activity.

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

#### 25.1.3 Occupation and Disturbance by Structures for Spat Catching in:

- ▶ **Subzone (a):** AMA 1 Waikato
- ▶ **Subzones (a) – (k):** AMA 2 Puramakau
- ▶ **Subzones (a) – (h):** AMA 3 Te Kumara

#### 25.1.3.1 Controlled Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for scallop spat catching or mussel spat catching in subzone (a) AMA 1 Waikato, subzones (a) – (k) AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a controlled activity, if it complies with the following conditions:

##### AMA 1 Waikato Subzone (a)

- (a) The activity has been undertaken pursuant to a marine farm licence or coastal permit existing at 1 January 2004, for which a new permit is sought. Conditions (b) to (j) below shall not apply.

##### For Scallop Spat Catching

- (b) The activity occurs entirely within a subzone for scallop spat catching, and in any season the activity occurs in only one of subzones (a) – (d) in AMA 2 Puramakau and AMA 3 Te Kumara respectively. For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones, with only one subzone in each bay to be used in any season.
- (c) Prior to the commencement of each season, the Group Manager – Environment Assurance Group of Council is to be advised in writing of the sites to be used. CI20A  
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- (d) Notwithstanding (b), scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.

##### For Mussel Spat Catching

- (e) Subject to condition (f), the activity occurs entirely within subzones (e) – (k) of AMA 2 Puramakau and (e) – (h) of AMA 3 Te Kumara.
- (f) In any season the activity occurs in only:
  - (i) one of subzones (e) – (g) in AMA 2 Puramakau;
  - (ii) one of subzones (h) – (j) in AMA 2 Puramakau;
  - (iii) subzone (k) in AMA 2 Puramakau;
  - (iv) one of subzones (e) – (g) in AMA 3 Te Kumara;

- (v) one-third of subzone (h) in AMA 3 Te Kumara.

(For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones (e) – (k) in AMA 2 Puramakau and (e) – (h) in AMA 3 Te Kumara.)

- (g) Notwithstanding (e), mussel spat caught as a by-catch in scallop spat-catching subzones, and scallop spat caught as a by-catch in mussel spat-catching subzones, may be harvested.

#### **For All Spat Catching**

- (h) The activity allowed by condition (b) or condition (e) occurs only in the period between 1 November and 30 April in the following year.
- (i) The activity uses longline structures, with backbone lines submerged and maintained at a depth of not less than 5 metres below the surface of the water.
- (j) The presence of longlines is marked by surface floats connected to the submerged backbone lines, but above the backbone lines there is no connection between floats.

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

- (1) Ecological effects, including monitoring.
- (2) Type, scale, location, density and integrity of structures.
- (3) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (4) Management of biosecurity risk organisms, such as *Undaria*.
- (5) Duration of the permit.
- (6) Financial contributions, bonds, administrative charges.
- (7) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Where the spat catching is to occur in a subzone not used for spat catching in the last five years, no spat-catching structures are placed in the water until information to implement Schedule 25E has been provided to the Council.

- (vi) Where the spat catching is to occur in a subzone used for spat catching within the last five years, no spat catching structures are to be placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat-catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

### 25.1.3.2 Restricted Discretionary Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, in subzone (a) AMA 1 Waikato, subzones (a) – (k) AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara for mussel spat catching and scallop spat catching, and the activity does not comply with condition (i) or (j) of rule 25.1.3.1, is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity occurs only in the period between 1 November and 30 April in any 12-month period.
- (b) The activity uses longline structures, including surface backbone lines and floats.
- (c) Scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.

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

- (1) Type, scale, location, density and integrity of structures.
- (2) Treaty values.
- (3) Ecological effects, including monitoring.
- (4) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (5) Management of biosecurity risk organisms, such as *Undaria*.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.

- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Where mussel spat catching is to occur in a subzone not used for mussel spat catching in the last five years, no spat catching structures are placed in the water until information to implement Schedule 25E has been provided to the Council.
- (vi) Where spat catching is to occur in a subzone used for spat catching in the last five years, no spat catching structures are placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat-catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

### **25.1.3.3 Prohibited Activities (Spat Catching)**

- (a) Scallop and mussel spat catching in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara that does not comply with conditions (a) – (h) of rule 25.1.3.1 or with rule 25.1.3.2 is a prohibited activity for which no resource consent application will be received or granted. For the avoidance of doubt, this does not preclude an applicant from applying for consent to catch spat across all spat-catching subzones in an AMA in successive years, subject to compliance with rule 25.1.3.1(b) and (f) in any spat-catching season.
- (b) The catching of spat of species other than scallops or mussels in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a prohibited activity for which no resource consent application will be received or granted.
- (c) Aquaculture other than the catching of scallop or mussel spat in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a prohibited activity for which no resource consent application will be received or granted.

### **25.1.4 Occupation and Disturbance by Structures for Aquaculture in:**

- ▶ **Subzones (a) – (d): AMA 1 Waikato**
- ▶ **Subzones (l) – (q): AMA 2 Puramakau**
- ▶ **Subzones (i) – (l): AMA 3 Te Kumara**

**Note:** Catching of spat falls within the definition of ‘aquaculture’ and is therefore provided for under rules 25.1.4.1 – 25.1.4.5 below within subzones (a) – (d) AMA 1 Waikato, subzones (l) – (q) AMA 2 Puramakau and subzones (i) – (l) Te Kumara.

**Note:** The activities provided for by rules 25.1.4.1 – 25.1.4.5 may also require consent for discharge under rule 36.2.3.1 or 36.2.3.2, but note that effects of shell and live organism drop-off, faeces and pseudofaeces are addressed under the rules for occupation of the coastal marine area for the purposes of aquaculture and therefore do not need separate discharge permits.

### **25.1.4.1 Controlled Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture involving filter feeding bivalves (including mussels) is a controlled activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.

- (b) Except for AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (c) The aggregate area of consent(s) in any one subzone is:
- (i) less than 50 hectares, which is located in one contiguous area, and is to be farmed at up to the full intensity allowed by the consent; or
  - (ii) less than 75 hectares, which is located in one contiguous area, and is to be farmed at not more than 67 percent of the intensity in (i); and
  - (iii) for either (i) or (ii), no current consent exists for spat catching in that same subzone;
- or (d) applies.
- (d) The activity occurs in AMA 1 Waikato subzone (a) on a site that has been farmed pursuant to a marine farm licence or coastal permit that existed on 25 May 1996, for which a new permit is sought.
- (e) The activity uses longline structures, incorporating surface buoys.

**A resource consent is required.** Conditions will be imposed on the following matters over which the Council has reserved control:

- (1) Ecological effects, including:
- (a) monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
  - (b) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock;
  - (c) application of available monitoring information through consent conditions and reviews;
  - (d) consistency with the ecological management plan for the subzone;
  - (e) integration with ecological management plans that are relevant for other subzones in the same AMA.
- (2) Natural character values (AMA 2 Puramakau, subzone (l) only). *Refer to Schedule 25G.*
- (3) Type, scale, location, density and integrity of structures.
- (4) Treaty values.
- (5) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) The activity does not discharge contaminants to the sea, and in particular tributyl-tin anti-fouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.

**25.1.4.2 Restricted Discretionary Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

- (ii) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (iii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iv) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (v) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (vi) No structures are placed in the water until baseline information to implement Schedule 25E has been provided to the Council.

For the avoidance of doubt, baseline information is not required for replacement consents where the application site has been farmed within the last five years.

**25.1.4.2 Restricted Discretionary Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture involving filter feeding bivalves (including mussels) that does not comply with the conditions of rule 25.1.4.1, is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.
- (b) The activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (c) Except in AMA 1 Waikato subzone (a) or (b), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.
 

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over whole subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group. “Full intensity of development allowed by the consent” means 50 hectares farmed at full intensity.
- (d) The activity uses longline structures, incorporating surface buoys.

**Note:** In circumstances where it is not possible or practicable to farm at full intensity (as per condition (c) of this rule), parties wishing to progress beyond the first stage of development will need to apply to the consent authority to review the conditions of consent.

**A resource consent is required.** Consent may be refused or conditions imposed on the following matters over which the Council has reserved its discretion:

- (1) Ecological effects, including:
  - (a) monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
  - (b) application of available monitoring information through consent conditions and review;
  - (c) consistency with the ecological management plan for the subzone;
  - (d) intensity of development;
  - (e) further development of aquaculture in any subzone;
  - (f) in AMA 1 Waikato subzones (a) and (b), the size of the initial stage of development;
  - (g) integration with ecological management plans that are relevant for other subzones in the same AMA;
  - (h) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.
- (2) Degree of exclusive occupation if sought.
- (3) Treaty values.
- (4) Type, size and scale, location, layout, density, and integrity of structures.
- (5) Natural character and amenity values, including visual and noise effects, except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau, subzone (1). *Refer to Schedule 25G.*
- (6) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (7) Duration of the permit.
- (8) Financial contributions, bonds, administrative charges.
- (9) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure.  

The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

- (v) Except where aquaculture activities have already commenced, no structures are placed in the water until the baseline information to implement Schedule 25E has been provided to the Council.

### **25.1.4.3 Discretionary Activities (Aquaculture Involving Extractive Species)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for:

- (i) aquaculture involving filter feeding bivalves (including mussels), that does not comply with condition (d) of rule 25.1.4.2; or
- (ii) aquaculture involving other extractive species;

is a discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
- (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.
- (b) No current consent exists for aquaculture involving additive species in that same subzone.
- (c) Except in AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (d) Except in AMA 1 Waikato subzone (a), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over whole subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group.

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

- (1) Ecological effects, including:
- (a) Monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site.
  - (b) Application of available monitoring information through consent conditions and review.
  - (c) Consistency with the ecological management plan for the subzone.
  - (d) Effects of intensity of development.
  - (e) Further development of aquaculture in any subzone
  - (f) In AMA 1 Waikato subzone (a), the size of the initial stage of development.
  - (g) Integration with ecological management plans that are relevant for other subzones in the same AMA.
  - (h) Managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.

- (2) Degree of exclusive occupation if sought.
- (3) Treaty values.
- (4) Type, size and scale, location, layout, density, and integrity of structures.
- (5) Natural character and amenity values, including visual and noise effects; except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau subzone (1). *Refer to Schedule 25G.*
- (6) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (7) Duration of the permit.
- (8) Financial contributions, bonds, administrative charges.
- (9) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Except where aquaculture activities have already commenced, no structures are placed in the water until baseline information to implement Schedule 25E has been provided to the Council.

#### 25.1.4.4 Discretionary Activities (Mussel Farming at Wainui Bay)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming, including mussel spat catching and mussel spat holding, is a discretionary activity, if it complies with the following conditions:

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Op 12/19

- (a) The activity is at the Wainui Bay mussel farming sites as shown on the planning maps; and
- (b) The activity uses longline structures, incorporating surface buoys.

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

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Op 12/19

The following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) The activity does not discharge contaminants to the sea, and in particular tributyl-tin anti-fouling is not used on any structure or equipment and no artificial feed is added to the sea.

For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.

- (ii) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (iii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iv) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (v) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.4.5 Discretionary Activities (All Other Aquaculture)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for:

- (i) aquaculture involving additive species; or
- (ii) aquaculture involving filter feeding bivalves (including mussels) that does not comply with condition (b) of rule 25.1.4.3; or
- (iii) aquaculture involving extractive species that does not comply with condition (b) of rule 25.1.4.3;

is a discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within one of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara
- (b) With the exception of aquaculture activities in AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25F, including baseline information, and must address the independent and cumulative effects of all aquaculture within the subzone.
- (c) For aquaculture involving additive species in subzones other than AMA 1 Waikato subzone (a):
  - (i) the applicant holds an authorisation to apply for consent, issued by the Council pursuant to policy 22.1.3.15;
  - (ii) a maximum of 10 hectares is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on development does not preclude consent being sought and granted over the whole area for which an applicant holds an authorisation to apply for consent. The progression of development beyond 10 hectares will be assessed by the Council after the monitoring reports for three years of farming 10 hectares at the full intensity allowed by the consent have been reviewed by an Ecological Advisory Group.

- (d) For aquaculture involving additive species in AMA 1 Waikato subzone (a):

- (i) the applicant holds an authorisation to apply for consent, issued by the Council pursuant to policy 22.1.3.15;
- (ii) the aggregate area authorised by all consents for aquaculture involving additive species within the subzone does not exceed 10 hectares as a first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on development does not preclude consent being sought and granted over the whole area for which an applicant holds an authorisation to apply for consent. The progression of development beyond 10 hectares will be assessed by the Council after the monitoring reports for three years of farming 10 hectares at the full intensity allowed by the consent have been reviewed by an Ecological Advisory Group.

- (e) For aquaculture involving extractive species in subzones other than AMA 1 Waikato subzone (a), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over larger areas of subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group.

- (f) For aquaculture involving extractive species in AMA 1 Waikato subzone (a) the activity occurs on a site that has been farmed pursuant to a marine farm licence or coastal permit that existed on 25 May 1996, for which a new permit is sought.

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

- (1) Ecological effects, including:
  - (a) water column and benthic effects resulting from the activity, in the vicinity of the site, throughout the subzone, and beyond the AMA;
  - (b) effects of structures on or above the surface of the water;
  - (c) cumulative effects of activities throughout the subzone, adjoining subzones and the wider environment;
  - (d) monitoring to ensure sustainable management of the marine environment;
  - (e) application of available monitoring information through consent conditions and review;
  - (f) consistency with the ecological management plan for the subzone;
  - (g) effects of intensity of development;
  - (h) further development of aquaculture in any subzone;
  - (i) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.
- (2) Location of different aquaculture activities throughout the subzone, including separation distances.
- (3) Type, size and scale, appearance, layout, density, and integrity of structures, including any accommodation and feed storage structures, plant and machinery.
- (4) Any proposed staging of the first stage of development.

- (5) Hydrodynamic effects.
- (6) Natural character and amenity values, including visual and noise effects; except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau subzone (I). *Refer to Schedule 25G*
- (7) Degree of exclusive occupation if sought.
- (8) Treaty values.
- (9) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (10) Duration of the permit.
- (11) Financial contributions, bonds, administrative charges.
- (12) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (b) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (c) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (d) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.4.6 Prohibited Activities (Aquaculture other than Spat Catching)**

Aquaculture that would otherwise be a restricted discretionary activity or a discretionary activity that does not comply with:

- (i) conditions (a), (b), and/or (c) of rule 25.1.4.2; or
- (ii) conditions (a), (c), and/or (d) of rule 25.1.4.3; or
- (iii) rule 25.1.4.4; or
- (iv) rule 25.1.4.5;

is a prohibited activity for which no resource consent application will be received or granted.

**Note:** Existing TRMP rule 25.1.5.2 is a permitted activity rule for the deployment of structures for scientific investigation. This rule would permit control sites for monitoring effects of aquaculture outside the AMAs, without conflicting with prohibited activity rule 25.1.4.6.

#### **25.1.4.7 Prohibited Activities (Aquaculture Exclusion Area)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture in the Aquaculture Exclusion Area is a prohibited activity for which no resource consent application will be received or granted.

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#### **25.1.5 Other Structures or Occupation**

##### **25.1.5.1 Permitted Activities (Disturbance or Occupation for Lines or Cables)**

Any disturbance or occupation of the coastal marine area for the installation, use, maintenance or replacement of submarine lines or cables is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The line or cable is completely and permanently buried under foreshore or seabed.
- (c) The line or cable is buried by mole plough or water blasting.
- (d) The site is reinstated within 72 hours.

##### **25.1.5.2 Permitted Activities (Structures, etc. for Scientific Investigation)**

The deployment of any structure, instrument or material for or in connection with any scientific investigation is a permitted activity that may be carried out without a resource consent, if it complies with the following conditions:

- (a) There is no damage to any animal or plant habitat.
- (b) There is no impediment to public access.
- (c) The structure or instrument is clearly marked so as not to be a hazard to navigation.
- (d) The structure of instrument does not occupy an area of more than 20 square metres nor exceed 5 metres in height.
- (e) The deployment does not constitute a contaminant discharge.

##### **25.1.5.3 Permitted Activities (Occupation for Temporary Military Training)**

Any occupation that excludes the public for temporary military training purposes in accordance with the Defence Act 1990 is a permitted activity that may be carried out without a resource consent, if it complies with the following conditions:

- (a) Public notice is given of the exclusion of the public, or warning signs are erected adjacent to the site of the activity, at least 24 hours before any occupation.
- (b) Only temporary and no permanent structures are erected.
- (c) Vehicle or vessel passage and disturbance of the foreshore or seabed complies with the rules of this Plan.
- (d) The duration of the occupation at any site is no more than 10 days.

#### **25.1.5.4 Permitted Activities (Structures for Recreational Hunting or Fishing)**

Any constructed platform or support structure for recreational hunting or fishing, including a mai-mai or whitebait stand, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The structure is constructed only from local natural materials (except for framing) and is no more than 5 square metres in area.
- (b) The structure does not impede or divert water flows.

#### **25.1.5.5 Permitted Activities (Disturbance or Occupation of the Coastal Marine Area)**

Any disturbance or occupation in the coastal marine area resulting from the maintenance, repair, replacement or reconstruction of any structure or work that is:

- (i) for the purpose of avoiding or mitigating effects of erosion or inundation; or
- (ii) part of a road, including any bridge, culvert or protection work;

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

- (a) The activity does not contravene any other applicable rule of this Plan.
- (b) The activity relates to an authorised structure or work.
- (c) There is no alternative location from which the activity can be carried out.
- (d) Disturbance is confined to the smallest practicable area and does not cause significant habitat damage.
- (e) The activity avoids further restriction to tidal flushing and fish passage.
- (f) Vehicle movement in the coastal marine area is avoided wherever practicable and otherwise:
  - (i) avoids unnecessary disturbance;
  - (ii) traverses hard substrate wherever practicable;
  - (iii) avoids indigenous vegetation wherever practicable.
- (g) Within seven days of the work being completed, the natural levels of the foreshore and seabed are reinstated as close as practicable to those which existed prior to the activity commencing.

#### **25.1.5.6 Permitted Activities (Aviation and Marine Navigational Aids and Beacons)**

The placement, operation and maintenance of aviation navigational aids and beacons, and marine navigational aids and beacons, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The navigational aid or beacon is installed for and on behalf of the Maritime Safety Authority, the Airways Corporation of New Zealand, or the Council, to mark a navigational hazard or for air navigational purposes.
- (b) Light spill to land is avoided as far as practicable, without detracting from the effectiveness of the navigational aid or beacon.
- (c) The navigational aid or beacon does not include an audible navigation warning.

- (d) All structures:
- (i) do not exceed 5 square metres in ground floor area; and
  - (ii) do not exceed 5 metres in height.

### 25.1.5.6A Permitted Activities (Removal of Structures)

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The removal of structures and any disturbance of the coastal marine area by or in connection with the removal is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

- (a) The removal is undertaken by or on behalf of:
- (i) the owner of the structure;
  - (ii) the Council; or
  - (iii) the Crown.
- (b) The area of disturbance does not exceed the minimum practical footprint required for access and removal.
- (c) Any damage to animal or plant communities does not exceed the minimum practical footprint required for access and removal or have any significant adverse effects on aquatic life.
- (d) The foreshore or seabed disturbed during the removal of the structure is restored as close as practicable to the local undisturbed condition within two days following removal.
- (e) Any person who intends to remove a structure must provide the following information to the Group Manager – Environment Assurance Group of Council before the removal takes place:
- (i) a description of the structure and how it is proposed to be removed;
  - (ii) the date of removal;
  - (iii) the expected duration required to remove the structure;
  - (iv) the location co-ordinates of the structure to be removed;
  - (v) how the structure will be disposed of; and
  - (vi) who will be undertaking the work.
- (f) The structure is not entered on the New Zealand Heritage List/Rarangi Korero or listed in Schedule 16.13, or within a Cultural Heritage Site, including those listed in Schedule 16.13D

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NOTE: Before undertaking any work that may affect an archaeological site (recorded or unrecorded) an authority is required from Heritage New Zealand. An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

- (g) Navigation safety will not be adversely affected during the removal of the structure.
- (h) Network utilities will not be adversely affected during the removal of the structure.
- (i) Where the structure to be removed is marked on a hydrographic chart, the New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work before removal.

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### **25.1.5.7 Controlled Activities (Other Structures or Occupation)**

Any disturbance or occupation of the coastal marine area by or in connection with the use, maintenance, repair, replacement or removal of any pipe, discharge outfall structure, navigation aid, overhead line or with the upgrading of any overhead line, is a controlled activity, if it complies with the following conditions:

- (a) The activity does not include the construction or installation of any facility in a new location.
- (b) The activity does not involve any additional support structure.
- (c) The location, type, and need for any navigation aid has been approved by the Maritime Transport Authority under the Maritime Transport Act 1994.

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

- (1) Matters (3) to (8) specified in rule 25.1.2.3.
- (2) Measures to avoid, remedy, or mitigate any identified adverse effects of the activity.
- (3) In relation to navigation aids, the following additional matters:
  - (a) any loss of amenity as a result of the location, type and use of the navigation aid;
  - (b) the effectiveness of the navigation aid as a result of the actual or potential use or development of any land.
- (4) In relation to structures for the purpose of mitigating coastal erosion or inundation, the following additional matters:
  - (a) the design and appearance of the structure, including its profile;
  - (b) materials used in relation to adjoining foreshore material;
  - (c) likely effectiveness of the structure; and
  - (d) the avoidance, remedying, or mitigation of any adverse effect.

### **25.1.5.8 Discretionary Activities (Other Structures or Occupation)**

The disturbance or occupation of the coastal marine area by any structure or activity specified in rules 25.1.5.1 to 25.1.5.7, or the use of any such structure, in a manner that does not comply with the conditions, standards or terms of those rules, is a discretionary activity.

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

## **25.1.6 Structures and Occupation**

### **25.1.6.1 Prohibited Activities (Structures and Occupation)**

No resource consent shall be granted for the following prohibited activities:

- (a) The construction or use of any jetty, or the occupation of coastal marine area by any jetty, along the coastline between Kaka Island and Toko Ngawa Point.
- (b) The construction or use of any boatshed, or the occupation of coastal marine area by any boatshed, along the coastline between Kaka Island and Abel Tasman Point.

- (c) The construction or use of any boatshed or other structure, or the occupation of coastal marine area by any boatshed or other structure, for the accommodation of any person.
- (d) The construction or use of any structure or work, or the occupation of coastal marine area, by or in connection with any aquaculture purpose, within any part of the Aquaculture Exclusion Area **except that** this prohibition does not apply to any structure or work that is ancillary to an aquaculture operation carried out landward of the line of mean high water springs – such as a seawater intake or discharge structure.

## 25.1.20 Principal Reasons for Rules

### Structures for Launching, Haulout, Mooring, Berthage or Storage of Craft or Vessels

The District contains several existing structures that have no current authorisation – because none were needed previously, or consent requirements were not administered. Those existing unauthorised structures that have no adverse effects have been given permitted activity status, subject to a condition relating to the provision of the owner’s name and contact details to Council. Consent needs to be obtained for other unauthorised structures if adverse effects can be adequately managed; otherwise the structures need to be removed.

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Where coastal structures are abandoned and no owner can be found then, under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Marine and Coastal Area (Takutai Moana) Ownership of Structures Regulations 2015, the Crown (Department of Conservation) is deemed to be the owner and the structure can be removed. Council can also remove some abandoned structures where the structure is considered to be of minimal value and the owner cannot be found. All new structures require consent, which will not be granted unless adverse effects can be avoided, remedied or mitigated.

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### Structures for Aquaculture

Structures for aquaculture purposes have the potential to occupy a significant extent of the coastal marine area. There is a range of important public values over the coastal marine area that could be adversely affected by allowing aquaculture activities involving permanent occupation of space. For these reasons, aquaculture has been confined to limited Aquaculture Management Areas. These are generally three nautical miles offshore, but in northern Golden Bay/Mohua the AMA extends seaward from the existing marine farms area. The remainder of the coastal marine area is an Aquaculture Exclusion Area in which aquaculture is prohibited.

The AMAs provide space for both permanent farming activities and the catching of spat. The area available for seasonal spat catching is extensive, but the area that can be used in any 12-month period is limited. Spat catching is also limited to a season, providing a corresponding season when there are no spat catching structures in the water. These provisions give spat catchers some flexibility in location, while maintaining public values during the season of no spat catching and over the area not available for spat in any season.

As there is uncertainty in relation to the effects on marine ecology of aquaculture activities over extensive areas of Tasman Bay/Te Tai-o-Aorere and Golden Bay/Mohua a cautious and adaptive approach has generally been adopted. Spat catching in specific subzones is provided for on the basis that it is undertaken on a seasonal and rotational basis. For other aquaculture activities, the rules provide for the staged uptake of space within the subzones dependent on the results of monitoring effects of the activities prior to expansion. The effects of mussel farming in the region are relatively well known and consequently mussel farming (and farming of other filter feeding bivalves – which are considered to have similar effects to mussels) has been provided with a specific restricted discretionary activity status. Aquaculture involving other extractive species that does not require the addition of material, such as feed or therapeutants, is provided for through a discretionary activity rule that requires staged development to be undertaken. For species such as, for example, finfish that require addition of material, a more cautious approach has been adopted. A limited amount of space will be made available within the subzones through a tendering process to convert existing farms or establish new farms for aquaculture involving additive species. Within this space a limited first stage of development will be provided for, with progression to the full area available

under the tender process being guided by the results of monitoring. Ecological Advisory Groups will be established to assist Council in assessing the significance of monitoring results as development proceeds.

All aquaculture structures must be easily visible to allow safe navigation in the coastal marine area. The requirements for marking and lighting aquaculture structures are a compromise between the high visibility needed for navigation safety, and the low visibility sought to maintain natural character and amenity values.

#### **Aviation and Marine Navigational Aids**

There are limited siting options for marine navigational aids and beacons to achieve their function of warning of the presence of natural hazards to navigation. Similarly, for aviation navigational aids and beacons, there are limited siting options if the facilities are to achieve their purpose of ensuring safe and efficient air traffic movement within the District. Adverse effects of navigational aids and beacons are likely to be limited, and are considered to be outweighed by the safety need which they serve. Where marine navigational aids are required for any activity in the coastal marine area, such as a structure for aquaculture operations, effects of any necessary navigational aids can be considered as part of the assessment of the consent application for the activity.



## **25.2 DISTURBANCE**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1.*

### **25.2.1 Scope of Section**

This section deals with disturbances or physical modifications to the foreshore or seabed, including reclamations, excavation, deposition or removal of material. Information required with coastal permit applications for disturbances is detailed in Chapter 26.

### **25.2.2 Passage on Foreshore**

#### **25.2.2.1 Permitted Activities (Passage on Foreshore)**

The passage of craft or vehicles across or along the foreshore is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of Chapter 25 of this Plan.
- (b) In relation to the launching and retrieval of any craft, the most direct route is taken between any launching ramp and water.
- (c) In relation to any craft or vehicle, including any motorcycle, land yacht, or hovercraft:
  - (i) there is no damage to the foreshore or seabed or to animal or plant habitats;
  - (ii) there is no mooring, beaching, or other continued occupation of the foreshore or seabed by the craft or vehicle.
- (d) There is no vehicle or craft passage across any foreshore within any estuary at all times that that foreshore is exposed to the air, except where the passage is for or in connection with:
  - (i) any lawful structure, occupation or disturbance; or
  - (ii) any scientific research or coastal management activity.

### **25.2.3 Disturbance of Foreshore or Seabed**

#### **25.2.3.1 Permitted Activities (Disturbance of Foreshore - Marine Mammals)**

Disturbance of foreshore for the purpose of facilitating the rescue or burial of stranded marine mammals is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of Chapter 25 of this Plan.
- (b) The activity does not involve the burial of marine mammals on the foreshore.
- (c) The work is required by the person directing the rescue operation as being the best practicable option having regard to the location, nature and scale of the task.
- (d) Any excavated material is retained adjacent to the excavation.
- (e) The natural foreshore level and profile are reinstated with the excavated material within seven days of the rescue or burial, either by natural processes or by mechanical means.

### 25.2.3.2 Discretionary Activities (Disturbance of Foreshore or Seabed – Other Purposes)

Any disturbance of the foreshore or seabed involving the excavation, deposition, redistribution or removal of material for any purpose other than those specified in rules 25.1.3.1, 25.1.3.2, 25.1.4.1 to 25.1.4.6, 25.1.5.1, 25.1.5.2, 25.1.5.4 to 25.1.5.8 or 25.2.3.1 is a discretionary activity, if it complies with the following conditions:

- (a) The activity does not take place in any area identified in Schedule 25D except:
  - (i) within 200 metres of the breakwaters at Port Tarakohe, as they existed at 31 December 2002;
  - (ii) within 100 metres of the wharves, jetties, boatramps or slipways at Port Mapua, Port Motueka, Waitapu, Collingwood or Mangarakau, as they existed at 31 December 2002;
  - (iii) within 75 metres of the public jetty at Torrent Bay/Rākauroa, as it existed at 31 December 2002;
- (b) The New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work at the time of commencement and completion.

**A resource consent is required.** Consent may be refused or conditions imposed. Council's assessment of any application may include, but is not restricted to, matters of the kind listed in rule 25.1.2.3, and:

In relation to reclamation:

- The minimum practical area needed for the proposed activity, adequate management of effects likely from that activity, and for public access to and along the coast.

In relation to dredging:

- The need for the dredging.
- The need for future maintenance dredging.

In relation to redistribution of foreshore material:

- The nature of the replenishment material.
- Effects on habitats and ecosystems in both the receiving area and the source area for the replenishment material.
- Natural coastal processes occurring in the source and replenishment areas, and the likely destination of material moved from the replenishment site by natural processes.

### 25.2.3.3 Non-Complying Activities (Disturbance of Foreshore or Seabed – Other Purposes)

Any disturbance of foreshore or seabed for any purpose specified in rule 25.2.3.2, that does not comply with the conditions for that rule, is a non-complying activity.

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

### 25.2.3.4 Prohibited Activities (Disturbances)

No resource consent shall be granted for the following prohibited activities:

- (a) The disturbance of sites in the coastal marine area by or in connection with the use of any structure for aquaculture purposes within any part of the Aquaculture Exclusion Area **except that** this prohibition does not apply to any structure or work that is ancillary to an aquaculture

operation carried out landward of the line of mean high water springs, such as a seawater intake or discharge structure.

## **25.2.20 Principal Reasons for Rules**

### **Passage of Craft or Vehicles**

Passage of craft or vehicles over the surface of the foreshore may damage animal or plant habitats, or interfere with public access or use of this space, and these effects need control.

### **Marine Mammal Disposal**

Beachings of whales or other marine mammals is a frequent occurrence, particularly in Golden Bay/Mohua. Disposal of carcasses by burial away from the foreshore, and disturbances of the foreshore in rescuing mammals or moving carcasses to burial, are allowed as being appropriate and necessary activities, generally without significant contaminating or other adverse effect.

### **Disturbances**

Disturbances in the coastal marine area may adversely affect animal and plant habitats and communities, water quality and natural coastal processes. These effects need to be regulated.



## 25.3 PASSAGE OF CRAFT

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 24.1.*

### 25.3.1 Scope of Section

This section deals with the passage of craft in the coastal marine area.

### 25.3.2 Navigation

#### 25.3.2.1 Permitted Activities (Navigation)

The use of any craft for navigation purposes is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity is not restricted by any other applicable rule of Chapter 25 of this Plan.
- (b) The activity does not damage or destroy coastal marine habitat or species within the estuarine or intertidal areas identified in Schedule 25D.
- (c) The activity does not disturb coastal marine species in a manner that prevents animals or plants from occupying their usual habitat within the estuarine or intertidal areas identified in Schedule 25D.

#### 25.3.2.2 Discretionary Activities (Navigation)

The use of any craft for navigation purposes that does not comply with the conditions for a permitted activity is a discretionary activity.

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

### 25.3.3 Aircraft

#### 25.3.3.1 Permitted Activities (Aircraft)

Any aircraft landing or takeoff is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The landing or takeoff is at least 500 metres seaward of mean high water springs in any area identified in Schedule 25D.
- (b) Clause (a) does not apply in emergencies, including:
  - (i) fire, accident and medical emergencies;
  - (ii) responding to danger to life and property;
  - (iii) emergency lighthouse servicing;
  - (iv) conservation emergencies (under the direction of the Department of Conservation).

#### 25.3.3.2 Discretionary Activities (Aircraft)

Any aircraft landing or takeoff that does not comply with conditions for a permitted activity is a 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) Number or frequency of aircraft landings and takeoffs, separate from and in addition to any cumulative total of authorised landings and takeoffs in any location.
- (2) Amenity and natural values of the location, including the effects of noise, wash and wind-blast.
- (3) Period for engine running while the aircraft is on the foreshore or coastal water.
- (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).
- (6) Navigation safety.

### **25.3.20 Principal Reasons for Rules**

The passage of craft is an appropriate activity in the coastal marine area where navigational safety is observed, damage or disturbance to coastal ecosystems is avoided, and public access is not impeded by occupation of space. Marine aircraft movements other than in near-shore areas of high use or of wildlife significance are also appropriate.

An exception is needed for aircraft in emergency operations, when landing on water may be necessary to avoid sand or debris being ingested into the aircraft or controls.

## 25.4 HAZARDOUS FACILITIES

*Refer to Policy set 23.2.*

*Refer to Rule section 16.7.*

### 25.4.1 Scope of Section

This section deals with the use, storage and transport of hazardous substances in the coastal marine area. Information required with resource consent applications is detailed in Chapter 26.

### 25.4.2 Hazardous Facilities

#### 25.4.2.1 Permitted Activities (Hazardous Facilities)

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

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The activity has a total quantity ratio calculated in accordance with Schedule 16.7A that does not exceed 0.02.

#### 25.4.2.2 Discretionary Activities (Hazardous Facilities)

Any hazardous facility that does not comply with the conditions for a permitted activity is a discretionary activity, if it complies with the following conditions:

- (a) The activity does not involve the manufacture or processing of any hazardous substance.
- (b) Conditions (c) to (p) in rule 16.7.2.1.

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

#### 25.4.2.3 Prohibited Activities (Hazardous Facilities)

No resource consent shall be granted for the following prohibited activities:

- (a) Any hazardous facility involving the manufacture or processing of hazardous substances.

### 25.4.3 Radioactive Material

#### 25.4.3.1 Non-Complying Activities (Radioactive Material)

The transport or use of radioactive material or the use of irradiating apparatus for research or medical purposes, undertaken in compliance with the Radiation Protection Act 1965, is a non-complying activity.

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

#### 25.4.3.2 Prohibited Activities (Radioactive Material)

No resource consent shall be granted for the following prohibited activities:

- (a) The generation of, or generation of energy from, radioactive material.
- (b) The transport or use of radioactive material which is not irradiating apparatus, for educational or research purposes.

### **25.4.20 Principal Reasons for Rules**

#### **Hazardous Facilities**

The manufacture or processing of hazardous substances and the storage of hazardous waste carry unacceptable risks of contamination and environmental damage to the coastal marine area. The storage of hazardous waste in the coastal marine area is prohibited under the Act and therefore not included in rule 25.4.2.3.

The Hazardous Facilities Screening Procedure in Chapter 16.7 is applied to the coastal marine area. Activities such as fuel storage on wharves will be a discretionary activity.

#### **Radioactive Material**

The prohibition on the generation of, or the generation of energy from, radioactive material, or storage or disposal of radioactive material is because these carry unacceptable risks of contamination and other environmental damage to the coastal marine area. Use of radioactive material for educational purposes was considered an unnecessary risk for the coastal marine area. Storage and disposal of radioactive material in the coastal marine area is prohibited by the Act and therefore is not included in rule 25.4.3.2.

## **25.5 FINANCIAL CONTRIBUTIONS**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1, 23.2, 24.1.  
Refer to Rule sections 25.1 – 25.4.*

### **25.5.1 Scope of Section**

This section deals with financial contributions requirements for activities in the coastal marine area.

### **25.5.2 Purposes of Financial Contribution**

The Council may require as a condition on any coastal permit that a financial contribution of money or land, or any combination of those, is made for the following purposes:

- (a) To avoid, remedy, or mitigate any identified adverse effect on the environment from the activity that is the subject of the consent.
- (b) To attain any positive effect on the environment to offset any adverse effect.
- (c) To provide access and utility services if appropriate.
- (d) To attain the objectives and policies of the Plan.

In particular, these purposes may include contributing to:

- (i) works such as channel maintenance or shoreline protection;
- (ii) harbour management services such as the provision of navigation aids, advisory signs, or Navigation Safety Bylaw administration;
- (iii) enhancement of public access, including provision of parking areas;
- (iv) beach enhancement;
- (v) provision of, or connection to, water supply, power and lighting; collection and disposal facilities or services for sewage and waste;
- (vi) environmental assessment or monitoring.

### **25.5.3 Maximum Amount of Financial Contribution**

The maximum amount of any financial contribution is the amount of money or land required to attain the above purposes to the extent specified in the coastal permit.

### **25.5.20 Principal Reasons for Rules**

Financial contributions are one means of overcoming or off-setting adverse effects. They will not be applied as a penalty for effects which cannot otherwise be adequately managed. If a financial contribution cannot lessen the effects of an activity, consent should be refused, not granted at a price.

Nor do financial contributions compensate for opportunities foregone. For example, occupation of the coastal marine area to the exclusion of other people is best addressed by an occupation charge, not a financial contribution.

It is not possible to provide a basis for calculating the maximum exposure to financial contributions more explicitly for activities in the coastal marine area at present. The significance of effects is related to the nature, scale and location of each activity, and there are no pre-determined and pre-costed solutions as with, for example, the utility services required to manage the effects of subdivision, use and development of dry land.

## SCHEDULES

### Schedule 25A: Coastal Structures Permitted by Rule 25.1.2.1

STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
<b>(i) Wharves and Breakwaters</b>								
1	Mapua	Seaward end of floating wharf	173.1023385	-41.2562993	1608573	5432785		
2		Mid-length of main wharf	173.1021478	-41.2565336	1608557	5432759		
3	Motueka	Mid-length of main wharf	173.0226082	-41.1386206	1601897	5445854		
4	Tarakohe	Western breakwater, outer end	172.8930088	-40.8211596	1590977	5481090		
5		Eastern breakwater, outer end	172.8941353	-40.8204048	1591072	5481174		
6		Southern wharf, mid-length	172.8981023	-40.8232893	1591407	5480854		
7		Northern wharf, mid-length	172.8974988	-40.8224429	1591356	5480948		
8	Waitapu	North-east corner of wharf	172.8084642	-40.8228618	1583848	5480889		
9	Milnthorpe	Eastern corner of wharf	172.6846290	-40.7170426	1573363	5492605		
10	Collingwood	Wharf	172.6791298	-40.6789657	1572883	5496830		
11	Mangarakau	North-east end of uncompleted wharf structure	172.5239085	-40.6221127	1559732	5503081		
<b>(ii) Boat Ramps</b>								
1	Best Island	West of jetty	173.1613927	-41.3012220	1613511	5427791		
2	Rough Island	Hunter Brown Reserve	173.1075613	-41.2689829	1609009	5431377		
3	Rabbit Island/ Moturoa	Ski-lane ramp	173.1511199	-41.2835410	1612654	5429755		
4	Mapua	Adjoining wharf	173.1020280	-41.2562004	1608547	5432796		
5		Grossi Point	173.0987782	-41.2613359	1608274	5432226		
6	Kina	Baigent's Reserve	173.0398101	-41.1635951	1603339	5443081		
7	Motueka	East of main wharf	173.0239663	-41.1379267	1602011	5445931		
8		Peninsula	173.0204166	-41.1374319	1601713	5445986		
9	Riwaka	End of Green Tree Road	173.0069527	-41.0716890	1600584	5453284		
10	Kaiteriteri		173.0195796	-41.0352000	1601645	5457335		
11	Otuwhero	Estuary	173.0075894	-41.0090957	1600638	5460233		
12		Beach	173.0090627	-41.0081956	1600762	5460333		
13	Totaranui	Beach	173.0060332	-40.8181461	1600508	5481430		
14	Totaranui	Estuary	173.0055589	-40.8176957	1600468	5481480		
15	Tata Beach		172.9147836	-40.8115242	1592812	5482161		
16	Tarakohe		172.8942731	-40.8232588	1591084	5480857		
17	Waitapu		172.8075846	-40.8239864	1583774	5480764		
18	Rangihaeata		172.7889710	-40.8059900	1582200	5482758		
19	Onekaka		172.7093369	-40.7479647	1575461	5489180		
20	Collingwood		172.6805998	-40.6756915	1573006	5497194		
21	Mangarakau	Adjoining uncompleted wharf	172.5239908	-40.6221671	1559739	5503075		

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STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
<b>(iii) Public Structures in the Abel Tasman Foreshore</b>								
1	Torrent Bay/ Rakauroa	Torrent Bay/Rakauroa Jetty	1604079	5467276	173 02.907651	40 56.738118		
1a	Torrent Bay/ Rakauroa	Track markers (Various)	-	-	-	-		
2		Torrent Bay/Rakauroa Finger Jetty	1603974	5467221	173 02.832824	40 56.767876		
3a	Marahau	Causeway Marahau 1	1600414	5461687	173 00.295327	40 59.759566		
3b		Causeway Marahau 2	1600514	5461787	173 00.366660	40 59.705513		
3c		Causeway Marahau 3	1600514	5461887	173 00.366655	40 59.651463		
3d		Causeway Marahau 4	1600514	5461987	173 00.366650	40 59.597414		
3e		Causeway Marahau 5	1600614	5462087	173 00.437979	40 59.543360		
4	Bark Bay	Water Pipe Bark Bay	1604765	5470680	173 03.395087	40 54.898028		
5d		Bark Bay Estuary steps	1604256	5470469	173 03.032507	40 55.012243		
5e		Bark Bay Estuary ramp / steps	1604240	5470497	173 03.021095	40 54.997114		
6	Mosquito Bay	One set of wooden steps	1605012	5470983	173 03.570929	40 54.734167		
8a	Watering Cove	Beach Steps	1604723	5465238	173 03.367651	40 57.839446		
8b		Beach Steps	1604741	5465254	173 03.380478	40 57.830792		
8c	Awaroa	Track markers (various)	-	-	-	-		
<b>(v) Jetty or Berth at Specified Locations</b>								
1	Ligar Inlet	Jetty	172.9099630	-40.8182922	1592407.0	5481410.0		
2		Pile berth	172.9099394	-40.8182111	1592405.0	5481419.0		
3		Ramp and slipway	172.9099161	-40.8179499	1592403.0	5481448.0		
4		Pile berths (3)	172.9099873	-40.8178598	1592409.0	5481458.0		
5		Pile berths (4)	172.9100350	-40.8177257	1592413.0	5481472.9		
6	Best Island	Jetty	173.1617276	-41.3013746	1613539.4	5427774.0		
7	Deadman's Island	Jetty	173.1521402	-41.2965965	1612737.7	5428305.9		
8	Jackett's Island	Jetty	173.0219418	-41.1411691	1601841.4	5445571.4		
9	Collingwood	Western jetty adjoining boat ramp	172.6802685	-40.6756816	1572978.7	5497195.2		
10		Eastern jetty adjoining boat ramp	172.6804690	-40.6758082	1572995.7	5497181.2		
11	Port Motueka	Yacht Club jetty and berths	173.0198685	-41.1373420	1601667.5	5445996.3		
<b>(vi) Jetty or Berth at Riwaka</b>								
1	Riwaka	Jetty	173.0059410	-41.0728592	1600499.1	5453154.8		
2		Jetty	173.0060243	-41.0727421	1600506.1	5453167.8		
3		Jetty	173.0060600	-41.0726971	1600509.1	5453172.8		
4		Jetty	173.0063457	-41.0723728	1600533.1	5453208.8		
5		Jetty	173.0064409	-41.0723007	1600541.1	5453216.8		
6		Jetty	173.0065123	-41.0722115	1600547.1	5453226.7		
7		Jetty	173.0066432	-41.0720313	1600558.1	5453246.7		
8		Jetty	173.0067861	-41.0720223	1600570.1	5453247.7		
9		Jetty	173.0068456	-41.0719953	1600575.1	5453250.7		
10		Jetty, 120m west of boat ramp	173.0054766	-41.0714999	1600460.1	5453305.7		
11		Jetty, 100m west of boat ramp	173.0056790	-41.0714729	1600477.1	5453308.7		
12		Boatshed	173.0063696	-41.0734898	1600535.1	5453084.8		
13		Boatshed	173.0063696	-41.0733997	1600535.1	5453094.8		
14		Boatshed, ramp, and jetty	173.0064529	-41.0733366	1600542.1	5453101.8		
15		Boatshed	173.0065243	-41.0732646	1600548.1	5453109.8		
16		Boatshed	173.0065243	-41.0732015	1600548.1	5453116.8		
17		Jetty	173.0064410	-41.0731384	1600541.1	5453123.8		
18		Jetty	173.0065600	-41.0730844	1600551.1	5453129.8		

STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
19		Jetty	173.0087847	-41.0725528	1600738.0	5453188.8		
20		Jetty	173.0088918	-41.0725798	1600747.0	5453185.8		
21		Jetty	173.0089752	-41.0725978	1600754.0	5453183.8		
22		Jetty	173.0090823	-41.0726248	1600763.0	5453180.8		
23		Wharf, mid-length of northern face	173.0093561	-41.0726158	1600786.0	5453181.8		



**Schedule 25B:**

*[Schedule 25B is deleted]*

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**Schedule 25C: Location of River Mouths**

The location of mouths of rivers, agreed between Tasman District Council and the Minister of Conservation, as required by Section 2 of the Resource Management Act 1991; **and** the associated boundary of the coastal marine area across those rivers.

RIVER	MAP	RIVER MOUTH	CMA BOUNDARY
Big River	190	Where river widens to estuary – L25: 476-482	At junction of Ceres Creek – L25: 477-478
Raukawa Stream	191	Where stream meets coast – L25: 493-502	Same point – L25: 493-502
Anaweka River	192	Where river widens to estuary – M25: 504-493	Same point – M25: 504-493
Turimawivi River	193	Where river discharges to coast – M25: 520-528	At point – M25: 522-526
Anatori River	194	Where river discharges to coast – M25: 563-561	At bend below ford – M25: 565-558
Sandhills Creek	195	At the inland edge of the tidal dune system – M25: 587-593	Same point – M25: 587-593
Paturau River	196	Where river discharges to coast – M25: 620-627	At road bridge – M25: 621-622
Wairoa River	197	At stream confluence – M25: 757-658	M25: 756-657
Muddy Creek (western arm)	198	At the junction of stream and estuary – M25: 775-673 and M25: 778-669	Same points – M25: 775-673 and M25: 778-669
Muddy Creek (main stream)	199	At the peninsula in the stream channel – M25: 784-670	Downstream of confluence – M25: 787-668
Nguroa Stream	200	At the point of discharge to the dune/estuary system – M24, N24: 781-757	Same point – M24, N24: 781-757
Greenhills Stream	201	At the point of discharge to the dune/estuary system – M24, N24: 805-773	Same point – M24, N24: 805-773
Wharariki Stream	202	At the point of discharge to the dune/estuary system – M24, N24: 832-781	Same point – M24, N24: 832-781
Pakawau Creek	203	Where creek enters estuary – M25: 826-690	At road bridge – M25: 825-690
Gorge Creek	204	At channel divergence around island – M25: 805-613	At road bridges – M25: 801-611 and M25: 802-607
Aorere – northern channels	205	At the change from farmed land to estuarine vegetation – M25: 816-596	At the channel junction – M25: 813-594
Aorere River (main channel)	206	Where a minor channel branches to the south – M25: 817-589	At the Puponga Road bridges – M25: 814-590 and M25: 819-583
Parapara River	207	At the abrupt change from confined channel to estuary – M25: 830-531	At the State Highway 60 road bridge – M25: 828-531
Onekaka River	208	Where river enters estuary – M25: 852-504	Same point – M25: 852-504
Pariwhakaoho River	209	Point of discharge to open sea – M25: 880-480	Same point – M25: 880-480
Takaka River	210	At end of tide banks on present channel – N25: 932-431	At divergence of present and immediately previous channels – N25: 928-426
Motupipi River	211	An arbitrary point behind two houses: there is no obvious change from land to estuarine margins – N25: 963-403	N25: 964-402
Wainui River	212	Where a ditch enters left bank of river – N25: 047-425	Where the last river meander adjoins the road – N25: 047-424
Nakahi Stream/ Awapoto River	213	At road bridge – N26: 097-387	Same point – N26: 097-387
Awaroa River	214	At the edge of wetland – N26: 095-370	N26: 095-368
Marahau River	215	Where the river channel reaches open sea – N26: 109-235	N26: 106-232
Otuwhero River	216	At boundary of salt marsh and estuary – N26: 092-214	N26: 092-215
Kaiteriteri	217	At access bridge where stream enters estuary – N26: 107-186	Same point – N26: 107-186
Riuwaka River	218	Where river abruptly widens into estuary – N26: 101-157	N26: 098-157
Motueka River	219	Where channel divides – N26:114-136	State Highway 60 Bridge – N26: 109-128
Moutere River	220	At Batchelor's Ford – N27: 100-067	Adjoining Robinson Road "loop" – N27: 099-066
O'Connor Creek	221	At the junction of eastern tide banks – N27: 196-913	At the channel divergence – N27: 196-907
Pearl Creek	222	At the junction of the western tide bank with Cotterell Road – N27: 212-908	At the tide gate adjoining Cotterell Road – N27: 210-904
Waimea River	223	At the junction of the eastern tide bank and access track – N27: 216-907	Due east of the Nelson VOR Aeronautical Navigation Station – N27: 212-902
Neiman Creek	224	At the seaward end of the north bank tide bank – N27: 232-889	At the Queen Street culvert – N27: 226-888
Reservoir Creek	225	At stock bridge on railway embankment – N27: 268-861	Same point – N27: 268-861

### Schedule 25D: Areas with Nationally or Internationally Important Natural Ecosystem Values

AREA NO.	AREA NAME	SEAWARD BOUNDARY	SUMMARY OF VALUES	STATUS
1	Big River Estuary	A line due east across the mouth, commencing from the western point.	A small (~ 35 ha) estuary with a low level of human impact. Catchment is clad in unmodified indigenous forest dominated by northern rata and hard beech. Rare variable oystercatcher and white-fronted tern are present.	National
2	Whanganui (Westhaven) Inlet	A line from South Cone Head to Bar Point.	Large (2,774 ha) estuary surrounded by a combination of forest and pasture. Notable for intact vegetation sequences from estuary to hill top. Low level of permanent human impact. Important breeding site for vulnerable banded rail, banded dotterel and Australasian bittern. Rare alluvial indigenous forest-type present adjacent to estuary. Excellent variety of estuarine habitats and species. Area protected as Wildlife Management Reserve and Marine Reserve.	National
3	Kahurangi River to Big River	A line 1 km offshore from MHWS, commencing at the boundary of the District at Kahurangi Point, and extending to a line due north from the western point at the mouth of Big River.	Remote area of limestone coast (~ 5 km in length) dominated by large intertidal shore platforms. Area with outstanding coastal landforms and marine terraces. Area used by breeding variable oystercatchers.	National
4	Te Hapu to Fossil Point	A line 1 km offshore from MHWS, between a line north-west from Sharks Head and a line due north from Fossil Point.	Remote area of coast (~ 36 km in length) with dramatic cliffs, reefs, offshore stacks and areas of extensive dune systems. Areas used for fur seals and reef heron. Coast supports only known population of a coastal broom species. Area with a low human presence and high seascape values.	National
5	Farewell Spit and Tidal Flats	A line commencing at a line due north from Fossil Point then extending generally east at a distance of 1 km offshore from MHWS, and continuing at that distance around the eastern end of the Spit to join the 5m depth contour shown on Chart NZ 61, and then generally west along that contour to a line on a bearing of 140° from Puponga Point, and then along that line to MHWS at Puponga Points.	New Zealand's longest spit system (~ 30 km) is internationally recognised under IUCN criteria as an important wetland. It is also recognised as an internationally important landform. Important sites for a wide variety of wading species which feed over large intertidal flats. Presence of rare plants, including <i>Euphorbia glauca</i> , sand daphne, sand spike rush and <i>Eleocharis neozelandica</i> . Area protected in Nature Reserve to mean low water.	International
6	Puponga Inlet	A line due east across the mouth.	A small estuary (~ 40 ha) with relatively intact saltmarsh and fringing vegetation. Breeding area for banded rail and Australasian bittern.	National
7	Pakawau Inlet	A line seaward of the road bridge, projecting from the southern spit outer beach, to Seaford.	A small estuary (~ 60 ha) with intact estuarine habitats, including relatively large areas of saltmarsh. Presence of banded rail, spotless crane and South Island fernbird.	National
8	Waikato Spits, Inlet and Shell Banks	A line between the seaward ends of the two spits.	A relatively small elongate estuary (~ 30 ha) enclosed by two barrier spits. Presence of banded rail, banded dotterel, variable oystercatcher, Caspian tern and occasional white-fronted tern. An area with important shell banks which are utilised by roosting waders.	National
9	Ruataniwha Inlet	A continuation of the beach line from Collingwood to the northern sandspit.	The largest estuary in Golden Bay/Mohua (~ 1,610 ha). The estuary receives fresh water from the Aorere River. Contains a variety of habitats and estuarine species, including extensive areas of relatively intact saltmarsh located in river delta areas. Presence of banded rail, Australasian bittern and South Island fernbird.	National
10	Parapara Inlet/ Sandspits	A continuation of the beach line between Parapara and Milnthorpe.	An approximately 200 ha estuary, fed by the Parapara River. Presence of banded rail, Caspian tern and white heron. Important high tide roost located at the top of the southern sandspit.	National
11	Onekaka Estuary/ Sandspit	A continuation of the outer beach line.	A small estuary (~ 24 ha) notable for the presence of South Island fernbird, Caspian tern, banded rail, banded dotterel and white-fronted tern.	National
12	Onahau Estuary	A line from the sandspit to the western entrance point.	A small estuary (~ 33 ha) enclosed by a narrow sandspit. Notable for presence of banded rail, South Island fernbird and marsh crane.	National

AREA No.	AREA NAME	SEAWARD BOUNDARY	SUMMARY OF VALUES	STATUS
13	Waitapu Estuaries	A line from Rangihaeata Head to the outer lead light for the Waitapu harbour entrance.	This complex of river deltas and estuarine habitats extend over an area of ~ 360 ha from Rangihaeata Head to Soper's Hill in the east. Extensive areas of saltmarsh exist in these river and estuarine delta areas. Totara forest exists in the Takaka River mouth. Notable for presence of royal spoonbill, banded rail, Australasian bittern, marsh crake and South Island fernbird.	National
14	Motupipi Estuary	A line from the seaward end of Nees Road to the north-western end of the Pohara sandspit.	A small estuary (~ 40 ha) divided by a hill into two distinct parts. The estuary provides important high tide roosts for both national and international waders. Notable for the highest number of banded rail in a Golden Bay/Mohua estuary. Also present are marsh crake and fernbird.	National
15	Tata Beach Estuary	A line from the north-eastern point of the Abel Tasman Monument site, to the peninsula.	A small estuary (~ 8 ha) influenced by the surrounding granite catchments. Notable for presence of banded rail and South Island fernbird.	National
16	Wainui Inlet	A line generally parallel to the sandspits and 200 metres seaward of MHWS.	A relatively large estuary in Golden Bay/Mohua (~ 275 ha). Important high tide roosts are located at the tops of both spits. Notable for presence of banded rail, marsh crake and South Island fernbird. Important seascape values as viewed from road to Totaranui. Adjoins Abel Tasman National Park.	National
17	Pohara to Abel Tasman Point	A line generally 200 metres from MHWS, between a line on a bearing of 315° from the base of the western breakwater of Port Tarakohe and a line on a bearing of 23° from Abel Tasman Point, and including the Tata Islands.	This section of limestone coast (~ 11 km) is notable for its outstanding seascape/landscape features. The vulnerable sea spurge and threatened reef heron occur along this coast.	National
18	Abel Tasman National Park Coastline and Estuaries	A line generally at 1 nautical mile offshore from Taupo Point, changing to an arc 6 nautical miles from Separation Point/Te Matau between a line on a bearing of 15° from Taupo Point and a line on a bearing of 76° from Trig G (at the northern end of Totaranui), and continuing at 1 nautical mile offshore generally south to and around Fisherman Island (and except where it meets the northern point of AMA 3 in Tasman Bay/Te Tai-o-Aorere).	A granite dominated coast some 92 km in length, interspersed by sand beaches, sculptured granite headlands, 15 estuaries and 7 islands. Notable for protected "bryozoan" coral beds at Separation Point/Te Matau. Also important as a refuge for banded rail, reef heron and fernbird. Backed by coastal forest, the area has spectacular seascape values. Granite coast and associated marine communities unique in New Zealand. Recognised as an area supporting one of only two populations of the endangered peppergrass.	International
19	Otuwhero, Marahau Estuaries, Sandspits and Tidal Flats	A line across Sandy Bay, from the eastern end of Tinline Bay to the western end of rocks extending west from Toko Ngawa Point.	A complex of two estuaries linked by tidal flats. Notable for largest number of banded rail for any estuary in Tasman Bay/Te Tai-o-Aorere. Also present in these estuaries are fernbird, marsh crake and bittern. Presence of regionally rare <i>Mimulus repens</i> .	National
20	Motueka Delta	A line following the 5m depth contour on Chart NZ 614, between a line due east of Anawera Point and a line due east from the inner beacon at Port Motueka.	A complex of small river deltas dominated by estuarine habitats linked by extensive tidal flats. Tidal flats are notable as important wader feeding areas. Banded rail are present at Motueka River delta. Several high tide roosts are included. Of particular note is the Motueka sandspit, which attracts over 10,000 birds in late summer.	National
21	Moutere Inlet	A line following the general line of the outer beaches from Kina Peninsula to Jackett Island and from the Island to Port Motueka.	Moderate sized estuary (~ 750 ha). Notable for presence of white heron and royal spoonbill. Habitat for banded rail is now restricted to the head of the inlet. Marsh crake have also been observed in the inlet.	National
22	Waimea Inlet	At Mapua, a line following the general line of the outer beaches from Rabbit Island/Moturoa to Mapua; at the Blind Channel. A line from the eastern end of Rabbit Island/Moturoa to the "front beach" at Tahunanui.	Largest barrier enclosed estuary in the South Island (~ 3,455 ha). One of only two sites where the endangered peppergrass plant has been recorded. Also present are endangered grey saltbush, white heron, royal spoonbill, Australasian bittern and banded rail. Considered of outstanding importance to waders. Rabbit Island/Moturoa is the largest barrier island in New Zealand.	National

**Source:** *Internationally and Nationally Important Coastal Areas from Kahurangi Point to Waimea Inlet, Nelson, New Zealand: Recommendations for Protection*  
Department of Conservation, Nelson-Marlborough Conservancy  
Occasional Publication No. 14, 1993.

## **Schedule 25E: Ecological Management Plans and Monitoring Requirements for Aquaculture Activities involving Extractive Species**

This Schedule provides a basis for:

- establishing information required for consent applications;
- the preparation and implementation of ecological management plans required for mussel farming; and
- setting conditions to monitor ecological effects of aquaculture activities.

The information requirements below are based on knowledge at the time this part of the Plan was prepared. There may be changes to monitoring and information requirements as development of aquaculture proceeds, knowledge expands, and technology evolves. There may also be changes to the methods by which monitoring is carried out in the future.

It is a requirement of the Plan that applications for aquaculture involving filter feeding bivalves (including mussels) and other extractive species will be accompanied by an ecological management plan for the whole of the subzone in which the application is sited, submitted at the time of application. This information can then be applied to determining whether successive stages of aquaculture development within the subzone should proceed, and to reviewing the appropriateness and effectiveness of the conditions governing the activity, as well as providing general information about the state of the marine environment.

Applications should also demonstrate how management of the proposed farm will be integrated with any existing ecological management plan for adjacent subzones in the same AMA.

### **1. Baseline Assessment and Monitoring**

Baseline information is the first set of data for a continuing iterative monitoring programme. Baseline information needs to be provided before the site is affected by any structures being placed in the water. This will be a condition of consent unless the information has already been provided as part of the application for consent. The investigations that produce the baseline information will then be repeated at intervals in order to monitor changes from those initial conditions.

An appropriate interval, or a series of repeat monitorings, is required to provide the basis for deciding whether development of aquaculture should be extended. Intervals could be set as a number of years or a number of crop cycles, or after each stage of development.

All monitoring data and results should be archived after analysis to enable future comparative analysis.

All monitoring must be undertaken with appropriate recognition of tikanga tangata whenua.

### **2. Monitoring Sites**

Sites need to be established at the baseline information stage with sufficient accuracy to allow repeat sampling in subsequent monitoring phases. Repeat sampling accuracy within 10 metres is preferred.

Monitoring sites may need to be located:

- within the aquaculture site;
- adjoining the aquaculture site, within and beyond the predicted deposition zone, and along the line of the prevailing current;
- in the vicinity of areas of significance to tangata whenua iwi.

Benthic monitoring should include sites directly beneath structures, and sites between structures (noting that, depending on the type of structure, the position of the structure may change with tide and sea conditions). Specific provisions may need to be made for benthic monitoring in relation to growing species such as seaweeds, sponges and sea cucumbers.

Applicants should ensure that an appropriately competent person in assessing the effects of these types of aquaculture species has identified suitable monitoring sites to enable assessment of the effects on benthic sites.

Monitoring control sites need to be located in areas with similar characteristics to the aquaculture site but beyond its influence.

### **3. Monitoring Methods**

#### **(a) Video/Photographic and Visual Information**

Observations by diver or camera made along transects intersecting the monitoring and control sites. Observations could also be made along transects from the edge of an aquaculture site to any specified distance beyond the Aquaculture Management Area.

#### **(b) Sediment Sampling**

Methods may include dredge, grab or core samples, or SCUBA survey. Other methods may be appropriate, and sampling technology may develop over time. Samples from both monitoring and control sites are required, and sufficient sample replication is needed to achieve statistical verification for detection of change over space and time.

#### **(c) Water Column**

Monitoring should commence before any site development takes place and initially be repeated monthly. Subsequent monitoring should take place just prior to crop harvests, although this timing will become less significant as harvesting of lines within any one farm is staggered towards achieving a more continuous supply of product. Monitoring frequency could be re-assessed after at least two harvest cycles.

### **4. Parameters to be Monitored**

#### **(a) Benthic Environment**

Observations could include: general habitat type, conspicuous epifauna, bacterial mat development, sediment out-gassing, and species of significance to tangata whenua iwi.

Sediment sampling should provide for analysis of:

- sediment texture of the upper 2 centimetre layer;
- depth of the oxygenated layer from the sediment surface;
- total organic content of the upper 2 centimetre layer;
- nutrients (total N and P) of the upper 2 centimetre layer;
- occurrence of excess hydrogen sulphide;
- bacterial mat development and/or sediment outgassing;
- infauna species and abundance;
- epifauna species and abundance.

**(b) Water Column**

Water column monitoring should provide for analysis of:

- physical variables (temperature, salinity);
- chlorophyll;
- nutrients (NO<sub>3</sub>-N, NH<sub>4</sub>-H and total N);
- oxygen;
- current flow and wave climate.

**5. Reporting and Assessing Information**

An assessment of the results of monitoring should be made prior to the progression to the next stage of mussel farming within any subzone. Monitoring results will also aid as part of any review of consent conditions either collectively or for an individual consent.

The assessment should compare monitoring results with the initial prediction of potential environmental effects provided with the application for consent, with the baseline information, with the conditions of the consent, and with any other information about the state of the marine environment.

The assessment should be made by a person or persons appropriately qualified and experienced to identify the significance of any differences between the sets of information. The Ecological Advisory Group will conduct a review of the assessment and advise the Council regarding issues associated with development progression and staging, the extent of areas farmed, the need for additional or reduced monitoring, and the overall effects of aquaculture on the ecology of the coastal marine area.

One goal of monitoring is to generate a set of parameters that indicate whether the resources of the marine environment are being sustainably managed. For the water column, the indicators may be phytoplankton biomass, nutrient and/or dissolved oxygen composition, and hydrodynamic modification.

For the benthic habitat, species of particular ecological interest, unwanted species, species under stress, and invasive species, should be noted.

The analysis of monitoring results should address:

- whether changes represent a stable state;
- whether observed changes are likely to precipitate further changes;
- whether changes are reversible;
- the relevance of changes to species and habitat.

The analysis should identify criteria for assessing the significance of any changes or trends apparent from the monitoring. It should also identify as far as is possible what changes are attributable to aquaculture, what are attributable to the modification of fishing at aquaculture sites, and what are attributable to natural factors.

**6. Integration of Information**

As far as practicable, the kind of information required from different consent applicants, and the information required through conditions on consents, should be comparable and consistent. This will be an effective way of ensuring that the information gained is relevant over a wide area, and increase levels of certainty in making decisions.

**Schedule 25F: Ecological Management Plans and Monitoring Requirements for Aquaculture Activities involving Additive Species, or Aquaculture Activities involving Additive and Extractive Species in the Same Subzone**

Where aquaculture activities are proposed to occur under rule 25.1.4.5, the requirements for an ecological management plan differ from those outlined in Schedule 25E above in the type and level of detail required.

The purpose of an ecological management plan required under rule 25.1.4.5 is to:

- establish the level of information required for consent applications;
- outline how that information is to be gathered and presented to the Council;
- for aquaculture involving both additive and extractive species in the same subzone, demonstrate to the Council how aquaculture on more than one site in a subzone and involving more than one species can be managed to avoid, remedy or mitigate adverse effects of the individual activity and its cumulative effects with any other aquaculture in the same subzone;
- establish a means of assessing effects of aquaculture involving additive, or additive and extractive species, to inform development of successive stages and ongoing management of the activities through consent conditions.

Aquaculture involving additive species is not currently occurring in Tasman and information on effects and site suitability within the district is limited. Combinations of aquaculture involving additive and extractive species occur in both Marlborough and Southland, but in quite different environmental conditions. The onus will therefore fall on the applicant to provide a sufficient level of information to prove that adverse effects from aquaculture under rule 25.1.4.5 can be avoided, remedied or mitigated to the satisfaction of the Council.

In the first instance, applicants should refer to Schedule 25E for the basic information that should be provided in an ecological management plan. Outlined below are additional matters that should be considered. Ecological management plans for aquaculture involving additive, or additive and extractive species, must be prepared by an appropriately competent person in marine ecology to identify the significance of any effects likely to result from the activity.

Applicants should also demonstrate how management of the proposed farm will be integrated with any existing ecological management plan for any other aquaculture in the same subzone, or for aquaculture in adjacent subzones.

**1. Baseline Assessment and Monitoring**

As for ecological management plans prepared under Schedule 25E, baseline information for aquaculture involving additive species should provide an indication of the existing conditions at the site, in the subzone and at any control sites. This information is needed in order to assess changes likely to result from the establishment of aquaculture involving additive species.

Suitable intervals for repeat monitoring will need to be established and agreed with the Council, dependent on the species that is being grown and the technology used.

A baseline assessment of water and sediment quality and benthic communities will be particularly critical for aquaculture involving additive species in recognition of the potential effects of discharges of feed, therapeutants, waste material and contaminants from anti-fouling protection measures.

The baseline assessment will also need to assess any additional environmental parameters that could be affected by a combination of different types of aquaculture, as opposed to single species.

*Refer to Schedule 25E for further requirements for baseline assessment and monitoring.*

## **2. Monitoring Sites**

At a minimum, the monitoring sites established at the baseline information stage should be as outlined in Schedule 25E. Benthic monitoring should include sites directly below the structures as well as within the wider affected area. Monitoring sites adjoining the aquaculture site should be located taking into account the depositional characteristics of and hydrodynamic effects on discharges of contaminants in order to ensure that the maximum area of effect is monitored.

The regional rules retain the possibility that more than one site for aquaculture activities may be able to establish within any subzone, particularly where both additive and extractive species are being farmed in the same subzone. In these situations, control sites for monitoring will need to be located in areas with similar characteristics to the sites where aquaculture is proposed to occur, but beyond the influence of any sites within the same subzone and/or any adjoining subzones. Several types of monitoring sites will be necessary, including sites directly affected by each type of aquaculture, sites affected by a combination of types and locations of aquaculture, and control sites of similar characteristics but completely removed from any influence of aquaculture activities.

## **3. Monitoring Methods**

In general the types of monitoring outlined in section 3 of Schedule 25E will also be suitable for monitoring of aquaculture involving additive species or additive and extractive species.

## **4. Parameters to be Monitored**

The parameters to be monitored should include those listed in Schedule 25E. In addition, monitoring should be undertaken of:

- levels of contaminants arising from feed, therapeutants and anti-fouling treatments;
- any other contaminants specific to aquaculture involving additive species;
- any contaminants and/or effects that arise as a result of interactions between different types of aquaculture.

## **5. Reporting and Assessing Information**

An assessment of the results of monitoring from the first stage of development should be made prior to further development of farming within any subzone, with recommendations for ongoing management of existing activities and/or development of successive stages.

As for mussel farming or aquaculture involving extractive species, the assessment should compare monitoring results with the initial prediction of potential environmental effects provided with the application for the first stage of development, with the baseline information, with the conditions of the consent, and with any other available information about the state of the marine environment.

*For a general outline of the requirements of an appropriate assessment, refer to Schedule 25E.*

## **6. Integration of Information**

As noted earlier, under rule 25.1.4.5 more than one discrete site for aquaculture involving additive species may be able to be applied for within a subzone. Integration of information relating to different sites will allow the Council to assess both the individual effects of specific farming sites and the cumulative effects of multiple sites within subzones, adjoining subzones and surrounding coastal waters. This will ensure that the information gathered is relevant over a wide area, and that sufficient information is provided to enable decisions on subsequent applications to be made.

**Schedule 25G: Assessment Criteria for Natural Character**

The following principles will be taken into account when assessing natural character under the controlled activity rule 25.1.4.1, and the restricted discretionary activity rule 25.1.4.2:

- (a) Consider the effects of alternative size, spacing, extent of visual obtrusiveness and geometric patterning of structures when endeavouring to reduce effects on the natural character of land and coastal water.
- (b) Design of surface structures that individually and collectively have low visibility from land and coastal water.
- (c) Rationalise layout and design to minimise the higher impact of edge structures, including lighting. Avoid duplicating edge structures when additional areas are brought into production.

**Schedule 25H: Protocol for Tasman District Council Ecological Advisory Group (EAG) – Mussel Farming****Purpose**

1. To peer review consent-holder reports on the results of monitoring ecological effects of mussel farming.
2. After reviewing consent-holder monitoring reports, to advise the Council in relation to Council decisions on:
  - the adequacy and appropriateness of monitoring ecological effects of mussel farming;
  - whether consent conditions on mussel farming are delivering the intended ecological results; and if not, what matters need to be addressed in revised conditions;
  - the significance of any ecological effects detected by mussel farm monitoring;
  - the scale, intensity and timing at which mussel farming should continue, within the ecological parameters set by the Plan or the consent, or be modified after reviewing monitoring results.

**Composition**

1. The EAG should consist of a working group of up to three members, to be appointed by Council from a panel of nominees. At the Council's discretion, in instances of simple or straight-forward monitoring results, a single member may provide an adequate peer review and advice to Council.
2. The members must have a relevant tertiary qualification and appropriate experience in marine ecology.
3. The members will be appointed by Council after:
  - each of the following parties has nominated up to two candidates for inclusion on a panel of potential members: Ring Road, Sealord MacLab Westhaven, Golden Bay Marine Farmers Consortium, Tasman Mussels Ltd, Challenger, Ngati Tama ki Te Tau Ihu, Minister of Aquaculture (within the meaning of the Resource Management Act 1991), Te Atiawa ki Te Tau Ihu, Ngati Rarua ki Te Tau Ihu, Minister for Conservation, Friends of Nelson Haven and Tasman Bay, and Friends of Golden Bay;

- prior to nominating a candidate, the nominating party will need to have established each candidate's willingness to participate in the EAG, and their confirmation that the candidate will provide advice to the Council from his or her professional expertise;
- membership of the panel will be reviewed five years after its inauguration, or when any member withdraws from it.

### **Operation**

1. The EAG is required when the holder of a consent for mussel farming wishes to expand the operation beyond the scale of the initial development that is limited by a consent condition to 50 or 75 hectares; and then only when there are ecological monitoring results after an area of 50 hectares has been farmed at the full intensity allowed by the consent condition for three years or two growing cycles, whichever is the earlier.
2. The EAG will be involved in advising the Council on appropriate development of AMA 1 subzone (a), beyond the development of the 80 hectares of mussel farming authorised as at 25 May 1996.
3. The Council will take the EAG's advice into account in assessing the results of monitoring and in considering the consent holder's proposals for development beyond stage one.
4. Advice from the EAG will be required when the consent condition governing staged development is reviewed, either at the request of the consent-holder, or if initiated by the Council. The monitoring results referred to in item 1 are a prerequisite for a review of the staging requirements of the consent.
5. The members of the EAG will be provided with copies of the ecological monitoring report submitted to Council by or on behalf of a consent-holder and will have access to monitoring data on request.
6. The EAG will provide a report to the Council on implications for the future development of mussel farming, and future monitoring obligations, arising from the EAG's review of current monitoring reports.
7. EAG members will invoice Council for time and disbursements incurred in reviewing the monitoring reports and advising Council. Those costs will be passed to the consent-holder concerned through section 36 monitoring charges.

**Schedule 25I: Protocol for Tasman District Council Ecological Advisory Group (EAG) – Aquaculture involving Extractive or Additive Species (excluding mussels)****Purpose**

1. To peer review consent-holder reports on the results of monitoring ecological effects of aquaculture involving extractive or additive species (excluding mussels) in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.
2. After receiving consent-holder monitoring reports, to advise the Council in relation to Council decisions on:
  - the adequacy and appropriateness of the monitoring;
  - whether consent conditions are delivering the intended ecological results; and if not, what matters need to be addressed in revised conditions;
  - the significance of any ecological effects detected by the monitoring;
  - the scale, intensity and timing at which aquaculture involving extractive or additive species (excluding mussels) in these subzones should continue, within the ecological parameters set by the Plan or the consent, or be modified after reviewing monitoring results.

**Composition**

1. An EAG should consist of a working group of up to three members, to be appointed by Council from a panel of nominees. Separate EAGs may be established by the Council for each different species being farmed.
2. The members of an EAG must have a relevant tertiary qualification and appropriate experience in marine ecology and/or the species being farmed.
3. The members will be appointed by Council after:
  - each of the following parties has nominated up to two candidates for inclusion on a panel of potential members: Ngati Tama ki Te Tau Ihu, Te Atiawa ki Te Tau Ihu, Ngati Rarua ki Te Tau Ihu, Minister of Aquaculture (within the meaning of the Resource Management Act 1991), Minister of Conservation, Friends of Nelson Haven and Tasman Bay, and Friends of Golden Bay;
  - prior to nominating a candidate, the nominating party will need to have established each candidate's willingness to participate in the EAG, and their confirmation that the candidate will provide advice to the Council from his or her professional expertise;
  - the Council has sought nominations for up to two candidates from appropriate industry representatives for the species that is being farmed.
4. Membership of the panel will be reviewed five years after its inauguration, or when any member withdraws from it.

**Operation**

1. An EAG for aquaculture activities being undertaken subject to rule 25.1.4.2 or rule 25.1.4.3 is required when the holder of a consent for these species wishes to expand the operation beyond the scale of the initial development (limited by a consent condition to 50 or 75 hectares); and then only when there are ecological monitoring results after an area of 50 hectares has been farmed at the full intensity allowed by the consent condition for three years or two growing cycles, whichever is the earliest.

2. An EAG for aquaculture activities being undertaken subject to rule 25.1.4.5 is required when the holder of a consent wishes to expand the operation beyond the scale of the first 10 hectares of development, and then only when there are ecological monitoring results after that area has been farmed at the full intensity allowed by the consent condition for a period of three years.
3. The Council will take an EAG's advice into account in assessing the results of monitoring and in considering the consent holder's proposals for development beyond the first stage outlined in the relevant rules.
4. Advice from the EAG will be required when the consent holder requests a change to the consent condition restricting development or governing staged development, or when the Council reviews the condition. The monitoring results referred to in (1) and (2) above are a prerequisite for an application to change consent conditions or a review of consent conditions.
5. The members of an EAG will be provided with copies of the ecological monitoring report submitted to Council by or on behalf of a consent-holder and will have access to monitoring data on request.
6. An EAG will provide a report to the Council on the implications of the monitoring results for the future development of the specific type of aquaculture that is being assessed and future monitoring obligations.
7. EAG members will invoice Council for time and disbursements incurred in reviewing the monitoring reports and advising Council. Those costs will be passed to the consent-holder concerned through section 36 monitoring charges.



# CHAPTER 26: INFORMATION REQUIRED WITH COASTAL PERMIT APPLICATIONS

## 26.1 SCOPE OF CHAPTER 26

This chapter gives guidelines for the information that may be required to accompany coastal permit applications for activities in the coastal marine area (except discharges). The matters listed will not be relevant to every application, nor are they an exhaustive list. The obligation remains with applicants to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act. In all cases, Council may request further information under Section 92 of the Act.

Information requirements for coastal discharge applications are included with the Plan provisions addressing discharges generally (Part VI).

## 26.2 INFORMATION REQUIREMENTS FOR COASTAL PERMIT APPLICATIONS (EXCEPT DISCHARGES)

### 26.2.1 Coastal Permits for Disturbances, Structures or Occupation

Applicants must submit information on the following matters, to the extent that they are relevant to the proposed activity, when seeking a coastal permit for disturbance, deposition or removal of material, erection of structures in, or occupation of, the coastal marine area, for activities other than aquaculture:

- 26.2.1.1 The nature and purpose of the proposed activity in terms of any of the following:
- (a) disturbing or modifying the foreshore or seabed, including by removing or depositing material;
  - (b) placing structures on foreshore, seabed, sea surface or within the water column;
  - (c) adding material, including feed substances, which may alter water quality or affect any habitat;
  - (d) introducing any plants or animals not indigenous to the locality;
  - (e) occupying foreshore, seabed, sea surface or water column.
- 26.2.1.2 The need for the activity to be located in the coastal marine area, including reasons why an alternative location or method for carrying out the activity is not appropriate, and justification for the size of the area applied for.
- 26.2.1.3 Locality plan, site plan and structure plan.
- 26.2.1.4 The area over which occupation is sought, and the degree to which the activity requires the exclusion of other persons from the site.
- 26.2.1.5 The proposed location of the activity in relation to:
- (a) the shoreline;
  - (b) water depth;
  - (c) navigation, including common routes and random vessel movements (e.g. recreational boating);
  - (d) aquaculture and fishing activities.
- 26.2.1.6 A description of the habitats, ecology and species that are likely to be affected by the proposed activity, and what those effects are likely to be.

- 26.2.1.7 The visibility of all parts of the activity, including any buoys, lights, floats, piles, cages, racks, impoundments, and other structures or associated craft:
- (a) from the shore, especially from reserves and scenic areas but also residential areas or other occupied coastal areas;
  - (b) to other users of the sea, including users for navigational, recreational or commercial purposes.
- 26.2.1.8 Effects of the activity on areas of natural character and on landscape, recreational, historical, cultural, amenity or heritage values.
- 26.2.1.9 Effects of the activity on other activities occurring in the locality, including commercial and recreational fishing activities.
- 26.2.1.10 Water quality requirements for the activity, and any likely impacts of the activity on water quality.
- 26.2.1.11 The use or possible discharge of any contaminant or hazardous substance from the site or activity.
- 26.2.1.12 Structural integrity, taking into account the range of weather and sea conditions experienced at the site.
- 26.2.1.13 Noise likely to be generated by the activity.
- 26.2.1.14 Odour likely to be generated by the activity.
- 26.2.1.15 Effects of the activity on coastal processes, or likely effects of coastal processes on the activity.
- 26.2.1.16 The timing, duration, or frequency of the activity, including any preparation or construction phase, and the continuing operation of the activity.
- 26.2.1.17 The effect of the activity on public access to and in the coastal marine area.
- 26.2.1.18 People identified as being likely to be affected by the proposed activity, the results of any consultation undertaken, and any written approval given by any affected person.
- 26.2.1.19 Methods proposed to manage any adverse effects of the activity.
- 26.2.1.20 Any other consents or authorisations required, whether under the Resource Management Act or any other legislation.

## **26.2.2 Coastal Permits for Aquaculture**

Applicants for coastal permits for aquaculture must submit information on matters 26.2.2.1 to 26.2.2.9 below.

- 26.2.2.1 A description of the proposed activity, including:
- (a) site identification (latitude and longitude), and the location of monitoring control sites;
  - (b) species, method, structures and equipment;
  - (c) site plan and development programme, including stocking intensity and density of structure placement.
- 26.2.2.2 A description of the hydrodynamic and hydrographic properties of the site and in its vicinity, including:
- (a) water depth;
  - (b) current velocities, over at least one neap/spring tide cycle, and their ability to:
    - replenish the site with nutrients;
    - disperse material released from the farmed stock;

- (c) temperature;
  - (d) salinity;
  - (e) density;
  - (f) stratification of any of the above parameters;
  - (g) general water quality, including the influence of rivers and discharges from land;
  - (h) wind and wave conditions.
- 26.2.2.3 A description of the spatial variation of phytoplankton biomass within the application area and at monitoring control sites.
- 26.2.2.4 A description of benthic habitat characteristics and variability within the application area and its vicinity and at monitoring control sites, including:
- (a) substrate characteristics:
    - sediment size, type, and variability;
    - whether it is typical, unusual, or rare.
  - (b) epifauna and infauna:
    - distribution and relative abundance of species;
    - dominant or characteristic species;
    - vulnerable species, or species under stress;
    - species of particular ecological value.
- 26.2.2.5 A description of effects of the activity, particularly:
- (a) phytoplankton depletion and/or enhancement;
  - (b) deposition of material onto the seabed;
  - (c) water quality, including effects specified in Section 107 of the Act
  - (d) effects on habitat and species;
  - (e) the potential for incursion, predation, disease and genetic risk to wild stock;
  - (f) effects on natural character and amenity values;
  - (g) effects of density of development;
  - (h) hydrodynamic effects;
  - (i) effect on navigation;
  - (j) cumulative effects
- and including an assessment of the extent to which effects are likely to occur beyond the application site.
- 26.2.2.6 Where accommodation for workers is proposed, the number of persons likely to be resident and methods of waste collection and disposal.
- 26.2.2.7 A description of a monitoring and review process appropriate to the type of aquaculture and to the nature of the site, taking into account any prior use of the site for aquaculture activities.
- 26.2.2.8 A description of the ways in which the activity will affect Treaty values (except for applications for spat catching as a controlled activity).
- 26.2.2.9 Where an application is for a site that is being used or has previously been used for aquaculture, the application must include a description of any change in site characteristics from those described in the previous application.



## **PART IV: RIVERS AND LAKES**

### **INTRODUCTION**

Part IV of the Tasman Resource Management Plan applies to all activities carried out in the beds of rivers and lakes and on the surface of the water.

The bed of a river includes the banks and is described in the Act as the space of land which the waters of the river cover at its fullest flow without overtopping its banks. This includes underground rivers flowing in karst terrain. A lake bed means the space of land which the waters of the lake cover at its highest level without exceeding its margin.

Chapter 27 deals with the issues surrounding the use of river and lake beds and the surface of the waters, and contains the objectives, policies and methods for managing the adverse effects of activities.

Chapter 28 states the land use rules applying to activities carried out in the bed and on the surface of rivers and lakes.

Chapter 29 gives guidance for the information that may be required to accompany any application to carry out an activity in the bed of a river or lake.

Part IV constitutes the regional plan provisions controlling any activities in the beds of rivers and lakes. It also contains district plan provisions for controlling activities on the surface of the water.

The effect of regional rules on activities carried out in the beds of rivers and lakes and the effect of district rules on activities carried out on the surface of rivers and lakes is described in section 1.8.2.

Part II of the Plan, particularly Chapters 17 and 18, manages the effects of activities on riparian land adjacent to rivers and lakes.

Part V of the plan regulates the taking, using, damming, and diverting of water and Part VI of the Plan manages the effects of contaminant discharges. Both may also contain provisions relevant to Part IV activities.

Any activity covered in Parts II, IV, V and VI may affect the uses and values of a river. Schedule 30A in Part V lists uses and values of rivers and other water bodies and is relevant and applicable to the management of activities in these parts of the Plan.

When operative, Part IV of the Plan will replace the parts of the Transitional Regional Plans that deal with the maintenance of watercourses and defences against water.

In developing Part IV, Council has had regard to planning documents recognised by iwi, and these are the eel management plans, Te Waka a Maui me ona Toka Mahi Tuna (South Island Eel Management Plan) and the Te Tau Ihu Mahi Tuna (Nelson Marlborough Eel Management Plan).

Iwi are currently engaged in preparation of an Iwi Management Plan and Council supports and encourages this. The objective of both Council and iwi is to ensure an integrated approach to the management of rivers. The other parts of the Plan dealing with contaminant discharges and water uses must be read together with Part IV and the overall purpose of the Act for sustainable management aligns closely with the philosophical and cultural views or kaupapa of Maori. Kaitiakitanga and the Act both have outcomes for conservation and sustainable use and Part IV provides a compatible approach consistent with each.



## CHAPTER 27: ACTIVITIES IN THE BEDS AND ON THE SURFACE OF RIVERS AND LAKES

### 27.0 INTRODUCTION

The rivers in Tasman District and their tributaries and the small rivers within 10 kilometres of the coast have significant natural and cultural values, including natural character, biodiversity and wildlife values, indigenous species, trout and recreational values.

A range of activities are carried out in the beds of rivers including gravel extraction, construction of structures such as for water augmentation or hydro-electric power generation, river bank protection, installation of culverts or vehicle crossings. These activities enable the community to provide for its social, economic and cultural well-being and its health and safety. The activities may also be carried out in ways that provide environmental benefits including providing bed and bank stability, management of flood flows and improved water quality. However, these activities may adversely affect river values through modification of the bed and aquatic habitat, presence of structures, adverse effects on flow or quality and noise or disturbances. These adverse effects must be avoided, mitigated or remedied.

Activities in and adjacent to the beds of rivers and lakes have already contributed to the decline of native aquatic species such as giant kōkopu, longfin eels and mudfish and birds such as black-fronted terns and black-billed gulls. Measures are needed to restore aquatic habitat in some areas, especially in lowland areas, including restoration of fish passage past some structures in the beds of rivers.

Control of river channels and management of floodplains is necessary if channel stability and efficiency in carrying floodwaters and sediment is to be maintained and flooding of riparian lands is to be mitigated. Communities living near rivers expect that river channels remain in the same place, that margins are protected from erosion, and that effects of flooding on riparian and flood plain land are mitigated.

Activities that might be undertaken to protect and manage the floodway capacity and stability of river channels may also have adverse effects on aquatic habitat and other river values, including cultural values. These activities must be managed appropriately to avoid, remedy or mitigate adverse effects.

Other activities, such as plantings, bridge or culvert structures and disturbances for gravel extraction or gold mining, may also impact on channel stability and floodway capacity and must be actively managed to avoid, remedy or mitigate adverse effects. These activities also have the potential to interfere with wāhi tapu, sites of cultural significance or taonga.

Activities on the surface of rivers and lakes include a range of boating activities and swimming. Other recreational activities dependent on rivers include angling and passive enjoyment of lake or river scenery. Boating activities might cause adverse noise effects or be in conflict with other recreational activities.

Some activities on the surface have commercial possibilities. Noise, frequency, effects at entry and exit points and conflict between uses are all potential adverse effects. Movement of craft on the rivers and lakes is also regulated by Council's Navigation Safety Bylaw controls to provide for safety of the river users.

Some water body values are identified as being particularly significant by being part of the Water Conservation Orders for the Motueka and Buller Rivers (and their tributaries). The Water Conservation Orders require that Part IV of the Plan does not contain rules that allow specified activities (as permitted activities) including dams on named rivers or obstruction of fish passage. The Water Conservation Orders also prevent activities that alter cross sections, meandering patterns and braided river channel characteristics of specified rivers.

Other values of water bodies, including significant values, are included in Schedule 30A of the Plan, although the list of rivers that may have specific values is not exhaustive and further work is being done on the assessment of significance of values. The Schedule provides the best information about uses and values currently available to the Council and it is currently being updated.

The Council manages those parts of the riverbed owned by the Crown, on behalf of the Crown. Some parts of the bed are owned by adjacent landowners who also have legal rights and interests in how the bed is managed.

All activities carried out in any river bed, public or private, are subject to the provisions of Part IV.

### 27.0.1 Soil Conservation and Rivers Control

The Council has duties and functions under the Soil Conservation and Rivers Control Act. The activities carried out under the Soil Conservation and Rivers Control Act are subject to the Act and the regulatory framework to be provided by Part IV.

The objects of the Soil Conservation and Rivers Control Act 1941 are the:

- (a) promotion of soil conservation;
- (b) prevention of soil erosion;
- (c) prevention of damage by floods; and
- (d) utilisation of lands in such a manner as will tend towards the attainment of these objectives.

The Soil Conservation and Rivers Control Act provides the Tasman District Council with the ability to provide works and services in a river in order to meet these objectives. The day-to-day river works and services required under the Soil Conservation and Rivers Control Act and provided by the Council are carried out in accordance with its Rivers Activity Management Plan.

The Council's activities carried out through the Rivers Activity Management Plan are subject to the provisions of Part IV.

### 27.0.2 Resource Overview

Tasman district's major river systems or catchments are as follows:

- (a) The **Waimea catchment** comprises the Wai-iti River catchment (270 square kilometres) and Wairoa River catchment (463 square kilometres) which drain steep hill country and join approximately 1 kilometre downstream of the Brightwater Bridge to become the Waimea River. The Q50 flow<sup>1</sup> of the Wairoa River at the gorge is 1407 cubic metres per second. The Q50 flow of the Wai-iti River at Brightwater is 481 cubic metres per second. The river plain formed by the Waimea River is intensively farmed and also supports some of the urban centres in the Tasman District.
- (b) The **Motueka River catchment** covers an area of 2170 square kilometres. The upper Motueka drains from the mountainous Red Hill/Maungakura (1629 square kilometres) and Beebys Knob (1436 square kilometres) area. The river flats and terraces in this area are narrow. The Motupiko and Tadmor Rivers drain the head of the Moutere Depression to be joined at Tapawera by the Wangapeka and Baton Rivers—two major tributaries that drain the watershed in the western most corner of the catchment. The river flows in a narrow valley below Tapawera to follow the foot of the Western Nelson Range (Arthur Range/Wharepapa) in a north easterly direction towards Tasman Bay/Te Tai-o-Aorere. The Q50 flow of the Motueka River at Woodstock is 2,038 cubic metres per second.

The Lower Motueka River receives run-off from the catchments of the Stanley Brook, Dove, Orinoco, Waiwhero and Brooklyn streams. These rivers and streams are bounded by wide flats and terraces backed by strongly rolling slopes which rapidly give way to the moderately steep slopes that form the eastern Motueka catchment boundary. The river plains have historically been used for horticultural production. Stopbanks have been installed on the Lower Motueka River up as far as Peach Island, primarily to protect the Motueka township and surrounding infrastructure.

<sup>1</sup> The Q50 may change from time to time according to the size and frequency of floods. It is equivalent to a one year in 50 frequency flood and is also referred to as the 2 percent annual exceedance probability (AEP).

- (c) The **Riuwaka River**, partly fed from karst geology has comparatively stable flows. The river network includes streams modified for land drainage purposes (Little Sydney, Scott's Drain, and Hamilton Drain) which discharge to the estuary via tidal floodgates. The river system is relatively small with the Q50 at the south branch being 104 cubic metres per second, and Q50 at the north branch being 80 cubic metres per second.
- (d) The main **Aorere River catchment** drains from the alpine regions of the Kahurangi National Park. The Boulder, Slate, 15 Mile, 17 Mile, and 19 Mile Creeks (which join the Aorere upstream of Bainham) and the Kaituna River (whose confluence is downstream of Devil's Boots), drain from the steep bush clad Wakamarama Range. The Aorere passes through steep rock gorges before discharging into the flat valley area used predominantly for dairy cattle and sheep farming. The land in these lower catchment reaches is alluvial and highly susceptible to erosion. The Aorere River is one of the largest rivers in the District with a Q50 flow of 3067 cubic metres per second.
- (e) The **Takaka River catchment** drains a mountainous region of around 855 square kilometres into the lower reaches of the Takaka Valley which comprises arable land. The main tributaries to the Takaka River are the Cobb River (on which the Cobb Dam is located) and the Waingaro and Anatoki rivers which join the main river near Takaka. The Waingaro is the largest of the contributing rivers with a Q50 of 1145 cubic metres per second, compared with 681 cubic metres per second from the Anatoki and 693 cubic metres per second from the Takaka River at the Waingaro confluence.
- (f) The **Buller River catchment** is the largest catchment in the District. This catchment includes the water flowing from Lake Rotoiti and Lake Rotoroa (via Gowan River/Te Kauparenuui), Lake Matiri (via the Matiri River) and other significant rivers such as the Owen, Mangles, Matakītaki and Maruia Rivers. The Buller River flows into the West Coast Region at Boundary Creek (also known as Eight Mile Creek) upstream of Lyell and then reaches the sea at Westport.

The remaining groups of waterways include:

- (i) West Coast rivers draining into the Tasman Sea which include the Paturau, Anatori, Anaweka, Turimawīwi, and Big Rivers, Sandhills Creek and Webb Stream, that drain the Wakamarama Ranges;
- (ii) Golden Bay streams from Puponga to Wainui Bay;
- (iii) Abel Tasman streams from Wainui Bay to Riwaka;
- (iv) streams flowing into the Moutere and Waimea Estuaries;
- (v) streams draining the Richmond ranges;
- (vi) the Kaihoka Lakes, lakes Otuhie, Killarney and Stanley, and the Mangarakau wetland in Golden Bay;
- (vii) underground rivers in karst (limestone and marble) areas.

## 27.1 ADVERSE EFFECTS ON ECOSYSTEMS

### 27.1.1 Issue

Activities that may adversely affect aquatic ecosystems include placement of structures, such as river protection works and culverts, disturbances of the bed, mechanical clearance of aquatic plants, introduction of plants, deposition of substances, reclamation, and drainage. Activities may have adverse effects on:

- (a) habitats of aquatic and terrestrial flora and fauna;
- (b) habitats of invertebrates and spawning areas due to smothering by sedimentation;
- (c) shelter, shade and detrital food source for aquatic life (vegetation loss);
- (d) fish breeding and spawning areas;
- (e) fish passage;
- (f) bird nesting and rearing in some locations;
- (g) mauri and wairua.

#### 27.1.1.1 Aquatic Habitat

There are 20 known species of native freshwater fish in Tasman, nine of which migrate to and from the sea as a critical part of their life cycle.

The following five species found in the Tasman district are classified as “in gradual decline” by the Department of Conservation (2004):

- (a) Giant kōkopu
- (b) Shortjaw kōkopu
- (c) Dwarf galaxias
- (d) Brown mudfish
- (e) Longfin eel

It is possible that following re-ranking of species, other native fish species will be added.

A nationwide reduction in natural habitat is responsible for the decline of our threatened native fish. In the Tasman district, for example, over 95 percent of the pre-European wetland has now been drained.

Longfin eel (tuna) are the most widespread of any freshwater fish species in the Tasman District but are listed as in decline nationally, partly due to damming waterways, habitat removal and degradation and commercial harvesting.

The shortjaw kōkopu has preferred habitat in Abel Tasman National Park, Golden Bay and the West Coast. Dwarf galaxias also thrives in a few parts of the region, such as in the upper reaches of the Motueka River tributaries and the Matakītaki River while the northern galaxias can be found in the upper Buller and Motueka river catchments.

The giant kōkopu and brown mudfish are both lowland species and a lot of their habitat has already been lost. Their habitat is particularly at risk from a range of bed disturbance activities, including stream clearance for improving drainage. Giant kōkopu can still be found in the Moutere Ecological District, the Aorere River catchment and the West Coast. Mudfish live in swamps, drains and forest pools that may dry up in summer. When the water disappears, they can be found in damp places underneath logs and other debris, or they burrow into holes where tree roots have rotted and breathe through their skins to survive in damp places for extended periods.

Inanga, common bullies and short-fin eel are the most common freshwater fish in the region and seem to survive with moderate levels of disturbance and limited riparian woody vegetation. However, inanga (a species making up 90 percent of the whitebait catch) require riparian rushland near the top of the tidal influence in streams and rivers to spawn and a considerable proportion of this habitat has been lost or

damaged. Other whitebait species, such as banded kōkopu, koaro and short-jaw kōkopu, spawn amongst leaf litter and rocks at the top of stream banks in forested streams during high stream flows. Many species of freshwater fish including eels, koura, freshwater mussels (*Hydrilla* sp) and shrimp (*Paratya* sp.) are important as kai as well as maintaining biodiversity.

Inanga, giant kōkopu, torrentfish, and most species of bullies, smelt and lamprey are poor climbers and have trouble getting over barriers with a vertical drop of more than 30 centimetres.

Different species of fish have their niches, from koaro in higher altitude stoney creeks to giant kōkopu which prefer slow-moving deep pools in lowland areas. It is therefore important to maintain and provide for the variety of habitats to support the natural variety of fish species present in Tasman's streams.

Of note is the high biodiversity value of lowland streams and, in particular, those within a few kilometres of the coast. These sections of the river have a relatively high number of species and they can also be subject to high pressure as land use is generally more intensive along lowland streams. For the majority of native fish present in the Tasman District, their abundance, and likelihood of presence, reduces with distance inland.

There are eight species of introduced fish, three of which are actively managed sportsfish—brown and rainbow trout and Chinook salmon. The others include the three coarse fish species, tench, rudd and perch, as well as *Gambusia* and koi carp, all five of which are included in the Council's Tasman-Nelson Pest Management Strategy.

Many fish have very defined breeding seasons. For example, inanga spawn on high tides from February to April inclusive, and brown trout from May to September inclusive, and activities that disturb the bed during these times will adversely affect their spawning.

Habitat requirements for nearly all fish include:

- (i) a meandering channel with a variety of depths and widths;
- (ii) a variety of substrate (usually including in-stream woody debris);
- (iii) a variety of bank shape (from steep and undercut to gently sloping); and
- (iv) streamside vegetation (rushland near the estuary, or shrub or forest canopy).

Activities in the beds or on the banks of rivers have significant potential to affect fish habitat where streams are straightened or cleared of any vegetation or subject to stock trampling. There will be beneficial effects from habitat enhancement work like planting and erosion control, construction of bridges to avoid crossing over the bed, and where adjacent riparian land management includes planting protective vegetation and fencing to exclude stock.

Periphyton (algae, blue-green algae, bacteria and fungi attached to the bed of the waterway) is important as food for grazing invertebrates (including some insects, worms, crustacea) which are, in turn, food for carnivorous invertebrates, birds and fish. These species are susceptible to damage by activities in the bed, but also through sedimentation. Smothering of the stream bed with fine sediment and works in streams can adversely affect these organisms and ecosystem health.

#### **27.1.1.2 Fish Passage**

An important issue for the Tasman District is the maintenance and enhancement of fish passage. Structures such as dams, culverts, tidal gates, weirs, bridges, water supply intakes and gauging stations all have the ability to impede or block fish passage. The provision of fish passage or remedying or mitigating the adverse effects of structures on fish passage is essential for the proper functioning of aquatic ecosystems, particularly because of migration to and from the sea by many fish species. There is a complementary provision in legislation administered by the Department of Conservation that requires approval from the Director-General if fish passage is obstructed (Freshwater Fisheries Regulations 1983).

Existing tidal flood gates can have a particularly significant effect on fish passage because of their location close to the coast, and on water quality by reducing dissolved oxygen levels and increasing sedimentation.

This issue is pertinent to both proposed and existing structures. It may be difficult or expensive to retrofit existing structures to provide for fish passage. Many of the adverse effects from these sorts of structures are often caused not so much by their installation, as by erosion at the outlet and lack of on-going maintenance.

The Council is developing an inventory showing where culverts are causing fish passage issues, particularly for watercourses with significant value for native fish or trout habitat.

As at February 2009, Council has assessed 271 structures for whether they are a barrier or a significant impedance to fish passage. Of these about 60 percent are perched culverts and prevent or obstruct fish passage.

The resources required for survey effort mean a complete inventory is currently beyond the capacity of Council. Assessment of Council road crossings within 10 kilometres of the coast have been targeted for remedial action as these are the streams with the highest biodiversity and where the greatest potential loss of access to habitat upstream occurs.

### **27.1.1.3 Drainage Maintenance**

Another important issue for the district is drainage maintenance where aquatic plants, debris and sediment are removed from the waterway by mechanical means (using an excavator in the bed) or by use of herbicides.

This activity is mostly carried out by landowners to enhance the productive capacity of their land by lowering water tables and enabling better pasture growth. Unmaintained drainage systems may also cause adverse effects to upstream properties because of impeded drainage, and drainage maintenance may be necessary.

Drainage maintenance activities can have a significant impact on the ecology of waterways, either through destruction of habitat or sedimentation in downstream receiving water. Lowland streams provide important habitat for significant indigenous species and this habitat can be adversely affected by some drainage activities.

This drainage maintenance is mostly carried out on small lowland waterways that drain pasture. They require ongoing maintenance to continue functioning as drainage systems. Such drains may be contained within the definition of “river” where they are part of a modified water course.

Although effects of activities in these very small rivers may be relatively minor on a small and localised scale, the cumulative effects on habitat within them and discharges from them on the overall health of the District’s rivers can be significant. There are best practice methods that can help reduce adverse effects on aquatic habitat.

### **27.1.1.4 Birds and Wildlife**

Four bird species are known to nest on braided open shingle river beds in Tasman—black-fronted terns, banded dotterels, black-billed gulls and pied oystercatchers. All these birds use river beds for breeding from October to January except for banded dotterels which start breeding as early as August. They all use stoney or sandy areas amongst sparse vegetation, particularly in the upper Buller River and Matakaitaki River. Islands in rivers are particularly favoured nesting sites.

Black-fronted terns, which are endemic to the South Island, are one of the most threatened bird species, being in very rapid decline according to the Department of Conservation’s threat classification. These birds are present in small colonies with scattered nests (usually 2-30 pairs). They are known to breed in colonies on the Matakaitaki, Howard/Hinemootū and Buller rivers and on the Motueka River near Tapawera, although disturbance in this area may have led to more infrequent use of this area currently. The birds are vulnerable as they readily desert their eggs and young if their breeding site is disturbed.

Black-billed gull numbers are declining in South Island. They are considered in serious decline in the threat classification. There are colonies of nests, particularly in Upper Buller and Matakītaki. For example, there are about 100 nesting in the Buller River bed upstream of Harley's Rock.

Banded dotterels number about 30,000 birds in the South Island and are in gradual decline. They also breed on the Waimea River and large parts of the Motueka River. These birds usually hold their own against predators and nest in pairs rather than colonies.

South Island pied oystercatchers breed only in the South Island but numbers appear to be slightly increasing.

Blue Duck (whio) are another nationally endangered bird using rivers in Tasman. These birds are found year round in steeper mountain-fed streams, particularly in or near Kahurangi and Nelson Lakes national parks and the Wairoa catchment. They are threatened particularly by predators but they can be disturbed by damming or diverting water.

Noise and close contact from activities carried out in the beds, including use of the beds by 4-wheel drive vehicles and motorbike enthusiasts and machinery working in the bed for gravel extraction or river control works, as well as physical disruption of the birds and their nests, are likely to be the most significant effects that need to be managed.

#### **27.1.1.5 Biosecurity**

Plant and animal pests threaten the rivers' biodiversity and reduce the quality of the habitat for indigenous species. Some pest plants also adversely affect the river or lake morphology or flow regime. Activities that increase this risk need to be managed to reduce adverse effects on the natural functioning and ecosystems of rivers and lakes.

Some activities can create habitats that might change natural processes and functions. For example an impoundment of water created by a dam may also create a habitat that favours aquatic pest plants or create a barrier to the passage of fish, including both indigenous species and pest species.

Both recreational activity and moving machinery from one river system to another can spread pests such as didymo and alligator weed.

The Council's Tasman-Nelson Regional Pest Management Strategy considers these biosecurity risks and contains strategies to manage them. Provisions in Part IV complement these measures.

The alga, didymo (*Didymosphenia geminata*) has become a pest organism in many parts of the region, including around the lake outlets of lakes Rotoiti and Rotoroa. Management of didymo is under the control of Biosecurity New Zealand.

The Council and landowners along rivers carry out pest management activities which may have some adverse effects depending on what methods of control are used. For example, water quality may be affected by control of aquatic pests by chemical sprays or habitat may be affected where control is by mechanical means.

#### **27.1.1.6 Planting**

Vegetation which can be either planted or self established can alter a river over time by obstructing or redirecting water flow or sediment movement. These changes may exacerbate flooding by reducing channel efficiency, or may cause or worsen bed and bank instability by accelerating erosion or sedimentation. The stability or function of structures on the bed or bank may also be compromised as a consequence, particularly where erosion threatens the supports of a structure. The activities may also lead to a change in the physical nature of the water body's bed (bedform) by trapping sediment, which may be undesirable if it adversely affects other uses.

Planting, especially in the banks or riparian areas, can also mitigate against erosion and flooding, enhance aquatic habitat and biodiversity, and provide water quality benefits. Council carries out extensive planting programmes in its role as manager of the District's rivers and also encourages and supports appropriate stream side planting to enhance and protect aquatic habitat, biodiversity and water quality.

Often the biodiversity value of planting means that riparian planting by adjacent landowners and the Council consists of indigenous species (including the use of plants that are eco-sourced from surrounding plants) in preference to other plant species. However, biodiversity enhancement is not the only reason for riparian planting, and sometimes other plant species may be more appropriate, including for erosion control in some situations.

Crack and grey willow have been used in erosion control in the past. Both species are nationally recognized plant pests and Council is undergoing a programme to replace them with more appropriate species, including indigenous species, where appropriate.

The introduction or planting of any plant, or any part of any plant (whether exotic or indigenous) on the bed of a lake or river can only occur if it is expressly allowed by a rule in a regional plan or any proposed regional plan, or by a resource consent.

Chapter 8 of the Plan already contains a number of policies and methods to manage activities in riparian margins, especially in relation to public access and natural character, and the clearance of indigenous riparian vegetation. Chapter 33 also recognises the role of riparian margins in protecting water quality.

#### **27.1.1.7 Braided River Habitat**

Braided rivers are important habitat for the black-fronted tern, black-billed gulls, banded dotterel and South Island pied oystercatchers. They are home to a number of threatened freshwater species, including longfin eel and dwarf and northern flathead galaxias. The Tasman braided rivers have not been subject to extensive investigation or survey but they are known to support a range of diverse but poorly understood terrestrial invertebrate communities.

Activities such as impoundments, extraction of gravel, flood prevention works and flood plain vegetation can all adversely affect braided river habitats. Vehicle movements are a particular issue for bird-breeding habitats.

#### **27.1.1.8 Aquatic Plant Species**

New Zealand native freshwater plants include 38 endemic species. Several of these species have become rare or in decline in Tasman District. The major threats are wetland drainage, habitat modification, nutrient enrichment and the spread of weeds. Some notable rare species include:

- (a) Stout Water Milfoil (*Myriophyllum robustum*) found in swamp forest and lowland streams in northwest Nelson.
- (b) Swamp buttercup (*Ranunculus macropus*) and Mud buttercup (*Ranunculus limosella*) usually found in raupo swamps or slow-flowing lowland streams.
- (c) *Gratiola nana* found in muddy hollows in forest clearings, streamsides or in turf at the margins of lakes, rivers or ponds; sometimes aquatic at edge of shallow lakes or rivers.
- (d) *Lepilaeana bilocularis*, an aquatic herb of lakes, brackish water, or slow-flowing rivers. Usually found in shallow fresh water habitats not far from the coast.
- (e) *Isolepis fluitans* found in slow- to fast-flowing streams, ponds, tarns or lakes.
- (f) Fennel-leaved pondweed (*Potamogeton pectinatus*) usually found in brackish water, such as in slow-moving tidal streams or lagoons, but also found in shallow lowland pools.

Disturbance activities in beds of rivers can have an adverse effect on habitats of these endangered native plant species. Distribution of the plants is not precisely known.

## 27.1.2 Objectives

- 27.1.2.1** The maintenance, restoration and enhancement, where appropriate, of aquatic habitats in the beds of rivers and lakes that is sufficient to:
- (a) preserve their life-supporting capacity (including the mauri of the water);
  - (b) protect their values for native fisheries (including inanga and eels), trout fisheries and wildlife (including indigenous bird species);
  - (c) protect or enhance indigenous biodiversity values.
- 27.1.2.2** Activities in, on, under, or over the beds of rivers and lakes are carried out in a way that avoids, remedies, or mitigates adverse effects on aquatic ecosystems, including in particular:
- (a) aquatic habitats of:
    - (i) indigenous freshwater fish;
    - (ii) indigenous birds and other wild life, including river bed nesting habitats;
    - (iii) trout;
  - (b) braided and lowland river ecosystems;
  - (c) fish passage.

## 27.1.3 Policies

*Refer to Policy sets 27.3.3 – 27.7.3.  
Refer to Rule sections 28.1, 28.2.*

- 27.1.3.1A** To avoid the loss of river extent and values, unless the Council is satisfied that:
- (a) there is a functional need for the activity in that location; and
  - (b) the effects of the activity are managed by applying the effects management hierarchy.
- 27.1.3.1B** The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.
- 27.1.3.1** To avoid, remedy or mitigate adverse effects on aquatic ecosystems of structures and activities in, on, under or over river and lake beds, including adverse effects on:
- (a) fish passage;
  - (b) fish habitat, especially that of indigenous species including giant kokopu, whitebait species, eels and including trout;
  - (c) fish spawning areas;
  - (d) bird habitat, especially indigenous species and during nesting and rearing;
  - (e) fish entrainment or stranding;
  - (f) invertebrate habitat and spawning areas due to smothering by sedimentation;
  - (g) shelter, shade and detrital food source for aquatic life;
  - (h) habitat of indigenous aquatic and terrestrial flora and fauna,
  - (i) riverbed substrate composition, hydraulics and channel morphology.
- 27.1.3.2** To promote and encourage best practice drainage maintenance and development activities on productive land that maintain or enhance the health of aquatic ecosystems while providing for efficient land drainage networks.

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- 27.1.3.3** To maintain fish passage by requiring provision for the passage of fish at any new structure in or on the bed of any lake or river, where appropriate, taking into account criteria (a) to (c) in Policy 27.1.3.4.
- 27.1.3.4** To assess the need to provide for the passage of fish at existing structures when renewing consents or when setting priorities for remedial or enforcement action, by taking into account:
- (a) quantity of habitat upstream of the barrier;
  - (b) whether the stream is continuously flowing or ephemeral, and the extent to which the barrier affects fish passage at a range of stream flows;
  - (c) significance and quality of the habitat, including presence of threatened species or effects of predator species on indigenous species;
  - (d) proximity of barrier to the sea;
  - (e) costs associated with any works required to provide fish passage at a site or several sites on the same river and including any likely adverse effects of the retrofit on adjacent landowners and any adverse effects on hydraulic efficiency;
  - (f) proximity and effects of other fish barriers, including natural barriers in the same stream;
  - (g) whether the structure is still used or the time until any programmed replacement;
  - (h) whether there are alternative methods of providing for the passage of fish.
- 27.1.3.5** To delay the legal effect of the rules regulating culverts, fords and tidal flood gates existing as at 27 February 2010 until five years from the operative date of Part IV and to:
- (a) require resource consents or
  - (b) take enforcement action
- for structures that do not provide for fish passage at that time unless:
- (c) the structure has been assessed against Policy 27.1.3.4 as not requiring provision of fish passage or
  - (d) a plan is prepared which includes:
    - (i) a description of the works required to provide for fish passage;
    - (ii) a target completion date for the required work.
  - (e) the works have been completed by the specified date.
- 27.1.3.6** To promote and encourage the establishment and management of appropriate vegetation in riparian margins and river and lake beds to:
- (a) protect the bed (including the banks) from erosion and adverse effects of flooding;
  - (b) enhance the aquatic ecosystems and habitat for flora and fauna;
  - (c) enhance indigenous biodiversity;
  - (d) maintain hydrological regime of the river, including its hydraulic power and energy regime;
  - (e) maintain efficiency of river channels;
  - (f) protect structures in the beds;
- while avoiding, remedying, or mitigating adverse effects of planting and self-sown vegetation in river and lake beds, including effects on:
- (i) the hydrological regime of the river, including its morphology, hydraulic power and energy regime;
  - (ii) bed and bank stability;
  - (iii) efficiency of river channels;

- (iv) indigenous biodiversity;
- (v) ecosystem health and functioning.

**27.1.3.7** To protect river stability, floodway capacity, morphology and ecosystem functioning from the adverse effects of pests, crack willow and grey willow by:

- (a) replacing willow species in some locations along rivers with more appropriate species;
- (b) adopting measures to manage pests in and along rivers and lakes in river and pest management strategies and plans;
- (c) providing for activities in the beds of rivers and lakes to manage adverse effects of pest species.

**27.1.3.8** To maintain spawning habitat for trout, whitebait species and other native fish.

**27.1.3.9** When considering applications to carry out activities in the beds of rivers and lakes, to have regard to the provisions of plans such as the Eel Management Plan, Nelson Marlborough Conservation Management Strategy, Nelson Marlborough Fish and Game Council Management Plan, and Iwi Environmental Management Plans that promote the sustainable use of water and associated resources.

**27.1.3.10** To provide for the use, maintenance and repair of lawfully existing structures in, on or under the beds of rivers and lakes, except where such structures are causing more than minor adverse effects on the environment that cannot be avoided, remedied or mitigated.

**27.1.3.11** To assist and work with landowners and asset managers to assess the need for providing fish passage at culverts, fords and tide-gates and prepare plans that describe the work required and specify an agreed target date for completion of required works that takes into account:

- (a) where the significance, quality and quantity of the fish habitat upstream of the barrier make the work a priority, and including barriers within 10 kilometres of the coast as an initial priority,
- (b) the costs of the retrofit, including adverse effects of removal of the barrier, adverse effects on the hydraulic efficiency of the structure and financial costs for the owner of the structure.

## **27.1.20 Methods of Implementation**

### **27.1.20.1 Regulatory**

- (a) Regulatory methods to establish thresholds for activities that may be permitted or regulated and to establish limits on the nature and scale of adverse effects.
- (b) Delaying the legal effect of rules regulating fish passage at existing culverts and fords, including tidal flood gates, and adopt a staged approach to restoring fish passage in consultation with landowners and industry groups.
- (c) Requirement for a written fish passage assessment plan by an appropriately competent person in assessment of aquatic ecosystems, which assesses the need and timing for fish passage retrofitting in accordance with policy 27.1.3.4.

### **27.1.20.2 Education and Advocacy**

- (a) Provision of information about ecosystem values and methods to avoid, remedy or mitigate impacts of activities on ecosystems.
- (b) Developing best practice guides to help resource users make sustainable decisions including on:
  - (i) drainage activities;
  - (ii) fish passage, including design, installation and management of culverts;

- (iii) appropriate plant species and planting regimes or methods in river and lake beds and banks;
- (iv) maintenance of whitebait and other native fish habitat.
- (c) Working with manufacturers and landowners to improve design of crossings to minimise impacts on aquatic habitat.
- (d) Council will provide assistance and advice to landowners about:
  - (i) the information requirements for fish passage assessments;
  - (ii) carrying out fish passage assessments;
  - (iii) cost effective fish passage retrofitting options;
  - (iv) priority structures and locations.

#### **27.1.20.3 Monitoring and Investigations**

- (a) Working with industry groups, tangata whenua and landowners as well as the Council road asset managers to:
  - (i) assess fish passage needs at existing structures;
  - (ii) identify current barriers to fish passage;
  - (iii) determine priorities for action, beginning with structures closest to the coast; and;
  - (iv) develop a programme of works and target dates for completion of fish passage restoration where assessed as being necessary.
- (b) Carrying out fish surveys and stream habitat assessments to determine freshwater fishery values.
- (c) Regular reporting by Council in consultation with industry groups, landowners, tangata whenua and other stakeholders on measures adopted to improve aquatic habitat including provision of fish passage and adoption of best practice for land drainage activities.

#### **27.1.20.4 Works and Services**

- (a) Maintenance on road culverts and tidal gates to restore fish passage on Council road culverts within 10 kilometres of the coast and provision in annual plan budgets to enable this work.
- (b) Management of riparian vegetation and vegetation in river beds through the Rivers Activity Management Plan in a way that is consistent with Plan policy.

### **27.1.30 Principal Reasons and Explanation**

The Council acknowledges the potential for any activity that disturbs the bed of a river to damage or destroy aquatic habitat and Policy 27.1.3.1 seeks to identify and manage these effects. A wide range of activities and structures may affect aquatic ecosystems in varying degrees and the potential for adverse effects needs to be accounted for in performance standards for rules as well as when setting conditions for resource consents.

Where the bed disturbance occurs in water, sediment will be mobilised. The mobilisation of sediment, depending on the scale of the activity, can reduce the clarity of the water by increasing its turbidity. A small reduction in clarity for brief periods will not usually cause significant adverse effects. However, reduction in clarity can adversely affect natural and human use values supported by the lake or river, or other users of the water body if the reduction is severe or prolonged.

In Policy 27.1.3.2, Council advocates for adoption of a best practice approach to drain maintenance works, whether they occur in farm drainage canals, or in modified watercourses. This best practice approach recognises the contribution to aquatic habitats from the range of drainage network systems that exist across the District.

Adverse effects of this activity on both aquatic habitat and water quality can be mitigated by following best management practices. These include incorporating natural meander and maintenance of bank vegetation, such as grasses, to provide habitat for invertebrates and whitebait spawning, shade, and protection from erosion.

In larger drains and small rivers, methods to reduce aquatic weed growth, such as shading the stream, can be effective whilst providing benefits to the stream ecosystems by reducing stream temperature, increasing the quality of habitat for invertebrates and fish, and supplying the stream invertebrates with woody detritus.

These mitigation measures can also contribute to better water quality in farm drainage canals (ditches) and help ensure water quality objectives for the receiving water can be met where water quality is reduced because of adjacent land use activities.

The policies and methods acknowledge the need for landowners to carry out drainage maintenance works so that drainage systems carry drainage and flood water efficiently and in such a way as to allow productive use to be made of adjacent land. They also acknowledge the associated aquatic habitats of drainage systems and seek to maintain these values by adoption of best management practices.

Policies 27.1.3.3 and 27.1.3.4 manage fish passage effects from new and existing structures. Fish passage will be maintained by requiring any new structure in or on the bed of any lake or river to provide for fish passage, while opportunities to restore fish passage are provided by considering where existing structures might be upgraded. Where there are no fish that require passage to be provided, then this element of culvert or structure design is not applicable.

It is likely that there are existing culverts where fish passage has become impeded over time. Opportunities to retrofit existing structures to provide for fish passage will be considered where resource consent applications are required or where compliance action may be necessary. Assessment of the need for retrofitting will take into account practical aspects relating to significance of the aquatic habitat and opportunities to improve it, and the potential costs of the retrofit. A programmed approach, which includes delaying the legal effect of the rules for existing culverts, will be adopted to allow landowners and Council to plan for any required works to restore fish passage over a period of time.

In places where a structure also functions as a ‘tide gate’ to restrict flow of seawater upstream, opportunities for enhancing fish passage are more limited, as the flow of water is stopped on an incoming tide. However, new tide gate design means there are practical opportunities for restoring fish passage in these sensitive environments. Where there is a natural fish passage impedance, such as a waterfall, not far upstream or downstream of a proposed or existing culvert, then the design of the culvert should take into account the nature of the impedance.

Council will provide information to landowners about culvert design, construction and maintenance to assist them in identifying best management practices. The Council is also developing an inventory showing where culverts are causing fish passage issues, particularly for watercourses with significant value for native fish or trout habitat.

The resources required for survey effort means a complete inventory is currently beyond the capacity of Council. However, road crossings within 10 kilometres of the coast have been targeted for assessment and remedial action by Council, as these are on the streams with high biodiversity and can cause loss of access to upstream habitat.

Beneficial effects of planting vegetation in the bed or on the banks of a river on the ecosystem function of the watercourse can be significant, especially as the vegetation grows. In addition, vegetation can establish naturally in the bed and on the banks of rivers and cause problems for the safe and efficient flow of water and for wildlife habitat.

Pest plants are specifically prevented from being established through the Council’s Pest Management Strategy. In addition, the Council recognises the adverse effects of establishing crack and grey willow species. Policies 27.1.3.6 and 27.1.3.7 seek to avoid the adverse effects while enhancing the beneficial effects of vegetation planting. See also method 27.4.20 where provision of support for sustainable management of riparian areas is included.

This policy approach is consistent with related riparian land management policies in Chapter 8 of Part II and Chapter 33 of Part VI.

Trout fishing and white-baiting are significant values of many of the District's rivers and streams. Policy 27.1.3.8 aims to maintain and enhance the value of trout and whitebait spawning habitat as well as other native fish. Maintenance or enhancement of good whitebait habitat along stream margins in tidal reaches will help whitebait numbers by improving the survival rate of eggs and enhance the availability of suitable breeding habitat. The Council does not have precise knowledge about the extent and nature of whitebait fisheries across the District and does not have full understanding about the range of adverse effects from various stock classes. Trout, inanga (whitebait) and eels all have particular social, cultural and economic values. Protecting trout spawning habitat includes limiting bed disturbances in some rivers during May to September when trout spawn. Protecting inanga will require limiting bed and bank disturbances within tidal reaches of rivers between February and May.

Maori have a particular role and interest in the sustainable management of rivers and natural resources. In addition, other organisations, such as the Department of Conservation, the Fish and Game Council, the Royal Forest and Bird Protection Society and other stakeholders, such as landowners and industry groups, all have various roles and interest in the sustainable management of the District's rivers and natural resources. Consent holders and managers of infrastructure are also interested in and affected by provisions relating to the sustainable management of resources. Attention in Policy 27.1.3.9 to management plans that complement Council's resource management functions and duties will help ensure an integrated and co-ordinated approach to managing rivers and lakes.

## **27.2 THE RELATIONSHIP OF MĀORI AND THEIR CULTURE AND TRADITIONS WITH RIVERS AND LAKES**

### **27.2.1 Issues**

Manawhenua iwi hold a range of traditional values for rivers and lakes. These derive from the significance of water and water bodies in traditional Maori culture that continues today. The Māori world-view (te ao Māori) holds that all life and non-living things are both physically and spiritually connected. Atua (spiritual guardians) govern elements and processes in the natural world and Tangaroa as the atua of water, both freshwater and coastal waters, connects and controls all natural processes of water. Water (wai) in all its forms is greatly valued by Māori for its fundamental life-sustaining properties and its mauri (life-force).

There is a strong connection between the values for rivers and lakes and other water bodies, and the history of Māori settlement close to rivers and lakes. Many cultural heritage sites are located close to riverbanks and the coast. These add to the value of rivers and lakes, which are seen as taonga (treasures) and those local rivers (awa) are customarily acknowledged in meeting introductions (mihi). Rivers are also an important source of mahinga kai.

Manawhenua iwi are kaitiaki (those that watch over and guard) for all local rivers and lakes and value their use and management so that each generation receives the water body in as good or better condition. Mana whenua see the broad risk of degradation of the condition of rivers and lakes, through physical modification by disturbances, contamination or vegetation change, as a key issue. The mauri of the river or lake is damaged by any of these occurrences.

Part IV addresses a number of issues of significance to mana whenua concerning avoidance of damage to rivers or lakes. These issues include stock and vehicle access effects on water quality, effects of gravel extraction, effects of dams, effects on fish habitat and fish and eel passage of waterway disturbance to maintain drainage functions or from installing crossings, and disturbance of wildlife habitat. Mana whenua also note the potential for adverse effects on waiora and waimāori, mahinga kai areas, and loss of customary take.

A range of policies, methods and rules seek to address these issues.

#### **27.2.1.1 Mauri and Wairua**

Māori regard for water is an appreciation of its practical life-sustaining properties of its mauri. The mauri value of water bodies is often described as a "life force" and can be compared with the life-supporting capacity concept of the Act. Wairua is a less tangible but no less an important value that might be compared to spiritual value or essence of the water.

Structures and activities can adversely affect these values although it is often possible to mitigate or avoid adverse effects.

However the adverse effects on the more spiritual or intangible values that people, including both mana whenua and the wider community have for water and rivers is more difficult. Often the resolution of these issues can be achieved if the outcome is the tangible or evident maintenance of the river's character, amenity, water quality, public access, cultural recognition and surroundings as described in other sections of Part IV.

#### **27.2.1.2 Wahi Tapu and Wahi Taonga**

The management of sites of cultural significance to mana whenua in rivers or lakes is being integrated with provisions in the Plan to manage cultural heritage sites on land adjacent to rivers or lakes. The cultural heritage site provisions are supported by a Cultural Heritage Sites Database which is the repository for information about cultural heritage sites, including sites that are wāhi tapu and wāhi taonga. The information is part of the Plan through provisions of Chapter 16.13, and referred to in Part IV rules.

## 27.2.2 Objective

Retention or enhancement of the traditional values held by Māori under tikanga for rivers and lakes and their margins, including the mauri (or life-supporting capacity) and the wairua (or spiritual value) of rivers and lakes.

## 27.2.3 Policies

*Refer to Policy sets 27.1.3 – 27.7.3.*

*Refer to Rule sections 28.1 – 28.5.*

**27.2.3.1** To avoid, remedy or mitigate adverse effects on the mauri and the wairua of the river or lake arising from the effects of structures and other activities in, on, under or over river and lake beds.

**27.2.3.2** To ensure activities and structures in, on, under or over the beds of rivers and lakes avoid, remedy or mitigate adverse effects on cultural heritage sites, including wāhi tapu and wāhi taonga.

## 27.2.20 Methods of Implementation

### 27.2.20.1 Regulatory

- (a) Rules that ensure impact of activities on Māori values are taken into account, including through Part II provisions for cultural heritage sites on land adjacent to river and lake beds.

### 27.2.20.2 Education and Advocacy

- (a) Provision of information about methods to avoid, remedy or mitigate impacts of activities on ecosystems.
- (b) Develop good practice guides to help resource users make sustainable decisions.
- (c) Working with or supporting landowners, industry groups, Māori, other statutory groups (such as Fish and Game Council and Department of Conservation) and agencies (such as Landcare Trust) to improve water quality that is degraded as a result of the cumulative impacts of adjacent land uses.

### 27.2.20.3 Investigations

- (a) As part of Method 10.2.20.2(a), collaborate with and assist Māori to identify all significant cultural heritage sites, including wāhi tapu, wāhi tapu areas, and wāhi taonga within or close to river and lake beds.

## **27.3 RIVER BED STABILITY AND CHANNEL EFFICIENCY**

### **27.3.1 Issues**

#### **27.3.1.1 River Management**

Activities in, on or under the bed of lakes and rivers may give rise to erosion, degradation, accretion (adding to the banks) and aggradation (adding to the beds).

Whilst erosion, degradation, accretion and aggradation can occur naturally, these processes can be aggravated or caused by activities in river and lake beds and also by land use within the wider catchments. While the adverse effects of erosion and bed degradation can be significant, effects of these processes may be beneficial by providing valuable gravel resources or contributing to coastal stability.

The Council manages the rivers to mitigate flood risks and erosion and to maintain efficient channel capacity under the provisions of the Soil Conservation and Rivers Control Act. It carries out a range of activities in the District's rivers, including rock protection, vegetation planting and clearance of vegetation from within channels. The works carried out to maintain stability of river beds and maintain efficient channels are identified in the Council's Rivers Activity Management Plan. These activities need to be assessed against the need to avoid, remedy or mitigate adverse effects on the environment. The community, including mana whenua, landowners adjacent to rivers and stakeholders such as the Fish and Game Council, Department of Conservation, and the Forest and Bird Society have a high level of interest in how decisions about river management are made and there is a high level of consultation on its river management works.

Similarly, the effects of other activities on river and flood protection works also need to be accounted for. Placement of structures, gravel extraction or relocation, crossings by vehicles and stock, plantings or reclamations and alluvial gold mining have been identified as specific activities that may or are known to cause unstable river beds in Tasman District, especially if bed armour is adversely affected or holes created in the bed. In addition, existing structures and river works can be adversely affected by these processes.

#### **27.3.1.2 Gravel Removal**

There is constant and large demand for high quality gravel in the Tasman district. River bed gravel has historically been a source of good quality gravel that is relatively cheap to extract and process. However, the amount of gravel entering the river systems at the river source (mountains and hills) in general is low.

In order to meet demand for gravel and aggregates sustainably, the Council has provided for Quarry Protection Areas where sources of hard rock have been identified. The potential of these areas to supply gravel and rock in the future are protected from reverse sensitivity issues through limitations on residential development. Council also makes provision for the quarrying of gravel from within berm lands and Policy 30.1.3.28 recognises the potential for wetland creation at those sites. Gravel quarrying in the alluvial plains is not encouraged as it is associated with a range of adverse effects, especially adverse effects on the productive capacity of the land.

An analysis of 40 years of historical data relating to river bed levels in the District concludes that the amount of gravel being taken from the main rivers, including the Waimea, Motueka and Takaka Rivers, is exceeding the amount entering the river systems over that time.

The analysis reveals that the loss of gravel within the system can be attributed to both natural loss and gravel extraction, but the majority of the loss (estimated at more than 80 percent for the Motueka River) is associated with gravel extraction (based on gravel returns). The issues associated with bed degradation have been exacerbated significantly by gravel extraction. Some natural degradation of river beds is unavoidable. However, further degradation can be greatly reduced by limiting gravel extraction in river beds.

Even in degrading rivers, gravel moves within the river bed and can sometimes form beaches or banks that are more or less stable. If gravel beaches build up significantly, they can cause localised problems during floods as banks are over-topped.

The perception that bed levels are increasing in some of these degrading rivers, and that Council needs to take more gravel out of rivers to manage this perceived problem, is sometimes reinforced by the appearance of gravel beaches that are much higher than the adjacent water level.

The size of the gravel resource appears larger than it really is if it is seen as the difference between water level and the top of the gravel beach rather than considering the bed level in a more longitudinal way, i.e. along the length of a river rather than at a specific beach location.

Part of the river works control programme requires management of gravel to deliver outcomes expressed in the Rivers Activity Management Plan which is prepared to fulfil Council duties and functions under the Soil Conservation and Rivers Control Act 1941.

The Rivers Activity Management Plan is expressly:

*...to outline and summarise in one place, the Council's strategic and management long-term approach for the provision of river erosion protection and flood mitigation works and associated operation and maintenance of these works (from the Council's Tasman District Council Rivers Activity Management Plan)*

The Rivers Activity Management Plan does not provide a river gravel management role unless it is for the purposes described above.

It is important for Council to manage gravel beaches to address localised flooding risk. However, this must be done in the context of maintaining the stability of the entire river. It means that gravel relocation within a degrading reach that could include moving gravel across the bed to fill eroded sections, would be the preferred management method rather than extraction of the gravel beach.

In addition to this river gravel management objective for the control of river-bed levels and floodway capacity, there is also a separate demand for extractable gravel for a range of end-uses in the building and construction industry, including for the construction of roads.

Where consent is issued to take gravel for private purposes from riverbed land owned by the Crown, resource management fees are charged by Council and the funds collected to contribute to costs of Council river management work. In cases where gravel is taken or extracted from privately owned riverbed land, a fee imposed by the Council may still be applicable, and the landowner may also be entitled to compensation for the gravel resource which is negotiated with the landowner.

Where river protection or erosion control works are necessary on this privately-owned riverbed land, Council must consult with landowners before undertaking any work and negotiate the payment of any applicable compensation.

The extraction of river gravels and sands from a river bed to meet industry demand, including for roading, is in greater amounts than that required to manage bed and bank stability and flood risks for all rivers.

The Plan will provide the framework for both managing any effects of activities that may be required to carry out river erosion and flood control work, as well as managing the effects of any extraction of sand or gravel for purposes not related to erosion or flood control.

The more explicit determination of the Council's resource management role in the Plan will complement the Rivers Activity Management Plan to provide a much greater level of certainty about why, where and when gravel may be extracted from the rivers in a consistent way.

The process historically followed by the Council's river asset managers to manage gravel extraction as part of the river works programme is not as transparent as a resource consent process. However, the river asset managers do need the flexibility to manage gravel in a way that maximises their ability to manage the river works programme efficiently, effectively and in a timely manner.

The dynamic nature of river systems and the connection between gravel management for river management purposes requires a responsive management approach.

The allocation of gravel to specific high value end-uses or identified end-users has been considered by Council, especially to end-uses which have a high level of public benefit such as roading. However, its powers to allocate gravel resources are limited by the provisions of the Act. Gravel is not a resource like water which can be allocated under the Act nor does the consent holder have any priority for continuing rights of allocation, because the power to make allocation rules in regional plans does not extend to gravel in river beds.

#### **27.3.1.3 Connection with Groundwater**

Erosion or degradation of river beds can significantly affect connected groundwater bodies (i.e. aquifers). In the Tasman District many of the shallow alluvial aquifers, and indirectly some of the confined aquifers, are replenished by leakage from the rivers. The water level (pressure) in the river principally drives recharge to the adjacent aquifers. Significant changes to the river bed level consequently affect the water level (pressure) in the river and hence the recharge rate to the adjacent aquifers.

Bed lowering has been shown to lower adjacent unconfined aquifer water levels leading to lower recharge, and so lower storage in the aquifer. For example, the Wai-iti River provides recharge to the Appleby Gravel Unconfined Aquifer and the result of a degrading river bed has meant that water users' access to water declined significantly. The Council is attempting to reverse this effect by construction of weirs in the river bed designed to build up gravel levels.

Other water bodies that are potentially influenced by river bed levels include springs with flow contributions from the Takaka River, including the Te Kakau Stream.

The recharge of the Motueka Plains aquifers is also dependent on flow in the Motueka River. Computer modelling of the effects of changing bed levels has shown a connection with groundwater recharge, although the 30 centimetre decrease in bed level that has already occurred over 40 years has not significantly affected recharge.

#### **27.3.1.4 Degrading Beds**

Any decrease in river-bed level will increase the risk of instability of river banks and any protection works on these banks and undermine structures such as bridges in the beds, particularly during a flood when erosion forces are higher. This is because the stability of the foundations decreases as bed levels reduce below the design level. These effects may take some time to become evident.

Bed degradation effects mostly become evident through existing bank protection works or structures failing in a flood event. Consequently the works need to be either rebuilt or topped up to the required height. A degrading bed generally results in increasing costs in both maintaining existing structures and river protection works, and building new protection work.

To reverse the effects of a degrading bed caused by excessive gravel abstraction in the Wai-iti River, the Council has built weirs to help retain and build up the natural flow of gravels and sediments upstream of the weirs and promote groundwater recharge and water storage (ref. 27.3.1.3).

Structures erected or placed in river beds can cause or worsen erosion and degradation by interrupting gravel movement down the river or by redirecting the flow of water towards banks. Culverts, weirs, concreted fords, bridges and dams are commonly used structures in Tasman District that can lead to these adverse effects on river beds and banks.

#### **27.3.1.5 Aggrading Beds**

Similarly, accretion or aggradation may result in reduced effectiveness of river works, structures and affect waterway capacity, including flood flows and water levels of adjacent aquifers. Aggradation may also reduce effectiveness of structures such as dams.

### 27.3.1.6 Material Transport

A decrease in the amount of aggregate moving down the rivers can cause or worsen bed and bank erosion or degradation and can cause coastal erosion on the down-drift side of a river mouth. Many of these effects may take time to evolve.

Reducing volumes of sand and aggregate that reach the coast can exacerbate coastal erosion processes on the shoreline. While there is very little by way of direct example of this situation on Tasman's coastline, the District's coastal littoral drift systems are fed, in part, from river sediment inputs to the coast.

Littoral transport rates along the Tasman Bay/Te Tai-o-Aorere shoreline are relatively modest. Yet there are significant erosion problems in several areas along the coast. This is due to prevailing wave energies removing more sediment material from a particular coastal compartment than it transports into that compartment. The net result is erosion. A more abundant sediment supply to the coast would result in the littoral drift system being better fed, resulting in either a stable equilibrium or even accretion occurring.

Sediment supply from rivers to the coast is only part of the situation affecting change to the coastal margin but is nonetheless a relevant consideration.

### 27.3.1.7 Erosion and Flooding Hazards

Erosion, degradation, aggradation or accretion can worsen natural hazards, particularly (in the case of aggradation or accretion) a reduction in the channel capacity exacerbating flooding and bank erosion increasing the risk of loss or damage to land, buildings and other property. Flood risk may also be aggravated when these processes undermine or weaken river management works, especially stopbanks.

### 27.3.1.8 Emergency Works

Damage to rivers' stability and capacity, and damage to structures and property following extreme events, especially floods, is an ongoing risk for landowners, the Council's asset managers and other asset managers, including managers of roading and power assets. Measures can be taken to reduce or mitigate damage at least from some events, including by planting and structures to provide for river stability, careful management of land disturbances on adjacent land and appropriate riparian land management. However, there will always be a potential need for repair or remedial works following extreme events. In some cases, emergency works can be carried out where immediate preventative or remedial works are required or where there is a risk of loss of life or injury, or serious damage to property.

## 27.3.2 Objectives

- 27.3.2.1** The stability of river beds and the efficiency of rivers to carry floodwaters and sediment are maintained.
- 27.3.2.2** Activities in river beds, including construction of structures, are carried out in a way that avoids, remedies, or mitigates adverse effects on the stability of river beds and efficiency of rivers to carry flood waters and sediment.

## 27.3.3 Policies

*Refer to Policy sets 27.1.3.*

*Refer to Rule sections 28.1, 28.2, 28.5.*

- 27.3.3.1** To avoid, remedy, or mitigate adverse effects on riverbed and bank stability and flood-carrying capacity of activities in, on, under, or over river and lake beds and including:
- (a) effects on existing structures and lawfully authorised activities;
  - (b) reduced effectiveness of structures, particularly flood mitigation works;

- (c) impacts on groundwater recharge patterns and connected spring and wetland systems;
- (d) reduced ability of the river system to transport gravel;
- (e) increased risk of flooding and coastal erosion.

**27.3.3.2** To provide for the carrying out of activities which enhance river bed and bank stability and flood-carrying efficiency of river channels while avoiding, remedying or mitigating adverse effects, including from noise and dust, on river uses and values, and including those identified in Schedule 30A.

### **Gravel Extraction Management Policies**

**27.3.3.3** To establish sustainable gravel extraction limits for specified reaches or networks of rivers by taking into account:

- (a) gravel entering and leaving the reach or network;
- (b) rate of movement of gravel through the system and pattern of gravel storage;
- (c) the need to avoid destabilisation of beds and banks;
- (d) the need to avoid adverse effects on channel morphology;
- (e) the need to avoid exacerbation of natural hazards, including the requirement to maintain flood carrying capacity;
- (f) the natural flow regime of the river;
- (g) linkages to groundwater recharge, and the need to maintain and enhance groundwater supplies, including aquifers and connected spring and wetland systems;
- (h) linkages to coastal processes, and the need to avoid coastal erosion.

**27.3.3.4** To take into account the variability in river gravel movement from year to year so that the total extraction over time does not exceed a stated long term running mean calculated over 10 years, while allowing for extraction:

- (a) to avoid or mitigate adverse effects arising from extreme events, including landslips or erosion into a river;
- (b) where gravel from a tributary is unlikely to reach the main river;
- (c) where a barrier prevents gravel from moving down the main river.

**27.3.3.5** When considering an application to extract gravel from a river or reach where there are no sustainable gravel extraction limits, to take into account matters (a) to (h) in Policy 27.3.3.3 and to issue resource consents with a duration that is consistent with the Annual Operation and Maintenance Programme for the Rivers Activity Management Plan.

**27.3.3.6** To ensure that priority for the extraction of gravel is given to:

- (a) protection of the channel from erosion or instability;
- (b) maintaining efficient movement of flood waters and sediment down the channel;
- (c) preventing or mitigating adverse effects of flooding;

as determined in any river works programme prepared under the Soil Conservation and Rivers Control Act.

**Note:** Any river works programme prepared under the Soil Conservation and Rivers Control Act is specified in the Council's Rivers Activity Management Plan and the Annual Operation and Maintenance Programme.

**27.3.3.7** Recognising that the Waimea, Motueka, and Takaka river systems are showing a long-term bed degradation trend, to avoid aggravating bed degradation in these catchments when:

- (a) establishing gravel extraction limits;
- (b) regulating the extraction of gravel;

- (c) maintaining channel capacity at a reach level.

**27.3.3.8** To investigate and monitor river bed topography and morphology, including the volume of gravel stored within and moving through the river bed system, particularly in rivers known to have degrading beds.

**27.3.3.9** To investigate and monitor the impact of changes in river bed levels and substrate composition on:

- (a) levels, volumes and flows of water in rivers, aquifers and springs;
- (b) other uses and values.

**27.3.3.10** To allow for disturbances in the beds of rivers and lakes following extreme events to:

- (a) prevent or remedy damage caused by erosion or undermining existing structures or beds or banks of rivers caused by floods or extreme events;
- (b) to remove or relocate debris and bed material that is likely to cause damage to existing structures or undermine bank stability or cause an increased risk of significant flooding;
- (c) to repair existing bank protection or erosion control works.

**27.3.3.11** To promote, encourage or require activities in and alongside rivers, that are carried out to enhance riverbed and bank stability and flood-carrying efficiency of river channels, to be performed in accordance with best management practice which takes into account the:

- (a) risks of not carrying out the work, and
- (b) costs of the proposed works, and
- (c) nature, extent and duration of potential adverse effects and measures to avoid, remedy or mitigate them.

**27.3.3.12** When reviewing or renewing resource consents or where making decisions about the need for enforcement action, to require the removal of redundant structures in the beds of rivers or lakes where they cause or are likely to cause significant adverse effects on:

- (a) passage of fish
- (b) flood flows,
- (c) bed or bank stability,
- (d) the movement of gravel,
- (e) safe navigation,
- (f) amenity

taking into account costs of the required works and alternatives to remedy or mitigate the adverse effects.

## **27.3.20 Methods of Implementation**

### **27.3.20.1 Regulatory**

- (a) Rules relating to the management of gravel and activities in the beds of rivers and lakes.

### **27.3.20.2 Education and Advocacy**

- (a) Education and advocacy to promote good stream management practices that help avoid or mitigate damage from bed and bank erosion.
- (b) Assistance, including advice and funding, for riparian planting and fencing to help manage adverse effects of bank erosion.

- (c) Development of a Best Practice Guideline, in consultation with landowners and stakeholders, to guide decisions made about the nature and extent of activities necessary to enhance river bed and bank stability and flood-carrying efficiency of river channels.

#### **27.3.20.3 Works and Services**

- (a) Liaison with the asset managers responsible for the Council's Rivers Activity Management Plan to ensure a co-ordinated and sustainable approach to the management of the District's rivers.
- (b) Specification in the Council's Rivers Activity Management Plan prepared under the Soil Conservation and Rivers Control Act 1941 of the purpose of extraction of any gravel or material from a river under that programme to:
  - (i) protect the channel from erosion or instability;
  - (ii) maintain efficient movement of floodwaters and sediment down the channel;
  - (iii) prevent or mitigate the effects of flooding.
- (c) Working with river asset managers in consulting with landowners adjacent to rivers, landowners who own the bed of the river and managers of infrastructure located in river beds on an annual basis to determine priorities for river works, especially management of gravel and debris build-up in river channels.

#### **27.3.20.4 Monitoring and Investigation**

- (a) Ongoing investigation and collection of data about bed levels, pattern of river protection works over time and the movement of gravel within river systems.
- (b) Ongoing investigation and collection of data about the connection between river bed levels and adjacent groundwater levels and spring flows.
- (c) Investigation of options for preparation of river management plans that address the range of river functions, values and uses including management of the river bed, adjacent riparian land and land within stopbank areas.

### **27.3.30 Principal Reasons and Explanation**

Policy 27.3.3.1 aims to manage adverse effects of carrying out activities that may affect bed or bank stability. The main activities are associated with construction of structures where beds are disturbed or flows are subsequently altered by the structure. Bed disturbances associated with stream maintenance or flood control works can also affect bed stability or flood flows.

Policy 27.3.3.2 provides for the carrying out of activities which enhance river bed and bank stability and flood carrying efficiency of river channels while ensuring that adverse effects on water quality, aquatic habitat and of noise and dust are accounted for.

There are significant benefits to the environment, including people and communities, in providing for maintenance and enhancement of river bed and bank stability and flood-carrying efficiency of river channels. This is consistent with the main objective of the Council's Rivers Activity Management Plan.

The policies acknowledge the need for river management works to address flood hazard and flooding risks while at the same time acknowledging that adverse effects on aquatic habitat must be addressed.

The policies recognise the benefits of activities carried out as part of the river works management programme including planting and plant maintenance, plant removal, placement of structures, management of gravel within river beds, and other floodway maintenance activities. The adverse effects of these works, such as impacts on water quality from sediment generated by relocation of gravel or damage to aquatic habitat, can be managed by controlling the way in which the work is carried out.

In addition to regulation, the Council will help ensure that landowners have good information and financial assistance for best practices to manage their rivers and streams.

The Waimea River Park Management Plan provides an example of an integrated approach to managing the river, adjacent riparian land and land within the stopbanks that might be applied to other rivers or parts of rivers. The consultative process involved many community interest groups and stakeholders and provides an overview of management issues and methods for managing them. The Plan recognises this as a potentially useful management tool to assist in making decisions about river management.

Rivers in the region are generally managed to maintain stability and reduce flood damage. This management is the responsibility of the Tasman District Council and landowners. The level of management and degree of protection from all flood damage will generally not be adequate to prevent all damage to the river banks and adjacent structures from severe floods and other extreme events. Some flood damage will require urgent repair to minimize further significant damage to the river system or structures such as roads, bridges or dwellings.

If flood repair works are not carried out promptly, then adverse effects of undesirable bed aggradation and degradation can worsen over time. Enabling and carrying out repair of the river and any associated structures immediately after a flood will assist the Council and adjacent landowners to mitigate adverse effects on the natural values of the river, including aquatic habitat and water quality, from the repair works and will contribute to minimizing the level of disturbances necessary in rivers in the longer term.

While floods are the most common extreme weather event, significant debris can end up in the waterways following heavy snow falls or wind events.

### **Gravel Management**

The overall trend of the main rivers and their tributaries (including the Waimea, Motueka and Takaka) shows net bed level reductions. Removal of gravel from rivers can be an important contributor to erosion and degradation in river beds. Consequential impacts on river bed and bank stability may increase over time as degradation continues or is accelerated by gravel extraction.

Exceptions include some of the smaller tributary rivers, including the Motupiko River, where a proportion of coarse sediments do not reach the main channel. In other instances, a landslip might contribute a large amount of debris to a channel. In these cases, decreasing flood capacity and adjacent land management requirements would justify removal of gravel build-up. Other exceptions may be extraction from a tributary near the confluence of a larger river or at a discontinuity, such as a gorge or near the coast where deposition naturally occurs. In these cases, progressive deposition may be removed to a stable profile because its removal is considered to have no significant effect.

These policies ensure that bed degradation trends in the District's major rivers are monitored and managed. The possible adverse effects of gravel extraction from the beds of rivers are addressed at the stage of setting sustainable extraction levels as well as at the consent application stage. This approach is needed to manage adverse effects on channel stability and flood-carrying efficiency as well as the other matters listed, especially in rivers where the overall trend is degrading river beds.

The policies also provide for Council's river management role to protect the river channel from erosion or instability, maintain efficient movement of flood waters and sediment down the channel, and to prevent or mitigate adverse effects of flooding. For most rivers, any extraction of gravel is provided for to meet these functions first. For some rivers, including parts of the Buller and Matakita, a small amount of gravel may be available for other purposes.

Establishing extraction limits allows consent applicants a much higher level of certainty and where allocations limits are not set, the matters to be considered in assessing adverse effects are clear.

The policies account for gravel within the river bed that is not normally mobilised by mean annual floods. Gravel management is sometimes initiated where there are risks of localised flooding because of a build-up of gravel beaches in some river reaches. The policy approach allows for redistribution of the gravel which has built up on beaches within a degrading river system.

Gravel sometimes needs to be extracted from rivers in order to prevent flooding and for other river management reasons, such as maintaining channel capacity or protecting riverwork structures. This gravel is included within the extraction limits.

Gravel relocation from beaches to elsewhere in the same river may be required as part of the Council's river management works to maintain flood carrying capacity and maintain bed and bank stability and avoid further bed degradation effects. Council will consult with landowners and mana whenua in assessing priorities for action to manage bank instability and adverse flooding effects on adjacent lands.

Gravel is also a valuable natural resource for the roading and construction industry and subject to extraction demand. Where gravel is available to meet this demand, the Council imposes a fee on extracted gravel, which contributes towards the costs of river management work. Compensation may also need to be negotiated with the landowners as appropriate where gravel is taken from private riverbed land.

Investigation work has been carried out to establish more precisely the relationship between bed level in the Lower Motueka River and adjacent groundwater levels. Indicative modelling shows that the impact of lowering the Motueka River bed by 0.3 metres has a relatively insignificant effect on the Motueka Plains aquifer recharge. A more significant link has been shown for the Wai-iti River link with adjacent groundwater.

The evidence so far indicates that sustainable management of degrading rivers and associated water resources requires a more precautionary approach until there is more refinement and understanding of these adverse effects and the connection between natural bed dynamics and effects caused by gravel extraction.

Maintaining knowledge about the river systems by ongoing monitoring is essential to promoting the sustainable management of river beds and the overall river catchment, and will provide for integrated management within the system.

The allocation of gravel to specific end-uses or end-users has been considered by Council, especially to end-uses which have a high level of public benefit such as roading. However, its powers to allocate gravel resources to end-uses are limited by the provisions of the Act and common law. Gravel is not a resource like water, which can be allocated to end-uses.

In any event, the policies adopted by Council recognize, firstly, that the main river systems are degrading and, secondly, that gravel management is controlled primarily by river management needs to ensure efficient flood-carrying capacity and channel stability and that these needs have priority over any other end-uses.

## **27.4. IMPACTS ON WATER QUALITY**

### **27.4.1 Issues**

Part VI of the Plan addresses water quality and contaminant discharge management. There are some water quality effects that result from activities in, on, or under the beds of rivers and lakes. The primary issues of concern that have relevance for both parts of the Plan are:

- Fine sediment discharges from bed disturbance, including from gravel extraction, alluvial mining in beds, suction dredging, construction of bridges or culverts, river works, vehicle and stock access (crossings and general access); and
- Stock effluent discharges from access to waterways (crossings and general access).

Stock and vehicle disturbances and access to beds of rivers and lakes can also damage or destroy aquatic habitat in or along the river, or adversely affect bank or bed stability depending on the frequency and intensity of the activity.

#### **27.4.1.1 Sediment Generation**

Adverse effects associated with fine sediment discharge may include smothering of river-bed habitat (pools and spaces between stones) and spawning areas. This reduces invertebrate habitat as well as impacting on fish which depend on invertebrates as a food source. Sediment may also injure the gills of fish and invertebrates and, by reducing water clarity, reduce opportunities for fish feeding. Migration patterns may be altered as fish on the move choose to avoid turbid waterways. Reproduction of some fish, particularly trout could also be adversely affected. Dissolved oxygen may be reduced as a result of the discharge, particularly if the sediment is rich in organic sediment. Reduced water clarity can also reduce amenity and recreational values.

There is a fine sediment transport and deposition process under way that has ecological effects or risks to managed fisheries, especially in Tasman Bay/Te Tai-o-Aorere. This has been a long term process which has resulted in an overall change in seabed community structure based on sediment particle size.

The coastal sedimentation effects are most likely caused by major storms or flooding and not activities in the river. Research into the historical sedimentation rates in the Bay have been recently initiated to provide better understanding about this issue.

Policies and methods in Part II of the Plan address effects of sediment discharges from land disturbance activities.

#### **27.4.1.2 Stock Crossing and Access to River Beds**

Any farming system with high intensity of stocking rates will add to the risk of decreased water quality if stock has access to waterways. Manure containing high microbe and nutrient levels from the animals can be deposited directly into the water or on the bed. Stock trampling can damage the bed and banks and cause sediment to enter the water, and animals like pigs and deer enjoy 'wallowing' in the bed causing extensive damage to habitat. Intensive dairy, beef and deer farming in the District are known to cause adverse impacts on water quality.

There is also a lot of information about the significant adverse water quality effects from dairy farms where crossing rivers is required for twice-daily milking. No other stock class is managed so that frequent regular crossing of water courses is required in that same way.

Adverse environmental effects on ecosystems within waterways from stock crossing and access may include:

- Microbial contamination of waterways rendering them unsuitable for drinking and contact recreation use—inputs of pathogenic microbes (such as *Campylobacter*) pose a significant threat to human and animal health;
- Increased nutrient loadings and thus increasing algal growth that can escalate into algal blooms;
- A rise in ammonia concentrations, which can be toxic to fish species;
- The reduction of water quality and the smothering of benthic (bottom-dwelling) organisms caused by additional sediment loads;
- Loss of amenity values through discolouration of water and odour.

#### **27.4.1.3 River Water Quality**

Council's State of the Environment reporting shows concentrations of total nitrogen and dissolved inorganic nitrogen (nitrate nitrogen plus ammonium nitrogen) exceeded guideline values regularly at some sites around the District.

Concentrations of total phosphorus and dissolved reactive phosphorus also regularly exceeded guidelines for control of algal growth at a relatively large proportion of sites throughout the District.

Council's State of the Environment Monitoring data shows consistently high water clarity in most rivers and which is among the clearest in New Zealand. As well as being essential for healthy aquatic functioning, the clarity of water is also integral to other uses and values including recreational activities such as angling and swimming and for amenity and landscape values.

#### **27.4.1.4 Clean Stream Accord**

There have been significant improvements in farm management practices over the last few years that aim to improve water quality and to promote sustainable management of rivers. The Dairying and Clean Streams Accord reflects an agreement between the government, regional councils and the dairy industry to improve the environmental performance of dairying and it establishes a goal of achieving "clean, healthy water in dairying areas".

A Regional Action Plan was developed by Fonterra and Tasman District Council with input from Federated Farmers to detail regional commitments toward achieving better management of stock access to streams and management of nutrients, taking into account circumstances specific to the Tasman district.

The Regional Action Plan has several performance targets and implementation actions, including requirements for excluding stock from streams and providing culverts and bridges for stock crossings.

Overall, Tasman District appears to be well placed with respect to most of the performance targets of the Clean Streams Accord.

The majority of lakes and estuarine areas in the District bordered by dairy farms have been protected from adverse effects of stock access to the water. There is less information about levels of access to wetlands, although the Council currently offers financial assistance and management advice for the management of wetlands.

#### **27.4.1.5 Other Stock Management Systems**

The level of performance by stock farming systems other than dairying (sheep, deer and beef) is less well understood. These farming systems tend to have fewer and less regular river crossings by stock. However as production intensifies and stock numbers increase, the risks to water quality also increase. Some of these farming systems may need to amend farming practices to reduce adverse effects on water quality. Sheep farming generally has a lower impact on water quality but the significance of effects depend on stocking density, stock management systems, and location and density of watercourses.

The sheep and beef industries have less well-established partnerships and environmental performance targets. While a national “Primary Sector Water Partnership Leadership Programme” has been initiated by the primary industries under the Ministry for the Environment initiated water programme of action, it is still in its embryonic stages and as yet no local implementation programme has been initiated. It should however provide a platform from which Council can engage with these industries to address local issues and establish performance standards.

#### **27.4.1.6 Bridges and Regulations**

Resource consents are needed for all bridges and culverts unless there is a rule in the Plan to permit them.

Building consents are also required for bridges as structures under the Building Act, dealing with safety and structural aspects.

Removing or reducing these regulatory barriers (resource and building consents) may increase the rate at which river crossings are constructed to avoid adverse effects of stock and vehicle crossings on rivers and water quality.

It is considered that the most appropriate way of dealing with the regulatory regime is to permit small-scale bridges or culverts, but to consider safety and design aspects through the building consent process.

Bridges that have any piers in or on the bed are likely to require specialist design. Rivers of this size may also be navigable. The scale of work in the bed of the river during construction will have a greater potential to cause adverse effects. These bridges have the potential to have significant adverse effects on water and flood flow and have potential to cause adverse effects on the stability of beds and banks of rivers and are therefore restricted discretionary activities.

However, it is important that bridges are still constructed to good engineering design so that it can be used safely by stock and vehicles. Design, supervision and construction requirements relating to the safety of bridges are considerations of the building consent process.

#### **27.4.1.7 Vehicle Access**

Passage of vehicles across river beds may mobilise sediment and damage beds and banks as well as aquatic habitat. The degree to which adverse effects are caused will depend on the nature of the substrate, geology, frequency of crossing, length of passage along the stream, and type of vehicle. (There may also be adverse effects on wildlife and conflicts between other river users and these effects are considered in 27.1 and 27.6.)

Vehicles cross rivers or use them for access in a range of situations across the District, including as part of river management activities by agencies such as the Council, Department of Conservation, Fish and Game Council as well as for access by landowners to property and use by people carrying out recreational activities.

In most situations, adverse effects on water quality are insignificant or minor but potential does remain for damage to the river, especially where the river is used as an accessway and not just a crossing, where crossings are frequent, or where the habitat values are particularly sensitive to disturbance by vehicles.

An associated effect of high levels of public access to rivers can increase incidence of dumping of rubbish, particularly near urban settlements, and other anti-social behaviour. There are no specific provisions identified for Part IV to deal with this and it remains to be dealt with as part of a compliance team response (although some of the suggested education material can refer to this issue).

## 27.4.2 Objective

Maintenance of water quality and enhancement of water quality where existing quality is degraded for natural and human uses and values, including iwi wairua values, through the carrying out of activities in the beds of rivers and lakes.

## 27.4.3 Policies

*Refer to Policy sets 27.1.3, 33.1.  
Refer to Rule sections 28.3, 36.2.*

- 27.4.3.1** To avoid, remedy or mitigate adverse effects on river uses and values from degraded water quality resulting from sediment, disease-causing organisms and nutrients, including ammonia from activities in, on, under or over river and lake beds including:
- (a) vehicle and stock crossings;
  - (b) gravel extraction or relocation;
  - (c) alluvial mining or prospecting;
  - (d) river maintenance works.
- 27.4.3.2** To require and promote sustainable stock management practices that avoid, remedy or mitigate adverse effects on water quality from stock access to water bodies, including through the use of farm quality programmes, industry accords and other industry sector-based quality assurance programmes.
- 27.4.3.3** To encourage and support industry, landowner and other initiatives that promote sustainable use of water and land.

## 27.4.20 Methods of Implementation

### 27.4.20.1 Regulatory

- (a) Rules that allow or regulate activities according to the risk of adverse effects.

### 27.4.20.2 Education and Advocacy

- (a) Advocacy and information about sustainable resource use, including good practice information about building bridges and culverts, and management of rivers and streams.
- (b) Education and advocacy, in consultation with industry stakeholders, to promote stock management initiatives that avoid, remedy or mitigate the adverse effects of stock on river and lake beds.
- (c) Assistance, including advice and funding, for riparian planting and fencing to help manage adverse effects on water quality from stock and bank erosion.

### 27.4.20.3 Monitoring and Investigation

- (a) Research and investigation that improves the knowledge of the effects of stock on river and lake beds.
- (b) Regular reporting by Council in consultation with industry groups, landowners, mana whenua and other stakeholders on measures adopted to maintain or improve water quality and improve aquatic habitat, including adoption of best practice for managing stock impacts on rivers, provision for bridges and culverts to manage stock and vehicle crossings and stream fencing.

### **27.4.30 Principal Reasons and Explanation**

The policies aim to avoid, remedy or mitigate adverse effects of sediment generation, nutrients and disease-causing organisms on aquatic values from activities in, on, under or over river and lake beds.

Sediment generation from bed disturbance activities such as gravel extraction, alluvial mining or prospecting and river maintenance work usually arises due to direct disturbance within or immediately adjacent to the wetted bed of rivers. Generation of sediment can often be avoided by not carrying out some of these activities in the wetted part of the bed.

Some activities are carried out in the wetted bed of the river, such as suction dredging for alluvial gold, some river protection works, some bridges and crossings. Performance standards for permitted activities or conditions of resource consents can limit the extent to which these activities cause adverse effects.

For many resource users, advice and advocacy will help them adopt sustainable management practices that reduce the risk of adverse effects on water bodies from the more routine activities carried out in the beds of rivers.

Where water quality has been affected by stock or vehicle crossings, alternative crossings, fencing or other changes to land use practices will result in improved water quality.

Council will promote sustainable stock management practices that address adverse effects on water quality from stock access to water bodies. These practices will also be promoted through farm quality programmes, industry accords, and other industry sector-based quality assurance programmes.

Policies enable further initiatives from the farming sector to be incorporated into the management framework as they develop over time. They also provide clarity with regard to outcomes that Council is seeking.

Council acknowledges the role of industry in promoting sustainable resource use and encourages a partnership approach in dealing with this issue.

The Part IV policies are supported by policies in Part VI seeking to avoid, remedy or mitigate adverse effects of contaminants associated with stock and vehicle access to waterways and other disturbances of the bed, including sediment and disease-causing organisms. The Part VI policies acknowledge the need for action where water quality is degraded for certain uses, especially in relation to Water Conservation Orders, water quality needs for stock drinking and contact recreation, and provide guidance for deciding priorities for action.

## 27.5 HAZARDS

### 27.5.1 Issues

The most relevant hazards that may adversely affect human life, property or other aspects of the environment with regard to lake and river beds is earthquake, erosion, subsidence (of banks), sedimentation and flooding. Earthquakes hazards are addressed in Part II of the Plan.

Activities in the beds of rivers that aggravate erosion or degradation of the bed or banks, undermine river protection work, alter river or flood flows or destabilise the river are addressed in section 27.3.

Climate change risks include more extreme events and sea level rise. The district can expect more extreme hydrological events potentially of larger magnitude than previously observed, making river bed and bank stability a critical issue. Council will take these risks into account in adopting its river management plans and programmes.

Considerable flood protection works have been carried out in the region, particularly on the Motueka and Waimea rivers and have significantly reduced the risk from most flood events. Council will carry out effective flood protection works in conjunction with better land use and adequate and timely flood forecasting. This is because measures taken to reduce the flood risk, including river control works, can actually increase the catastrophic potential of large floods because they enable an increased occupancy and level of development within flood plains.

#### 27.5.1.1 Dam Hazards

Although dams lead to positive benefits for people, communities and the environment, they can hold large quantities of water which can lead to extensive damage if there is an uncontrolled release. Such a release could occur through a failure of the structure, or an overtopping caused by, for example, a landslide into the reservoir. The damage, which occurs largely downstream of the dam, may include loss of life, property, infrastructure, or the natural and human use values of the affected water bodies. The risk of damage depends on the size of the dam structure, the volume of water impounded, and topography.

A dam is designed and maintained to reduce the risk of failure. The risk of dam failure, including cumulative risks where a downstream dam may be affected by a dam failure, needs to be managed by Council under both the Resource Management Act and the Building Act. The adverse effects of the dam structure in the bed of the river also need to be managed under the provisions of Part IV.

Dam failure may be caused by earthquakes, dam design or construction faults, inadequate maintenance or management. There are strong parallels between dam structures and buildings in relation to earthquake hazard risks. Buildings are designed and constructed to withstand earthquake shaking effects (among other hazards) to a certain standard of intensity (in terms of lateral acceleration). Dam structural failure may have off-site effects in a worst case failure scenario, from rapid water or debris flow.

Council policies regarding dam construction and inundation hazard recognise national dam safety legislation now adopted in the Building Act. The key aspects of the Building Act for regional council responsibilities over dams apply to “large” dams which are defined as structures containing a water depth of 3 metres or more and impounding 20,000 cubic metres or more of water or fluid.

Under the Building Act, the onus of the safety assessment is on the dam owner. Regulations require dam owners to classify the dam as either low, medium or high impact. The criteria and standards for dam safety are formulated in regulations.

This Building Act safety assessment system will contribute to ongoing monitoring of large dams in a way that complements the requirements of the Resource Management Act.

There are some overlapping responsibilities between the Building Act and the Resource Management Act. The Council has adopted policies, rules and processes that account for the overlap and minimise the regulatory burdens for applicants.

There are also some gaps between the provisions of the two Acts. The main gap is in the absence of building standards for the construction and ongoing maintenance of dams that are of a lesser size than a “large” dam specified in the Building Act. Until now, the Council has regulated small dam construction under the Transitional Regional Plan.

While there is some overlap in considering the adverse effects of dams, the effects of damming water on river ecosystems above and below a dam are addressed in Part V, while this Part provides for managing the effects of the structure on the river. Water Conservation Orders for the Buller and Motueka rivers and their tributaries specify restrictions on dams.

### **27.5.1.2 Managing the Risks**

Council can influence the hazard classification for existing dams by allowing changing land uses below dams, for example, by allowing built development in an area likely to be inundated should an existing dam fail. The Council considers that it is appropriate to consider this aspect of risk from existing dams as part of a subdivision proposal.

It is possible that with the new dam regulations, which will eventually require owners of large dams to provide information about inundation areas, better understanding about dam risks will help guide decisions about future development.

In future, large dam owners are likely to have an interest where development proposals increase the risk classification for an existing dam by placing more buildings and structures within a possible inundation area. (The regulations do not address the effects of development below dams that are not large dams).

Some dams were authorised by consents under Section 13 of the Act that have now expired, but require continued authorisation. However, many of these existing dams have been managed under consents granted under the rules in Part V of the Plan for damming water. Conditions imposed under these consents address stability and maintenance issues that would normally be considered as part of Section 13 consent.

### **27.5.2 Objective**

The adverse effects of dam structures on river functioning are avoided, remedied or mitigated and the hazards created by risks of dam failure on communities and ecosystems are avoided or mitigated.

### **27.5.3 Policies**

*Refer to Policy set 27.4.3.*

*Refer to Rule sections 16.3, 28.2.*

- 27.5.3.1** To identify, manage and reduce the risk of hazards from failure or overtopping of dams in river beds.
- 27.5.3.2** To avoid, remedy or mitigate adverse effects of dam structures on the uses and values of rivers, including those identified in Schedule 30A.
- 27.5.3.3** To ensure that potential adverse effects such as structural safety risks of existing dams are effectively managed by:
- (a) enforcing applicable conditions on relevant water permits to dam water; and
  - (b) requiring land use consent for the ongoing presence of the structure on expiry of the relevant water permit; or
  - (c) requiring a land use consent to authorise the structure where there are no conditions on any relevant water permit that manage structural safety risk.

- 27.5.3.4** To take into account risks of dam failure or overtopping on potential buildings and structures when considering applications for subdivision.

## **27.5.20 Methods of Implementation**

### **27.5.20.1 Regulatory**

- (a) Rules relating to the construction of dams and development below existing dams.
- (b) Integrating the consent process under the Building Act and the Act.
- (c) Rules that ensure risks from existing dams are taken into account when considering applications for subdivision.

## **27.5.30 Principal Reasons and Explanation**

The Council recognises that flood hazard management is important to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Managing the effects of activities on flood and erosion protection works is covered in section 27.3.

Section 27.3 also addresses management of adverse effects caused by activities carried out to manage flood and erosion risks. Other Council processes will examine flood management and protection of communities from flooding risks.

Council also wishes to ensure creation of new hazard from dams in river beds is avoided by managing subdivision in floodplains where subsequent structures are at risk from dam failure (when considering applications for subdivision). It is consistent with dangerous dam legislation as it seeks to minimise risk to structures from dam failure or from a natural flood.

Conversely, owners of large dams face increasing costs if increasing downstream development raises the risk classification for their dam.

Some existing dams have no current authorisation for the continuing presence of the dam in the bed of a river as required under Section 13 of the Act. For some of these dams, stability and maintenance aspects are addressed in existing permits authorising the damming of water.

Where an existing dam structure has no authorisation, but where a water permit to dam water is applicable and has relevant conditions for the management of the dam structure and its safety, Council will seek consents under this part of the Plan when those consents expire. Council will seek consents under this part of the Plan when those consents expire. Where there is no applicable water permit to dam water or no relevant conditions, Council will require an application to authorise the structure and to ensure proper on-going maintenance of the dam.

## **27.6 NATURAL CHARACTER, LANDSCAPE, CULTURAL, RECREATIONAL AND AMENITY VALUES**

### **27.6.1 Issues**

A range of activities carried out in, on, under or over the beds of rivers and lakes, including on the surface, may impact on the natural character of rivers and lakes and landscape, amenity, recreational and cultural values, including heritage and wairua values. Noise from activities in or on the beds of rivers may also impact on people who live near them.

The preservation of natural character, maintenance and enhancement of lawful public access to rivers and lakes and protection of outstanding natural features and landscapes are matters of national importance and the Council must also have particular regard to the maintenance and enhancement of amenity values.

#### **27.6.1.1 Amenity and Natural Character**

Amenity values are defined in the Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

Natural character is not defined in the Act but the Plan lists a series of characteristics or features that help determine natural character:

- (a) landform, including natural features and patterns;
- (b) natural processes that create and modify landform;
- (c) indigenous plant and animal species present;
- (d) natural sounds;
- (e) natural water quality;
- (f) absence, or unobtrusiveness, of use and development;
- (g) expansive open space, especially where there is knowledge that undeveloped space is in public ownership; and, in particular, the sea.

A workable definition has been adopted by a number of landscape architects and other resource management practitioners that states that natural character describes the naturalness of river environments. The degree or level of natural character within an area depends on:

- (1) the extent to which natural elements, patterns and processes occur; and
- (2) the nature and extent of modifications to the ecosystems and landscape or riverscape.

The highest degree of natural character (the greatest naturalness) occurs where there is least modification. The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different parts of the community.

#### **27.6.1.2 Effects of Activities**

The issues that have been identified locally with regard to natural character, amenity, cultural and recreational values include:

- Visual impacts from buildings and structures;
- Impacts on recreational activities (including whitebait fishing, trout fishing, game bird hunting, swimming, kayaking, rafting, and other surface water activities);

- Congestion issues for both water-related activities on the surface and activities involving vehicles on the beds, including congestion that arises from the use of access points for surface water activities and interactions between different activities (or the persons carrying them out);
- Generation of noise;
- Conflict with other recreational activities;
- Reduction in navigational safety;
- Litter and other wastes generated in the area;
- Alienation river margins with recreational facilities and structures.

The natural environment of the District is dominated by mountains, lakes and rivers. The varied lakes and rivers provide the basis for a wide range of recreational opportunities, both private and commercial, from jet-boating and rafting to angling, picnicking and swimming. The changing moods and aspects of the lakes and rivers, particularly combined with the District's other magnificent scenery, provide many opportunities for viewing, contemplation and enjoyment.

The District's major lakes, Rotoiti and Rotoroa, are within the Nelson Lakes National Park. While commercial and recreational activity is regulated by the Department of Conservation through the Nelson Lakes National Park Management Plan through concessions, not all of the adverse effects of activities are able to be regulated by the Department.

Other lakes are either on private property or not subject to significant recreational activity (e.g. Lakes Otuhie and Kaihoka).

The Buller and Motueka river water conservation orders identify and protect the outstanding wild, natural, scenic, rafting, fisheries, wildlife and scientific values of identified rivers. The water conservation order for the Buller River catchment specifically recognises the use of specific stretches of this river and some of its tributaries for canoeing, kayaking, trout fishing, and wildlife and native fisheries values.

There is increasing recreational activity on the Buller River and other nearby rivers. There is less recreational pressure by motorised craft on the Motueka River and its tributaries, although kayak and canoe use and trout fishing are significant.

Further definition of the nature and significance of amenity and landscape values for the remaining rivers has not been carried out; however the continued pleasantness, integrity, diversity and safety of the rivers are essential to the economic welfare of the District and to the enjoyment of the District's natural resources by residents and visitors both now and in the future. Some of these values have been identified in Schedule 30A, although the Schedule does not yet contain complete information about all rivers and their values.

Overcrowding and over-use of the rivers can result in adverse effects, which could undermine the natural character and amenity values in the District's rivers.

### **27.6.1.3 Cultural, Heritage and Social Values**

Rivers and their waters have a range of cultural and social values for people and communities and these values can overlap with each other and with other values. These values include tangible values such as amenity, mauri, maintenance of good water quality for a range of reasons, recreational activities, historic places, mahinga kai (food) which all have a very high value for the District's people and communities. Some important values are less tangible and include concepts of spiritual, wairua, intrinsic or aesthetic values.

All of these values can be adversely affected by activities in the beds of rivers and lakes or on their surface. Some recreation activities can also adversely affect each other.

#### **27.6.1.4 Activities on the Surface**

The use of the surface of rivers and lakes is regulated by Section 9 of the Act and is permitted unless a rule in the Plan provides otherwise.

There appears to be increasing numbers and types of surface water activities now being undertaken in rivers and lakes around the region. This is due to several factors including invention of new types of craft, increases in tourism, improvements in access to rivers, and spill-over from other locations.

Activities on the surface of rivers can and do have adverse effects on the amenity of their surrounding environment, the quality and enjoyment of recreational activities, natural and wildlife conservation values, and public health and safety. Noise in particular, as well as conflicts between incompatible activities, congestion and effects at entry and exit points, all have potential to cause adverse effects.

#### **27.6.1.5 Use of the Beds for Recreation**

There is also an apparent increase in the use of 4-wheel drive vehicles in river beds around the District. This may cause adverse effects through disruption of other recreational activities, and may lead to congestion and noise-related issues. They also have impacts on ecosystems, including bird nesting areas. These effects are likely to be more pronounced when groups of vehicles access the river beds in convoy, such as happens with commercial operators or clubs.

The Council does not have specific data relating to these 4-wheel drive activities, but has information from elsewhere that shows damage caused to aquatic habitats from frequent vehicle passage. There is some anecdotal evidence about adverse effects in some high use areas such as the lower Waimea River.

#### **27.6.1.6 Structures**

Visual impacts of structures can have significant adverse effects on amenity values and natural character, particularly where these values are significant.

The use of lakes and rivers for recreational uses can include construction of structures and facilities alongside or in the margins of the rivers. These can involve jetties, launching ramps, toilet and changing facilities and administrative facilities for commercial operations. Such facilities and structures may result in adverse environmental effects relating, for example, to their visual impact, the concentration of pedestrian, vehicle and boating activity, oil and fuel spillages, noise, and the alienation of the river from general public use.

The construction of a range of structures and facilities associated with activities on the adjacent land can also have an adverse effect on the natural character and amenity of the margins of rivers. Structures such as irrigation or water supply intakes can degrade visual amenity along stretches of rivers with high levels of naturalness.

The waters of both the Motueka and Buller rivers and their tributaries are protected by water conservation orders. They are recognised as wild and scenic rivers with a high degree of landscape value. The orders do not specifically control the placement of structures (except for dams and intake structures that intrude visually into the landscape for those parts of the Buller catchment rivers that are considered wild and scenic) and Part IV further assists in addressing this issue by ensuring effects of structures in the bed on visual amenity are properly regulated. Structures on land adjacent to these rivers are managed by Part II policies and rules.

#### **27.6.1.6 Uses of the Surface of Rivers and Lakes**

The surface of rivers in Tasman District can be used for both commercial and private recreational activities.

All motorised boats can make noise, cause wash and travel at high speeds affecting the environment and other river users in some way. Similarly, all crafts and kayaks require putting in and out of the water and

intrude to some degree into the wilderness qualities of remote areas, especially where there are large numbers of users. Wash effects on river and lake margins and damage to the banks are potential adverse effects of some boating activities.

The degree to which activities are dominated by private or commercial users depends to some extent on the time of the year, although summer is usually busier. The commercial operators are generally more predictable, known elements and the private boaters being less predictable.

There are two reasons for distinguishing between private and commercial operators in terms of their environmental effects. These reasons, however, will not apply to all activities or to all water bodies:

- (a) Firstly, the number of boating trips undertaken by the commercial operators could well outnumber any private recreational use. The adverse effects could be substantial where there are high numbers of regularly commercial trips and the continuation of these trips throughout the year. Also, commercial operations have an incentive to expand. There is limited data on numbers of recreational users in comparison to commercial activities and in some areas, private recreational use can be high.
- (b) Secondly, some commercial boats, such as jetboats and hovercraft, are quite different from other recreational boats with greater potential for adverse effects on the surrounding environment. The commercial jet boats, for example, are mostly significantly larger boats with more powerful and potentially noisier engines.

The Council does not consider that controls on private recreational water users are appropriate or necessary.

It does consider that the potential for adverse effects from commercial activities requires regulation to be managed appropriately. While there are currently few, if any, significant issues arising from commercial craft on the surface of water bodies, Council considers that there is a future potential for adverse effects, especially in relation to conflict between incompatible activities or in relation to increasing numbers of users and consequential effects on amenity values.

Commercial operators are also required to be licensed under the Council's navigation bylaws which are limited to addressing issues of safety, both on the water and at entry and exit points. The Navigation Safety Bylaw contains provisions to manage boat speeds and safety; the Bylaw remains unchanged by Part IV.

It does not cover adverse effects on amenity values, manage conflicts between other river users, or address public access issues.

At the moment there are no significant safety concerns as a result of the congestion of water users on rivers. The District does contain some difficult stretches of river, which could come under more pressure for intensive use, especially from commercial operations. At some point, the level of use of those stretches of the rivers could be such as to give rise to adverse environmental effects and safety. The point at which this occurs, however, will depend on the physical characteristics of the river, the level of use by other users, and the nature of the activities.

#### **27.6.1.7 Te Waikoropupu Springs**

The Plan recognises the significance of Te Waikoropupu Springs. (See schedules 30A and 16.13C)

The Springs are within Scenic Reserve which is managed by the Department of Conservation (Reserves Act 1977) and the Te Waikoropupu Springs Management Plan (operative since 26 February 2009). Under these provisions, the Department controls a number of activities within the Reserve, including access to the bed of the springs and activities on the surface of the water. The management plan contains provisions that will prevent swimming and diving within the Springs.

These provisions have been adopted to protect the Springs against didymo invasion and also account for iwi values. They also serve to protect amenity and natural values, including the aquatic habitat of the Springs. Adverse effects from the ever-increasing usage of the Springs by swimmers and divers were also

identified by mana whenua and the Department of Conservation. The development of the plan has taken a considerable time and involved a great deal of consultation.

The conflicts surrounding the use of the Springs for swimming and diving have already been identified by the Department of Conservation. The Council has clear jurisdiction to address these resource use conflicts by including a rule in the Plan.

### **27.6.2 Objective**

The maintenance and, where appropriate, the enhancement of:

- (a) the natural character, amenity, recreational and cultural values and
- (b) public access to rivers and lakes;

as a result of activities in the beds and on the surface of rivers and lakes.

### **27.6.3 Policies**

*Refer to Policy set 27.7.3.  
Refer to Rule sections 28.4.*

**27.6.3.1** To avoid, remedy or mitigate adverse effects of structures and activities in, on, under or over river and lake beds or on the surface of rivers and lakes on:

- (a) natural character;
- (b) landscape values;
- (c) amenity, cultural and social values, including recreational values such as whitebait fishing, trout fishing, game bird hunting, swimming, and other surface water activities, including canoeing and kayaking;

and including adverse effects arising from noise and congestion in or on rivers or at access points arising from commercial (motorised) activities, and to maintain or enhance, where appropriate, public access to rivers and lakes.

**27.6.3.2** To recognise and protect the cultural, amenity and aquatic habitat values of Te Waikoropupu Springs in a way that is consistent with the management plan prepared for the Springs under the Reserves Act 1977.

### **27.6.20 Methods of Implementation**

#### **27.6.20.1 Regulatory**

- (a) Rules that allow or regulate activities according to the risk of adverse effects on social and cultural values, including regulation of commercial operation of craft on the surface of rivers and lakes.

#### **27.6.20.2 Education and Advocacy**

- (a) Programme of education and advocacy for methods to avoid, remedy or mitigate adverse effects of activities, including advice and education to 4-wheel drive vehicle clubs, and jet sprint clubs;

### **27.6.30 Principal Reasons and Explanation**

Policy 27.6.3.1 recognises that structures and activities can impact on natural character, landscape, amenity, cultural and social values, and on public access to rivers. The Council will ensure that adverse effects of activities carried out in rivers and lakes on these values will be properly managed through rules and other methods. The policy and related rules also ensure that public access to rivers, especially for recreation, is maintained and enhanced where appropriate. In some situations, adverse effects on ecosystems on public safety may require public access to be restricted. (Impact of these activities on wildlife habitats is covered in section 27.1).

The Council seeks to avoid, remedy or mitigate adverse effects of surface water activities on rivers and lakes on landscape and amenity values, including adverse effects arising from congestion in rivers and lakes or at points of access to rivers and lakes, or adverse effects arising from noise and conflicts between other river users and wildlife.

The Council intends to generally permit the use of beds for vehicle access but will impose performance standards to reduce risk of adverse effects. Education and advocacy methods will help to alert people using the beds of rivers for access or recreation, especially through 4-wheel drive activities, about the potential for adverse effects, particularly cumulative effects as number of users increase over time. No regulation in respect of potential effects on amenity or conflict between users is further suggested in relation to vehicles.

Council wishes to avoid the creation of adverse effects arising from commercial operations on the surface of rivers which may occur at a rate and scale exceeding the capacity of the river environment to absorb.

The Council recognises the specific and significant values of Te Waikoropupu Springs. It can support and be consistent with the Department of Conservation Reserve Management Plan and Bylaw for the Springs by including rules that limit access to the bed and surface of the water. Part IV objectives, policies and rules recognise the adverse impacts on mana whenua cultural values, the adverse effects on amenity of this nationally important water body, and the actual and potential adverse effects on aquatic habitat in and adjacent to the Springs.

## 27.7 USES AND VALUES OF RIVERS AND LAKES

### 27.7.1 Issues

Schedule 30A in Part V is a preliminary identification of uses and values for the District's water bodies. It is limited to identifying the significant values that may be affected by water quantity (flow or level of water).

The Schedule is incomplete. It does not identify all known values. In addition, there is a need to develop more transparent criteria to help in establishing the significance of the various water body uses and values. That is, the Plan refers to international, national, and regional significance in relation to some water body values, but there is little information showing how significance was assessed. The assessment of relative significance will eventually help guide water management decisions, especially where there are competing uses and values.

At present the Schedule provides some information when assessing the effects of any activity requiring resource consent. There are also restrictions on some activities according to the identified presence of a particular value (for example, trout spawning reaches, bird nesting, kōkopu, inanga habitat and kayaking).

There is a need to guide decision-making in relation to the Schedule especially in circumstances where there is incomplete knowledge or uncertainty about a particular value or about its significance.

### 27.7.2 Objective

Increased and improved public knowledge of all uses and values of rivers and lakes and their margins through the development of Council systems to collect, store, evaluate and make available such information.

### 27.7.3 Policies

*Refer to Policy sets 27.1.3, 30.1, 33.1.*

*Refer to Rule sections 28.1 – 28.5., 31.1 – 31.5, 36.2, 36.4, 36.6.*

- 27.7.3.1** When assessing applications to carry out activities in the beds of rivers and lakes to:
- (a) take into account the uses and values of a river or lake stated in Schedule 30A;
  - (b) take into account other likely uses and values of the water body and their potential significance that have not been stated in the Schedule;
  - (c) adopt a precautionary approach in avoiding, remedying, or mitigating potential adverse effects if there is no significance assessment of stated values, and in particular, any natural character values and the significant habitat value of indigenous fauna.
- 27.7.3.2** To continue to collect information about actual and potential uses and values of rivers and lakes and their significance and use this information to develop Schedule 30A and to support appropriate management objectives and methods for rivers and lakes and their margins, especially for water bodies that:
- (a) have regional or national significance;
  - (b) may have competing uses and values.

## **27.7.20 Methods of Implementation**

### **27.7.20.1 Regulatory**

- (a) Rules that address the need to take into account the adverse effects of activities on identified water body uses and values and require the identification and assessment of other uses and values where necessary.

### **27.7.20.2 Investigation**

- (a) Continuing monitoring and collection of data to identify the values and uses of rivers and lakes.
- (b) Development of methods that help assess relative significance of river and lake uses and values.
- (c) Amendments to Schedule 30A to identify appropriate management objectives and methods for rivers and lakes where there are competing uses and values, having regard to these uses and values and their significance.

## **27.7.30 Principal Reasons and Explanation**

Many activities that might be carried out in the beds of rivers and lakes could impact on or generate risks for the uses and values already identified in Schedule 30A. Other uses and values are included in Part VI as a series of water classifications (for the Motueka and Waimea rivers and their tributaries) that are based on identified uses of the water and that are not linked to any criteria for significance of use. That is, if water is managed for fisheries or stock water, then the relevant schedule in Part VI specifies the water quality parameters of the water that are sufficient for sustaining that value or use.

The Council plans to develop the scope of Schedule 30A so that it will be relevant to considering the effects of any activity in or near a river or lake that might impact on those uses and values under Parts II, IV, V and VI of the Plan.

The policies and rules recognise that not all known values are listed in Schedule 30A and, where necessary, other values may need to be accounted for.

The development of the Schedule will use work being carried out nationally on significance assessment that will help resolve uncertainties, improve consistency and clarify management objectives for rivers and lakes. Any review or amendments to the Schedule will be subject to public consultation as required by the Act.

## **27.50 ANTICIPATED ENVIRONMENTAL RESULTS**

- 27.50.1** The habitat of indigenous aquatic fauna and flora is protected and indigenous biodiversity of aquatic habitats is maintained or enhanced.
- 27.50.2** The habitat of trout and whitebait is protected.
- 27.50.3** Fish passage in lakes and rivers is not inhibited by existing or new structures.
- 27.50.4** Physical changes to aquatic habitat in the beds of rivers and lakes caused by bed disturbance are minimised.
- 27.50.5** Activities which alter the existing nature of natural physical processes do not exacerbate natural hazard risks or threaten the integrity of structures or efficient floodway management.
- 27.50.6** Gravel extraction occurs within a sustainable yield.
- 27.50.7** People and communities are protected from the adverse effects of flooding.

- 27.50.8** The stability of the bed and banks and the water quality of rivers and lakes is not adversely affected by the disturbance of the bed or banks, including by vehicles or stock.
- 27.50.9** The unavoidable adverse effects of inundation resulting from the damming of water are remedied or mitigated.
- 27.50.10** Potential adverse effects arising from overtopping or failure of a dam structure are avoided or remedied.
- 27.50.11** Conflicts between users of the beds or surface of rivers and lakes are minimised.
- 27.50.12** The mauri and wairua of rivers and lakes are not adversely affected by structures and activities on the beds or margins of lakes or rivers.

# CHAPTER 28 RULES FOR ACTIVITIES IN THE BEDS AND ON THE SURFACE OF RIVERS AND LAKES

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## 28.1 STRUCTURES, CULVERTS, FENCES, PIPES AND CABLES, BED DISTURBANCES AND PLANTING

*Refer to Policy sets 27.1.3 – 27.7.3.*

### 28.1.1 Scope of Section

The rules in this section regulate structures, including culverts, fences, pipes and cables, bed disturbances and plantings in, on, under or over the beds of rivers and lakes. This is the land which waters of the river cover at its fullest flow without overtopping the banks. Land covered by flood flows overtopping the banks is regulated by rules in Part II of the Plan. The provisions of Part IV also apply to activities that occur within rivers that are in karst systems (including caves). They do not apply to activities in the coastal marine area (see Part III).

Restrictions in Section 13 of the Act apply to wetlands where the wetland becomes part of the bed of the river when the river is at its fullest flow, or part of the bed of a lake when the lake reaches its highest level without exceeding its margins.

The beds of rivers and lakes in New Zealand are owned by the Crown, iwi or by private organisations or individuals. Any person intending to build any structure in, on, under or over the bed of a lake or river must obtain the approval of the owner of the bed before doing so, including where the activity is authorised by a resource consent or rule in this Plan. The owner may be the Crown or other public entity, or a private landowner, group or organisation, including Māori landowners and Māori entities.

Chapter 29 details the information required with a land use consent application under this section.

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

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### 28.1.2 General

#### 28.1.2.1 Permitted Activities (General)

**NOTE:** Rule 28.1.2.1 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 activity in, on, or under the bed of a river or lake subject to rule 28.1.3.1, 28.1.4.1, 28.1.5.1, 28.1.6.1 or 28.1.7.1 is a permitted activity, if it also complies with the following general conditions, as applicable:

- (a) Any structure is not a dam or weir. (*Refer to section 28.2.2*)
- (b) Except as provided by rules 28.1.3.1, 28.1.4.1 or 28.1.5.1, any structure erected, constructed, or placed after 27 February 2010 is not in or on a lake or river identified in a water conservation order.
- (c) Any structure does not impede the flow of floodwater nor cause any flooding or scour, including as a result of its erection, placement, or maintenance.
- (d) The structure includes any necessary outfall or inlet or scour protection work that uses rock or natural substrate, including associated geotextiles, and that is integral to the proper functioning of the structure.

- (e) Scour protection work does not include demolition material, waste fill, vehicle bodies or similar materials.
- (f) There is no permanent change to the character, scale, intensity, or functions of any structure, except where the structure is being removed.
- (g) For any reconstruction or alteration of a structure, the structure is reconstructed in the same location with the same character, scale, and intensity as the original structure.
- (h) Where a structure is removed or demolished, no part of the structure remains in the bed, including on the bank of the river or lake, and the bed is reinstated as far as practicable, consistent with the state of the adjacent bed.
- (i) Any structure is maintained in good repair and free of obstruction by debris.
- (j) The activity does not or is not likely to cause any scour or erosion of the bed, including the banks.
- (k) There is no disturbance from 1 May to 30 September in any year by the use of motorised machinery on any part of the bed covered by water in rivers listed in Schedule 30A as trout spawning rivers.
- (l) There is no disturbance from 15 February to 31 May in any year by the use of motorised machinery in the river bed, including the banks, within 1 kilometre of the river mouth that causes damage to inanga spawning habitat (the principal whitebait species).
- (m) There is no disturbance from October to February inclusive by the use of motorised machinery in any river bed location listed in Schedule 30A as having a black-fronted tern nesting site.
- (n) There is no disturbance from October to December inclusive in any year by the use of motorised machinery in any river bed location listed in Schedule 30A as a having black-billed gull nesting site.
- (o) Any materials no longer required as part of the activity, including any temporary structures, are not stored in or on any river or lake bed and are removed after completion of the activity.
- (p) There is no refuelling of machinery in the bed of a river or lake.
- (q) The design, placement, and maintenance of any structure does not impede the passage of fish, except that in respect of culverts, fords, and tidal flood gates existing as at 27 February 2010, and except where permitted by condition 28.1.6.1(d)(x), this condition does not have legal effect until five years from its operative date.  
**Note:** Decisions about enforcement action in relation to this condition will be guided by the provisions of Policy 27.1.3.5.
- (r) The activity does not disturb any cultural heritage site as listed in Schedule 16.13C.  
**Advice Note:** Condition (r) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.
- (s) The activity does not prevent or reduce existing public access except where it is temporarily restricted to protect public safety during the necessary disturbance or construction.  
**Advice Note:** Condition (s) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.
- (t) The structure does not cause a hazard to navigation of the river.
- (u) Any discharge of sediment as a result of the bed disturbance complies with the conditions of rule 36.2.2.4 or rule 36.2.3.1.

**Notes:**

1. Resource consent may also be required for associated water diversion or contaminant discharge activities.
2. The Freshwater Fisheries Regulations 1983 require that:
  - (a) no culvert or ford in any natural river, stream, or water is constructed in such a way that the passage of fish would be impeded, without the written approval of the Director-General of Conservation; and
  - (b) the occupier of any land maintains any culvert or ford in any natural river, stream, or water in such a way as to allow the free passage of fish.
3. The Council's Navigation Safety Bylaw also requires that structures do not restrict navigation or cause injury or damage to people or property.
4. Known cultural heritage sites are identified in section 16.13.

**28.1.3 Structures****28.1.3.1 Permitted Activities (Structures)**

**NOTE:** Rule 28.1.3.1 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 use, erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure that is fixed in, on, or under the bed of a lake or river or any associated bed disturbance is a permitted activity, if it complies with the following conditions:

- (a) The activity complies with the general conditions of rule 28.1.2.1.
- (b) The structure is not a fence, pipe, line, cable, culvert, ford, bridge, or dam, or the placement of any debris. (*Refer to rules 28.1.4.1 and 28.1.5.1*)
- (c) The horizontal area of the structure does not exceed 2 square metres.
- (d) Any intake or discharge structure does not extend over more than 10 percent of the bed width.
- (e) There is no water intake structure in the Buller, Matakītaki, Matiri or Mangles rivers.
- (f) Except in the case of a navigational aid or the sight board of any gauge, any visible part of the structure blends in with the surroundings, including being a recessive colour.

**Note:** A water intake structure does not include a pipe or hose.

**28.1.4 Fence, Pipe, Line or Cable Structures across the Bed****28.1.4.1 Permitted Activities (Fence, Pipe, Line or Cable Structures across the Bed)**

**NOTE:** Rule 28.1.4.1 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.

The use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any fence, pipe, line, or cable across, under, or over the bed of a lake or river is a permitted activity or any associated bed disturbance, if it complies with the following conditions:

- (a) The activity complies with the general conditions of rule 28.1.2.1.
- (b) The fence, pipe, line, or cable does not cross a lake or river identified in any water conservation order that requires the waters of the lake or river to be maintained in their natural state or protected for their wild and scenic values, unless it is attached to an existing lawfully established support structure.
- (c) No part of the pipe, line, or cable is fixed on or under the bed of the lake or river, except where it is a utility service line or pipe crossing under the bed and the bed disturbance required for the fixing is not in any river within the area enclosed by Land Disturbance Area 2.
- (d) Where it is attached to an existing lawful structure, no part of any pipe, line or cable extends below the underside of the existing structure.

## **28.1.5 Culverts, Fords or Bridges**

### **28.1.5.1 Permitted Activities (Culverts, Fords or Bridges)**

**NOTE:** Rule 28.1.5.1 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 use, erection, reconstruction, placement, alteration, extension, removal, deposition, or demolition of any culvert, ford, or bridge and any associated bed disturbance of a river or lake is a permitted activity, if it complies with the following conditions:

- (a) The activity complies with the general conditions of rule 28.1.2.1.

#### **Culverts, Fords and Bridges**

- (b) There is no culvert, ford, or bridge constructed after 27 February 2010 in any river identified in a water conservation order that requires the waters of the lake or river to be maintained in their natural state, or protected for their wild and scenic values, except where it is a single span pedestrian bridge providing public access.
- (c) Any cut and fill of the bed required for the installation or construction of a culvert, ford or bridge within the area of Land Disturbance Area 2 does not exceed 0.5 metres.

**Advice Note:** Condition (c) prevails over NES-PF Regulations 22-35 because they are more stringent under Regulation 6(3)(a).

#### **Culverts and Fords**

- (d) The culvert or ford is designed to ensure passage of flood flows during a 2 percent annual exceedance probability flood flow that may include provision for overtopping that does not cause structural failure.
- (e) The culvert or ford does not divert water from its natural flow path.
- (f) The inlet and outlet of the culvert or the upstream and downstream margins of the ford are constructed and maintained to avoid scour of the river bed and banks.
- (g) The culvert or ford is designed so that a 2 percent annual exceedance probability flood flow does not result in increased flooding or inundation on upstream or neighbouring properties.

**Culverts**

- (h) The maximum:
- (i) width of the river bed, where the culvert is to be installed, is less than 3 metres, and
  - (ii) fill height above the culvert is 2 metres, except where the culvert is designed to ensure passage of flood flows during a 1 percent annual exceedance probability flood flow and a secondary flow path is provided, and
  - (iii) length of the culvert pipe is 15 metres, except where the culvert is part of a state highway or public road.
- (i) The invert of the culvert pipe (the level of the internal base (bottom) of a culvert) is below the bed.
- (j) Base flow of the river is not impeded by the culvert.

**Bridges**

- (k) The bridge is a single span bridge.
- (l) For any bridge constructed after 27 February 2010, the soffit (underside of the bridge beams) of the bridge is at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the 2 percent annual exceedance probability flood, whichever is the lowest.
- (m) The bridge and its abutments are fixed in place, except where the bridge is temporary and relocatable.
- (n) The bridge and its support structures:
- (i) do not impede the flow of flood water or water-borne debris, or
  - (ii) do not increase the water level beneath the bridge structure so as to increase the likelihood of water leaving the main channel and flowing over a bank;
- and
- (iii) are installed and maintained so as to not cause erosion of the bed, including the banks of the lake or river.

**Notes:**

1. A building consent from the Council is required for a bridge and some culverts under the Building Act 2004.
2. The 2 percent annual exceedances probability is equivalent to a 1-year-in-50 frequency flood. Flow details to assist with design and construction are included in the Council's Good Practice Guide.

**Means of Compliance**

Advice about design and construction of culverts to ensure passage of fish and prevention of scour is provided for in the Council publication, "Guidelines for Culvert Design and Management".

**28.1.5.2 Controlled Activities (Culverts, Fords or Bridges)**

The use, erection, reconstruction, placement, alteration, extension, removal, deposition, or demolition of any culvert, ford, or bridge and any associated bed disturbance of a river or lake bed that does not comply with the conditions of rule 28.1.2.1 or rule 28.1.5.1 is a controlled activity, if it complies with the following conditions:

### **Culverts, Fords and Bridges**

- (a) There is no culvert, ford, or bridge constructed after 27 February 2010 in any river identified in a water conservation order that requires the waters of the river to be maintained in their natural state, or protected for their wild and scenic values.
- (b) Any cut and fill of the bed required for the installation or construction of a culvert, ford, or bridge within the area enclosed by Land Disturbance Area 2 does not exceed 0.5 metres.

### **Culverts and Fords**

- (c) The culvert or ford is designed so that a 2 percent annual exceedance probability flood flow does not result in increased flooding or inundation on upstream or neighbouring properties.
- (d) The culvert or ford is designed to ensure passage of flood flows during a 2 percent annual exceedance probability flood flow that may include provision for overtopping that does not cause structural failure.
- (e) The culvert or ford does not impede the passage of fish.

### **Bridges**

- (f) For any bridge constructed after 27 February 2010, the soffit (underside of the bridge beams) of the bridge is at least 0.5 metres higher than the top of the banks of the river bed, or at least 0.5 metres above the 2 percent annual exceedance probability flood, whichever is the lowest.
- (g) The bridge and its support structures:
  - (i) do not impede the flow of flood water or water-borne debris, or
  - (ii) do not increase the water level beneath the bridge structure so as to increase the likelihood of water leaving the main channel and flowing over a bank;and
  - (iii) are installed and maintained so as to not cause erosion of the bed, including the banks of the lake or river.

**A resource consent is required.** Conditions may be imposed on the following matters over which the Council has reserved control:

- (1) The design, location, and construction of the culvert, ford or bridge, including the invert level of the culvert or ford.
- (2) Measures to provide for and maintain the passage of fish.
- (3) Techniques for ensuring safe passage of flood water (spillway requirements), including depth of fill and fill material used in construction.
- (4) Provisions for safe navigation.
- (5) Measures to prevent damage to riparian vegetation or soil.
- (6) The potential adverse effects on bed and bank stability and water quality.
- (7) Measures to control adverse effects of the activity on upstream or downstream properties and other structures.
- (8) The potential adverse effects on public access to and along the river.
- (9) Effects of the proposed structure on public access along the river.

- (10) Effects on indigenous vegetation and habitats of indigenous fauna.
- (11) Effects on any cultural heritage site listed in Schedule 16.13.
- (12) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (13) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (14) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

## **28.1.6 Disturbance of the Bed, including Excavation, Drilling or Tunnelling**

### **28.1.6.1 Permitted Activities (Disturbance of the Bed, including Excavation, Drilling or Tunnelling)**

**NOTE:** Rule 28.1.6.1 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 disturbance of the bed of any river or lake and associated deposition is a permitted activity, if it complies with the following conditions:

- (a) The activity complies with the general conditions of rule 28.1.2.1.
- (b) Except as provided in conditions (c) or (d), the bed disturbance is not the removal of bed substrate. (*Refer to rule 28.5.2.1*)
- (c) The disturbance is not subject to rule 28.1.3.1, 28.1.4.1, 28.1.5.1 or 28.1.7.2.
- (d) The bed disturbance and any associated deposition is for or associated with:
  - (i) non-motorised disturbance or geotechnical testing; or
  - (ii) small-scale suction dredging where engines are no more than 7 kilowatts and the dredging is not carried out within 20 metres of any structure; or
  - (iii) the removal of organic debris and all or parts of structures damaged by an extreme event, provided that any damage to the bed or bank is repaired; or
  - (iv) the repair of any lawfully existing river protection work, including the reinstatement or repair of an existing river protection work which does not extend the dimensions beyond the nature and scale of the previously existing river protection work; or
  - (v) the repair of bed or bank erosion by the relocation of bed material provided there is no disturbance in the wetted part of the bed; or
  - (vi) the removal of any total control or progressive control pest plants or grey or crack willow (*Salix cinerea* and *Salix fragilis*), provided that no willow tree roots are removed by mechanical methods; or
  - (vii) the excavation of less than 5 cubic metres of gravel for improving access to an authorised taking of water, provided:
    - (a) the excavation is in a river in the Moutere Surface Water, Dovedale or Stanley Brook water management zones;
    - (b) the excavation is no deeper than 2 metres below the surrounding natural bed level;

- (c) the excavated material is placed upstream of the excavation and is not removed from the bed; or
- (viii) the removal of sand, silt, or clay, provided:
  - (a) it is for the purpose of maintaining land drainage functions of the river;
  - (b) the meander and location of the watercourse are not modified;
  - (c) any bed disturbance is kept to the minimum necessary to clear the sand, silt or clay;
  - (d) there is no destruction or removal of vegetation by root-raking, blading or other method that causes similar soil disturbance on the banks; or
- (ix) the removal of accumulated sand, silt or clay to enable the proper functioning of the impoundment of any constructed dam; or
- (x) the construction of a structure to dam or divert water using bed material or textiles to enable bypass or diversion of water during the alteration, reconstruction, extension, repair or maintenance of a legally existing structure, provided the structure does not reduce the capacity for fish, including eels, to migrate past for periods exceeding five days in any 20-day period; or
- (xi) the disturbance of the bed to create channels for jet boat passage, provided:
  - (a) the activity is carried out as part of a public training or competitive jet boating event;
  - (b) the activity is limited to the Waimea River between a point 1 kilometre downstream of the confluence of the Wai-iti River and a point 1 kilometre upstream of the State Highway 60 bridge at Appleby;
  - (c) the activity is carried out once in a 12-month period;
  - (d) there is no disturbance to the banks;
  - (e) the Environment & Planning Manager must be notified at least one month prior to work commencing; or
- (xii) the deposition, relocation, or removal of bed material, provided that the disturbance is a measure immediately required after an extreme event to:
  - (a) remedy or prevent erosion that is undermining lawfully existing structures or the river bed or bank stability, or
  - (b) remedy erosion or aggradation that is preventing the proper functioning of lawfully existing structures, or
  - (c) remedy or prevent increased risk of flooding to adjacent land;and provided that in respect of any of conditions (b), (c) or (d):
  - (d) the disturbance is not in a river classified as X or Y in the Council's River Activity Management Plan (2009 - 2019), dated August 2009; and
  - (e) the disturbance does not result in any alteration to the original channel shape, area, depth or gradient; and
  - (f) conditions (k) to (n) and (u) of rule 28.1.2.1 do not apply; and
  - (g) where the disturbance is carried out in any river that is wider than 4 metres as measured between the toe of the river banks as an average over the length of river within which the works are to occur, information is provided to the Engineering Manager on request to demonstrate compliance with condition (d)(xii).
- (e) Any hole created in the bed as part of the disturbance is filled with natural substrate on completion of the work.

- (f) Except for that arising from activities permitted by conditions (d)(viii) and (d)(xii) of this rule, any discharge of sediment as a result of the bed disturbance complies with the conditions of rule 36.2.2.4 or rule 36.2.3.1.

#### Notes

1. Maintenance of land drainage does not include any activity that may result in the drainage of existing naturally occurring wetlands, unless rule 31.1.6.1 is complied with.
2. Total control and progressive control pest plants are as listed in the Council's Tasman-Nelson Regional Pest Management Strategy.

## 28.1.7 Planting

### 28.1.7.1 Permitted Activities (Planting)

**NOTE:** Rule 28.1.7.1 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 introduction or planting of any plant or any part of any plant in, on, or under the bed, including the banks, of a lake or river and any associated bed disturbance is a permitted activity, if it complies with the following conditions:

- (a) The activity complies with the general conditions of rule 28.1.2.1.
- (b) The planting is located and maintained so that it does not:
  - (i) cause or contribute to erosion or scour of the bed, including the banks of the river; or
  - (ii) cause or contribute to an increase in flooding of land, not including the bed.
- (c) There is no planting of crack or grey willow (*Salix fragilis* or *Salix cinerea*).

#### Notes

1. The Council's Tasman-Nelson Pest Management Strategy lists plants which must not be planted or propagated anywhere in the District (including in the beds of rivers or lakes).
2. Planting on or near river beds and banks can eventually reduce or obstruct river flows, or cause widening or scouring of river beds. Advice about appropriate plant species and planting design is in the Council's Good Practice Guideline to Riparian and River Bank Planting or from the Council's native plant restoration lists.

### 28.1.7.2 Restricted Discretionary Activities (Planting)

The introduction or planting of a plant or any part of a plant in, on, or under the bed or bank of any lake or river and any associated bed disturbance that does not comply with the conditions of rule 28.1.2.1 or rule 28.1.7.1 is a restricted discretionary activity.

**A resource consent is required.** Consent may be refused or conditions imposed in respect of the following matters over which the Council has reserved discretion.

- (1) The location, extent, timing and duration of the activity.
- (2) Plant varieties, including controls on height at maturity.
- (3) Provision for and maintenance of the passage of fish.
- (4) Effects of planting and mature plants on the safe passage of flood water.

- (5) Potential adverse effects of the activity on areas of indigenous vegetation and habitats of indigenous fauna and aquatic habitats.
- (6) Measures to prevent damage to riparian vegetation or soil.
- (7) The potential adverse effects on bed and bank stability and water quality.
- (8) Adverse effects on upstream or downstream properties and structures.
- (9) Safe navigation.
- (10) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (11) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (12) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

#### **Non-Notification**

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

### **28.1.8 Structures, Bed Disturbances and Planting**

#### **28.1.8.1 Discretionary Activities (Structures, Bed Disturbances and Planting)**

Any activity associated with a structure, bed disturbance, or planting in, on, under, or over the bed of a river that does not comply with the conditions of rule 28.1.2.1, 28.1.3.1, 28.1.4.1, 28.1.6.1 or 28.1.5.2 is a discretionary activity.

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

When considering an application for consent, the Council will have regard to the following criteria:

#### **General**

- (1) Provision for and maintenance of the passage of fish.
- (2) Safe passage of flood water.
- (3) Potential adverse effects of the activity on indigenous biodiversity, including indigenous vegetation and aquatic habitats.
- (4) Measures to prevent damage to riparian vegetation or soil.
- (5) The potential adverse effects on bed and bank stability and water quality.
- (6) Adverse effects on the natural character and amenity of the river or lakes and effects on public access to the river, and values and uses, including those listed in Schedule 30A.
- (7) Safe navigation and the maintenance of public access, where appropriate.
- (8) Measures to prevent damage to any cultural heritage site, including those listed in Schedule 16.13C.

- (9) Monitoring compliance with conditions, effects of the activity on the environment, and the provision of information to Council.
- (10) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

**Structures**

- (12) The design, location, construction and maintenance of the structure, including preparation of construction management plans.
- (13) Adverse effects of the activity on upstream or downstream properties and other structures.

**Culverts, Fords and Bridges**

- (14) The design, location and construction of the structure, including the invert level of the culvert or ford and preparation of construction management plans.
- (15) Techniques for ensuring safe passage of flood water (spillway requirements), including fill material used in construction.

**Bed Disturbances**

- (16) The location, extent, timing and duration of the activity.
- (17) Opportunities for enhancing bed stability, meander pattern, channel morphology, bed substrate or other aspect of habitat adversely affected by the activity.

**28.1.20 Principal Reasons for Rules****Structures, Culverts, Fords and Bridges**

The rules regulate structures, including culverts, fords, bridges, fences, pipes and cables. The rules permit small-scale structures to be constructed over or in the bed of a river or lake and require resource consents to be applied for larger structures where potential adverse effects are more significant. These rules also generally permit activities required for the maintenance and repair of existing structures.

New small scale structures are permitted as they generally have very minor effects on a water body provided they continue to be carefully constructed and maintained. Periodic floods may cause debris to build up or cause erosion or scour around the structure and on-going maintenance is important to avoid causing damage to the bed or banks of the river or adverse effects to other structures in the river or to neighbouring properties.

Most culverts and fords are permitted activities subject to some performance standards to limit adverse effects. Adverse effects of culverts are able to be accounted for through appropriate culvert design. New culverts will need to allow fish passage and be properly constructed to avoid impeding floods or causing scour or erosion.

The rules also permit existing structures, including culverts provided the same performance standards are complied with. It is probable that there are a number of existing culverts that were installed without authorisation under the Regional Plan or under the Act. Many of these culverts are likely to be well designed, installed and maintained and these existing culverts are generally provided as permitted activities. However, if flood flow or fish passage is significantly adversely affected, improvements to the culvert may be required. Where there is a natural fish passage impedance, such as a waterfall not far upstream or downstream of the proposed or existing culvert, the design of the culvert would take this into account.

Council will provide information to landowners about culvert design, construction and maintenance to assist them in identifying best management practices. The Council is also developing an inventory showing where culverts are causing fish passage issues, particularly for watercourses with significant value for native fish or trout habitat. Council will establish programmes for restoring fish passage past existing structures like culverts in consultation with landowners and industry groups according to priorities established in the policies. The rules for existing culverts and fords will not apply until five years after the operative date of these provisions. This will enable Council and other landowners to manage and plan for any works that may be necessary to meet the conditions.

The subsequent diversion and discharge of water through the culvert is provided for in the rules chapters 31 and 36.

Bridges with single spans are considered to be structures that would have minor adverse effects on the river if built in accordance with the conditions specified. Rivers associated with bridges over which bridges of this span pass are unlikely to be navigable waterways, and provided the design is appropriate, the bridge is unlikely to impede river flow.

Permitting culverts and small bridges is also a way of supporting farmers who are considering use of these structures as a way of avoiding adverse effects caused by livestock crossing the beds of rivers. Building consents are still required for bridges and some culverts so that safety aspects can be addressed.

Bridges that have a pier in or on the bed are likely to require specialist design. Rivers of this size may also be navigable. The scale of work in the bed of the river during construction will have a greater potential to cause adverse effects. These bridges have the potential to have significant adverse effects on water and flood flow and have potential to cause adverse effects on the stability of beds and banks of rivers, and are therefore restricted discretionary activities.

Larger bridges will need both resource consent and a building consent, but where appropriate, Council will process both applications together to reduce compliance costs for applicants.

Bridges and culverts can have an impact on wild and scenic values such as those protected by the water conservation orders or in rivers that have a high level of naturalness. In these areas, conditions on a resource consent will enable Council to control adverse effects on these river values.

Extreme events such as flooding, landslips or earthquakes can cause damage to river bed and bank stability or flood-carrying capacity. Damage can also be caused to structures and adjacent land. In some cases repair work is immediately required to prevent ongoing damage or repair damage so that structures such as bridges and culverts can continue to function.

Works that are immediately required to prevent ongoing damage or further damage to structures are permitted by the rules, with some exceptions. In some cases, safety considerations or availability of resources means that these emergency works may be carried out after the event has passed. In considering when the required works continue to be emergency works or where they can be carried out as routine repairs and maintenance, landowners and Council need to consider the urgency of the works and the extent to which they are immediately required to remedy or prevent continuing damage or allow for proper functioning of structures. Where there is discretion as to the timing of the works or where restrictions regarding sediment control are appropriate, the works will no longer be considered emergency works.

### **Bed Disturbance**

Bed disturbance includes any excavation, dredging, drilling, tunnelling, and any intentional widening, deepening or alteration of the course of a water body. It also includes maintenance activities to clear build up of sediment in the beds of those rivers which are modified watercourses to improve drainage of adjacent land or maintain efficient water flow.

These activities have the potential to change the natural functioning of the river, including flood flows, and effects may be localised or impact on the river both upstream and downstream of the activity. They have the potential to impact on rates of erosion, river channel alignment and structure stability. Bed disturbances may affect the hydrological regime and cause adverse effects on aquatic habitat because of sediment releases or habitat destruction.

Where the bed disturbance occurs in the wet bed, i.e. in that part of the bed of a lake or river which is covered by water, sediment will be mobilised. The mobilisation of sediment, depending on the scale of the activity, can reduce the clarity of the water by increasing its turbidity. Reduced clarity of water can adversely affect natural and human use values supported by the lake or river, or other users of the water body. Rules to manage adverse effects of sediment as a result of bed disturbances in rivers are contained in Chapter 36.

The removal of aquatic plant pests and sediment from rivers, streams, modified watercourses and lakes is periodically required to maintain the efficiency of drainage networks and to restore drainage outfall.

Maintenance of drainage functions of farm drainage canals (or ditches) and some modified watercourses can be important for maintaining land drainage and farm productivity. Even though some of these ditches are not rivers for the purposes of Part IV, they can support aquatic ecosystems, habitats and areas of significant vegetation, and drain maintenance can impact on receiving water quality. Adverse effects of farm drain maintenance can be mitigated through the adoption of best management practices. Council will prepare information about best practices to minimise adverse effects associated with drainage maintenance.

A combination of land, channel margin and instream management practices can be required to properly address a drainage issue. Best management practice can help identify measures to reduce the frequency of bed disturbances to maintain drainage. The removal of aquatic weeds and plants and sediment from rivers, streams, modified watercourses and lakes is therefore a permitted activity subject to conditions. Other measures to minimise adverse effects will be promoted through good practice guides for drainage management activities.

There is probably a large range of activities currently being undertaken in a range of situations (rivers and drains) without consent. The conditions that apply to these activities will provide certainty for landowners as to the extent to which activities can continue to be permitted and where likely adverse effects are potentially more significant and resource consents are required.

Some small-scale activities can be undertaken in the beds of rivers as potential impacts can be minimised by appropriate conditions. Other activities in the beds of rivers will require resource consent because there is significant potential for adverse effects in the dynamic river environment and the nature of the adverse effects will be site specific.

## **Planting**

The introduction of vegetation into the beds of lakes and rivers can potentially compromise values associated with conservation and amenity values, including the loss of biodiversity, water quality and reducing the flood-carrying capacity of rivers.

However, planting is often carried out along and in the beds of rivers to provide bed and bank stability and flood protection. These plantings can also provide aquatic habitat and contribute to biodiversity and water quality values.

The Act does not allow the introduction of any vegetation unless there is a rule in a plan or a resource consent providing for it. In order to meet the requirements of the Act (in particular Section 30 - soil conservation and flood protection, as well as Part II matters of national importance) there is a need to allow planting to be undertaken as permitted activities where effects are beneficial or adverse effects are minor.

Chapter 29 details the information required with a land use consent application under this section.



## 28.2 DAMS AND WEIRS

*Refer Policy sets 27.1.3 – 27.7.3. 27*

### 28.2.1 Scope of Section

The rules in this section regulate dam structures, including weirs, in the bed of any river or lake. These apply in addition to rules regulating the damming, diversion and discharge of water in rivers and lakes in sections 31.1.3, 31.1.4 and 36.2 in parts V and VI of the Plan. Information required with land use consent applications is detailed in Chapter 29.

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

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### 28.2.2 Dam Structures

#### 28.2.2.1 Permitted Activities (Dam Structures)

The use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any dam structure that is in or on the bed of a lake or river, or any associated deposition or necessary bed disturbance is a permitted activity, if it complies with the following conditions:

- (a) The dam is not on any river or lake subject to any water conservation order.
- (b) The dam is not on any river or lake in the area enclosed by:
  - (i) the Slope Instability Risk Area;
  - (ii) Land Disturbance Area 2; or
  - (iii) within 100 metres of an active faultline;
 as shown on the planning maps.
- (c) The:
  - (i) volume of water capable of being impounded by the dam does not exceed 5,000 cubic metres; and
  - (ii) surface catchment area for the dam is less than 20 hectares; and
  - (iii) maximum depth of the impounded water in the dam is less than three metres (see Figure 28.1A); and
  - (iv) area covered by the impounded water does not cover any naturally-occurring wetland; and
  - (v) minimum crest width of the dam is 3 metres.
- (d) The flow of any perennial river is less than 2 litres per second and, where there is a perennial flow, the dam provides for fish passage, including eels.
- (e) For any dam constructed after 27 February 2010 all parts of the dam, including the spillway and impounded water up to the maximum level, are set back at least:
  - (i) 10 metres from road boundaries or indicative road boundaries; and
  - (ii) 5 metres from internal boundaries.

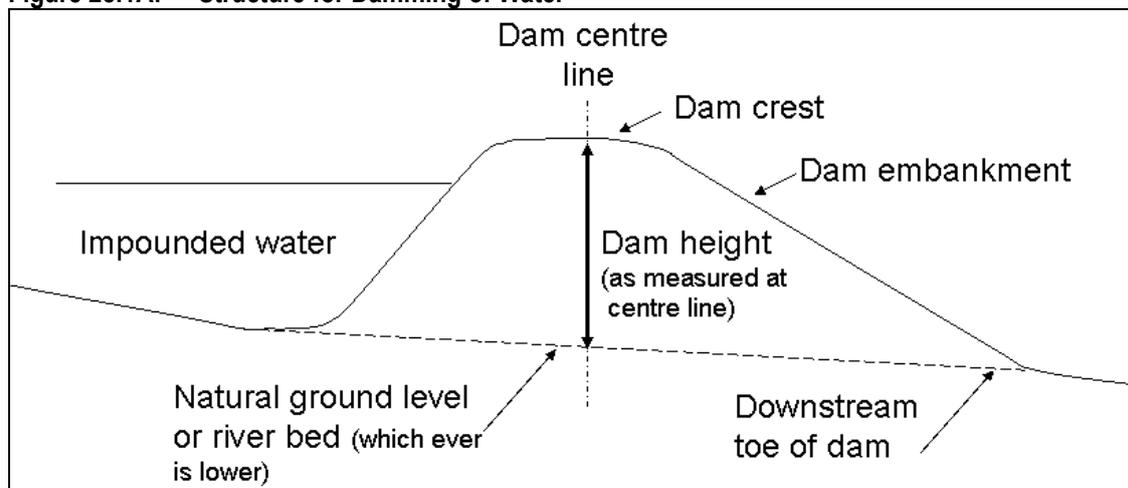
- (f) The dam spillway is designed to pass a 2 percent annual exceedance probability rainfall event and is constructed and maintained so that there is no scour to the spillway structure or downstream bed, including the banks, and is kept free from debris.
- (g) Any discharge of water from the dam, including from the spillway, is back into the same river.
- (h) Grass spillways are maintained to prevent saturated soil conditions.
- (i) Erection or placement of the dam does not cause any increase in erosion, scour, flooding or deposition, or impede drainage beyond the property boundary.
- (j) Any discharge of sediment as a result of the bed disturbance complies with the conditions of rule 36.2.2.4 or rule 36.2.3.1.
- (k) The dam is maintained in good structural condition at all times.
- (l) The dam embankment and the area within 5 metres of the toe of the embankment is maintained clear of trees, any vegetation more than 1.5 metres in height, and any vegetation that prevents inspection of the dam embankment.
- (m) For any reconstruction, alteration, or repair, there is no permanent change to the character, scale, nature or functions of the structure.
- (n) Where a dam is removed or demolished, no part of the structure remains in the bed or on the bank of the river or lake, and the bed profile is returned to its natural form, as far as practicable.
- (o) There is no refuelling of equipment during construction, maintenance, or demolition of the dam on any part of a river or lake bed.
- (p) No topsoil, vegetation, or gravel is used as embankment fill.
- (q) Embankment fill is compacted to achieve a minimum of 95 percent of optimum density.
- (r) Batters on both the upstream and downstream sides of the embankment and the overflow spillway side slopes are not steeper than 2 (horizontal) to 1 (vertical).
- (s) No part of the overflow spillway passes over the dam embankment.
- (t) A low flow pipe to set the upper limit of the normal water level behind a dam may be installed either:
  - (i) through parent material;  
or
  - (ii) through the dam embankment,  
provided:
    - (a) it is not less than 0.3 metres below the spillway invert;
    - (b) the slope of the pipe is not steeper than 10 percent;
    - (c) a seepage collar of minimum dimensions 1 metre x 1 metre x 0.1 metre thick surrounds the pipe at its halfway point;
    - (d) backfill around the pipe and seepage collar is in layers no more than 0.1 metres thick and compacted into place around the pipe to a depth of 0.6 metres before passing any machinery over it;and in any case:
    - (e) a concrete collar surrounds both intake and outfall ends of the pipe;

- (f) the pipe discharges directly to the channel downstream of the dam and scour protection constructed at the outlet.

### Notes

1. The construction of dams that retain 3 or more metres of water in depth and hold 20,000 or more cubic metres in volume of water are large dams, require a building consent under the Building Act and are subject to the Dam Safety Scheme under that Act. Dams smaller than this do not require building consent but they must comply with the Building Code to the extent required under the Building Act provisions. The building consent considers design and safety aspects of the dam structure. The Council may require both consents to be made together and may process applications at the same time.
2. “Dam Height” is measured from the natural ground level existing prior to the dam construction, to the dam crest at its maximum height measured along the dam centre line. (*Refer Figure 28.1A*)
3. Rule 36.2.2.8 allows for the discharge of water from a dam back into the downstream water body.

**Figure 28.1A: Structure for Damming of Water**



### Means of Compliance

The Council’s Good Practice Guide for the Construction of Small Dams (2000) and the “NZSOLD Guidelines for Constructing Earth Dams” contain measures that must be adhered to, as appropriate, in order that the conditions of this rule can be complied with.

#### 28.2.2.2 Permitted Activities (Dam Structures – Existing Structures)

The use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any dam structure that is in or on the bed of a lake or river, or any associated deposition or necessary bed disturbance is a permitted activity, if it complies with the following conditions:

- (a) The dam is an existing structure that is subject to any condition on a current water permit requiring the monitoring and management of the failure hazard risk of the structure.
- (b) The dam is not a dangerous dam as defined by the Building Act.

**Note:** The Building Act defines what is meant by ‘a dangerous dam’ as follows:

*A dam is dangerous for the purposes of this Act if the dam—*

- (a) *is a high potential impact dam or a medium potential impact dam; and*
- (b) *is likely to fail—*
  - (i) *in the ordinary course of events; or*
  - (ii) *in a moderate earthquake (as defined in the regulations); or*
  - (iii) *in a moderate flood (as defined in the regulations).*

**28.2.2.3 Controlled Activities (Dam Structures – Renewal)**

The use, reconstruction, alteration or extension of any dam structure for damming water that is fixed in or on the bed of a lake or river, or any associated deposition or necessary bed disturbance that does not comply with the conditions of rule 28.2.2.1 or rule 28.2.2.2 is a controlled activity, if it complies with the following conditions:

- (a) The applicant for the land use permit in respect of the dam is the holder of:
  - (i) a water permit to dam; or
  - (ii) a land use consent for the dam structure;that is due for renewal, and Section 124 applies.
- (b) The dam is not a dangerous dam as defined by the Building Act.
- (c) The dam spillway is constructed and maintained so that there is no scour to the spillway structure or downstream bed, including the banks, and is kept free from debris.
- (d) Grass spillways are maintained to prevent saturated soil conditions.
- (e) The dam embankment and within 5 metres of the toe of the embankment is maintained clear of trees, any vegetation more than 1.5 metres in height, and any vegetation that prevents inspection of the dam embankment.

**A resource consent is required.** Conditions may be imposed only in respect of the following matters over which Council has reserved its control:

- (1) The preparation of a structural report from an appropriately competent chartered professional engineer practising in civil engineering.
- (2) Effects on river bed and bank stability upstream and downstream of the dam.
- (3) Effects on other water users, downstream landowners and landowners affected by the dam structure or impounded water, including modified downstream flows and effects of failure.
- (4) Effects on fish and eel passage.
- (5) Degree of compliance with the current New Zealand Society of Large Dams guidelines, with the Building Act requirements and with the Good Practice Guide for the Construction of Small Dams (2000) guidance, relating to:
  - (a) maintenance of the dam;
  - (b) structural stability of the dam and potential effects of dam failure;
  - (c) spillway design and capacity, including overtopping hazard risk;
  - (d) preparation of an emergency management plan.
- (6) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (7) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

#### 28.2.2.4 Discretionary Activities (Dam Structures)

The use, erection, reconstruction, placement, alteration, extension, removal or demolition of any structure for the damming of water that is fixed in or on the bed of a lake or river, or any associated deposition or necessary bed disturbance, that does not comply with the conditions of rule 28.2.2.3, is a discretionary activity.

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

When considering an application for consent, the Council will have regard to the following criteria:

- (1) Dam design, construction, supervision, and certification by an appropriately competent chartered professional engineer practising in civil engineering, and including certification from other appropriate competent persons in dam design and construction.
- (2) Preparation of a management plan for the duration of the construction and commissioning of the dam, including management of sediment and rehabilitation work.
- (3) Effects on river bed and bank stability upstream and downstream of the dam.
- (4) Effects on other water users, landowners and dwellings potentially affected by the dam structure or impounded water, including modified downstream flows and effects of failure.
- (5) Effects on fish and eel passage.
- (6) Setbacks from road and property boundaries.
- (7) Degree of compliance with the current New Zealand Society of Large Dams guidelines, with the Building Act requirements and with the Good Practice Guide for the Construction of Small Dams (2000) guidance, relating to:
  - (a) maintenance of the dam;
  - (b) structural stability of the dam and potential effects of dam failure;
  - (c) spillway design and capacity, including overtopping hazard risk;
  - (d) preparation of an emergency management plan.
- (8) Measures to avoid, remedy or mitigate adverse effects on the natural character and amenity of the river and effects on public access to the river and on other uses of the river, including those listed in Schedule 30A.
- (9) Monitoring compliance with conditions, effects of the activity on the environment and the provision of information to Council.
- (10) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

**Note:** No consents can be granted that are contrary to a water conservation order.

#### 28.2.20 Principal Reasons for Rules

The construction of small dam structures in small catchments is a permitted activity because the adverse effects of such a structure are likely to be minor. This is because the contributing catchment is small with most dams this size being in the Moutere area or at a very high level in a catchment. Contributing streams

in these small catchments are generally ephemeral, especially those constructed in Moutere gravel terrain. In most cases, the effects of the associated damming of the water are also likely to be beneficial through the augmentation of water. This approach is complemented by allowing the damming of water in small catchments in Chapter 31. Because these upper catchment areas tend to have lower ecosystem values all year round, minimum flow by-pass measures are not required.

Renewal of authorisations for existing dams will be controlled activities and, unless the dam is unsafe or not maintained, there is little reason to refuse consent and require removal of the dam. Council can, however, consider conditions to avoid, remedy or mitigate adverse effects from such dams. This process also enables Council to review the consent and ensure appropriate management and structural stability of the dam over time.

The impact of large-scale dams on river bed and bank stability as well as on other uses and values, including recreation, landscape, public access and abstractive uses, can be significant. Ongoing maintenance requirements and potential adverse effects from dam failure are also more significant as dam size increases. For these reasons, Council will require a consent application for large dams and will require all existing dams to be authorised by a resource consent or through existing conditions on relevant water permits held for damming the water until these permits expire. These provisions complement similar rules for the damming and discharge of water by such structures to address adverse effects on stream hydrology, ecology and water quality.

Council's policies and rules relating to the effects of dam structures in Part IV of the Plan include assessment of structural stability, which is also considered under the Building Act 2004 because a dam is a building for the purposes of that Act. Council is required under the Building Act to identify and deal with dangerous dams.

Most dams in Tasman are earth dams constructed of Moutere Gravels and have a low probability of failure. However, dam failures do occur and some existing dams pose a risk to persons or cause significant damage to properties beyond the immediate property boundary. These risks are addressed for some dams through water permits to dam the water, rather than current land use consents that authorise the structure itself. Once any relevant water permits have expired, Council will seek land use consents for the ongoing presence of the structure in the bed. If there are no applicable conditions on relevant water permits, a land use consent to authorise the permit will be required.

Land use below dams could become a relevant consideration for applications for renewal of existing dams or applications for subdivision below existing dams as many Tasman dams that were built only to rural standards for irrigation may now be or become surrounded by houses.

Council will take into account potential adverse effects of existing dams when considering subdivision below dams to avoid creating risks to property and people resulting from any dam failure.

## 28.3 ENTERING OR PASSING ACROSS BEDS

*Refer to Policy sets 27.1.3, 27.4.3, 27.7.3, 33.1..*

### 28.3.1 Scope of Section

The rules in the section regulate passage across the bed of a river or lake by vehicles and stock. They apply in addition to rules regulating the discharge of contaminants in section 36.2 in Part VI of the Plan. Information required with land use consent applications is detailed in Chapter 29.

#### Advice Note:

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1. 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.
2. Resource Management (Stock Exclusion) Regulations 2020 may apply to stock access to rivers, lakes and wetlands. The regulations may impose additional standards and requirements. Please ensure you have met any requirements in the regulations in addition to those in this plan.

### 28.3.2 Entering or Passing across Beds – Vehicles

#### 28.3.2.1 Permitted Activities (Entering or Passing across Beds – Vehicles)

**NOTE:** Rule 28.3.2.1 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.

Except as regulated by 28.4.2.1, the entering or passing across any bed of a river or lake by a vehicle or motorised machinery and any associated disturbance of the bed is a permitted activity, if it complies with the following conditions:

- (a) There is no entering or passing over the bed of Te Waikoropupu Springs except:
  - (i) where the activity is for the maintenance or protection of the Springs or associated structures, or
  - (ii) for scientific or research investigation;and
  - (iii) Manawhenua ki Mohua is notified at least two working days prior to the activity commencing.
- (b) Any sediment discharged as a result of the crossing of the bed or bed disturbance complies with the conditions of rule 36.2.2.4 or rule 36.2.3.1.
- (c) The vehicle or machine enters and passes across the river by the shortest practicable route across the river.
- (d) There is no disturbance by the use of vehicles or motorised machinery from October to February inclusive of any river bed location listed in Schedule 30A as having a black-fronted tern nesting site.
- (e) There is no disturbance by the use of vehicles or motorised machinery from October to December inclusive in any year of any river bed location listed in Schedule 30A as having a black-billed gull nesting site.

- (f) Noise generated by the activity, measured at or within the notional boundary of a dwelling, does not exceed:

	<b>Day</b>	<b>Night</b>
$L_{Aeq}$ (15min)	55 dBA	40 dBA
$L_{AFmax}$		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 except that the  $L_{AFmax}$  does not apply between 7.00 am to 9.00 pm.

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;

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

- (iii) river management (erosion control and floodway management) activities
- (iv) the maintenance and construction of authorised structures
- (v) craft on the surface of rivers and lakes

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*.

**Note:** Any entry into Te Waikoropupu Springs also requires authorisation from the Department of Conservation. Te Waikoropupu Springs includes all water bodies within the Te Waikoropupu Springs Scenic Reserve.

### **28.3.2.2 Restricted Discretionary Activities (Entering or Passing across Beds – Vehicles)**

The entering or passing across any bed of a river or lake by a vehicle or motorised machinery and any associated disturbance of the bed that does not comply with the conditions of rule 28.3.2.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) There is no entering or passing over the bed of Te Waikoropupu Springs

**A resource consent is required.** Consent may be refused or conditions imposed in respect of the following matters over which the Council has restricted discretion.

- (1) The location, type of vehicle or machine, and frequency, timing and duration of the activity.
- (2) Length of river or lake bed disturbance.
- (3) Adverse effects on amenity and landscape values of the river or lake and its immediate surrounds and on any river or lake values, including those listed in Schedule 30A, and including nesting birds and fish spawning sites.
- (4) Adverse effects of noise.
- (5) Adverse effects on public access to the river or lake.
- (6) Potential for conflict with other users of the river or lake.

- (7) Adverse effects on river or lake bed or bank stability.
- (8) Effects on water quality.
- (9) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (10) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

### **28.3.2.3 Non-Complying Activities (Entering or Passing across Beds – Vehicles)**

The entering or passing across any bed of a river or lake by a vehicle or motorised machinery and any associated disturbance of the bed that does not comply with the conditions of rule 28.3.2.2 is a non-complying activity.

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

## **28.3.3 Entering or Passing across Beds – Stock**

### **28.3.3.1 Permitted Activities (Entering or Passing across Beds – Stock)**

The entering or passing across any bed of a river or lake by livestock or any associated disturbance of the bed is a permitted activity, if it complies with the following conditions:

- (a) There is no entering or passing over the bed of Te Waikoropupu Springs.
- (b) Any sediment or disease-causing organisms discharged as a result of the crossing or bed disturbance complies with the conditions of rule 36.2.2.4, 36.2.2.5 or 36.2.2.8.
- (c) The bed is not used as a standoff for stock and there is no feeding out of supplementary feed on the bed of any lake or river.
- (d) Livestock access to the river bed, including the banks, from 15 February to 31 May in any year, within 1 kilometre of the river mouth, does not cause damage to inanga spawning habitat (the principal whitebait species).
- (e) There is no disturbance by stock from 1 May to 30 September in any year on any part of the bed covered by water in rivers listed in Schedule 30A as trout spawning rivers.
- (f) Except for crossings allowed by rule 36.2.2.5 (a)(i), at any time after 1 June 2012 there is no entering or passing across a permanently flowing river bed with a wetted width of more than one metre by dairy cows.

### **28.3.3.2 Restricted Discretionary Activities (Entering or Passing across Beds – Stock)**

The entering or passing across any bed of a river or lake by livestock, or any associated disturbance of the bed that does not comply with the conditions of rule 28.3.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) There is no entering or passing over the bed of Te Waikoropupu Springs.

**A resource consent is required.** Consent may be refused or conditions imposed in respect of the following matters over which the Council has restricted discretion.

- (1) The location, frequency, timing and duration of the activity.
- (2) Adverse effects on amenity and landscape values of the river or lake and its immediate surrounds and on any river values, including those listed in Schedule 30A.
- (3) Adverse effects on public access to the river or lake.
- (4) Potential for conflict with other users of the river or lake.
- (5) Adverse effects on river or lake bed or bank stability.
- (6) Adverse effects on biodiversity values of indigenous species and aquatic habitat, including indigenous vegetation and fauna, especially nesting birds and fish spawning sites.
- (7) Effects on water quality.
- (8) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (9) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (10) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

### **28.3.3.3 Non-Complying Activities (Entering or Passing across Beds – Stock)**

The entering or passing across any bed of a river or lake by livestock and the associated disturbance of the bed that does not comply with the conditions of rule 28.3.3.2 is a non-complying activity.

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

### **28.3.20 Principal Reasons for Rules**

The location of activities, such as the use of vehicles (including recreational vehicles such as four wheel drives and motorbikes) or machinery in the bed may damage the bed, including the banks of the rivers. Passage across the river may also result in significant amounts of sediment entering the water and adversely affecting aquatic habitat and visual clarity of the water.

#### **Bird Habitats**

Vehicles can disrupt the breeding success of riverbed breeding birds or damage sites of significant indigenous flora. There are four indigenous bird species that breed on Tasman's shingle river systems; black-fronted terns, banded dotterels, black-billed gulls and pied oystercatchers. Of these the black-fronted terns and black billed gulls are regarded as being in decline and tend to nest in colonies. The areas favoured by the birds for nesting have been identified in Schedule 30A. Banded dotterel are also in decline, but these birds tend to nest as pairs and the areas they nest in are relatively widespread. Noise and disturbance from vehicles close to nesting sites can cause birds to leave for sufficiently long periods that breeding fails, or to abandon the eggs or young altogether.

## **Water Quality**

Council seeks to reduce the impact of non-point source discharges on surface water quality by preventing or minimising the entry of contaminants into water and to maintain the integrity of beds and banks by preventing or minimising damage to the beds or banks of rivers.

Where livestock has unrestricted access to surface water bodies or are regularly driven through water bodies, they can adversely impact on the quality of the water, the aquatic habitat and the bed and bank integrity. Deer and pigs are particularly known to cause water quality problems where they have direct access to the water.

Where adjacent land use involves intensive farming of livestock, the cumulative effects of stock access to water or crossings can have significant adverse impacts on water quality and instream or recreation values and streambank erosion. A variety of methods are available to improve water quality, depending on the type of farming system. For example, adverse water quality and erosion effects caused by frequent crossings by dairy herds can be avoided by constructing bridges or culverts. Fencing along waterways to exclude stock can mitigate adverse effects of intensive farming. Provision of alternative water supplies or shade can also help mitigate adverse water quality effects from stock.

Council acknowledges that the cost of such measures can be significant. It seeks to work with existing industry initiatives that address property specific water quality issues such as the dairy industry's Clean Streams Accord or the Primary Sector Water Partnership.

Council policies and methods recognises the preferred approach is for individuals and communities to work together to modify their everyday practices to reduce the effects of non-point source discharges and to improve aquatic habitats. A community working together is likely to be more effective at achieving widespread improvements to water quality in rivers and streams.

In implementing the policies seeking to avoid, remedy and mitigate adverse effects of stock access to waterways, the Council's priorities will be to work closely with industry groups and to provide advice and information to help landowners in developing farm plans where necessary.

Council will also allow most culverts and small bridges to be constructed as permitted activities. Information on standard building design for bridges and culverts will also be prepared to assist landowners.

Council has established criteria in section 33.1 in Part VI for setting priorities to guide the community and Council efforts to restore water quality where it has declined.

## **Te Waikoropupu Springs**

The Council has also recognised the particular values of Te Waikoropupu Springs by including provisions that prevent any entering or passing across the beds of the Springs. Risk of didymo invasion is of particular concern, but the very high cultural and amenity values also require this level of protection.

No entering or passing over the bed of the Springs is permitted by these rules unless it is required for maintenance or investigation. An application for any other access to the Springs will be considered as a non-complying activity.



## 28.4 ACTIVITIES ON THE SURFACE OF RIVERS AND LAKES

*Refer Policy sets 27.6.3.*

### 28.4.1 Scope of Section

The rules in this section regulate activities on the surface of rivers and lakes. Information required with land use consent applications is detailed in Chapter 29.

### 28.4.2 Activities on the Surface of Rivers and Lakes

#### 28.4.2.1 Permitted Activities (Activities on the Surface of Rivers and Lakes)

The entering or passing across the surface of the water in a river or lake by craft is a permitted activity, if it complies with the following conditions:

- (a) There is no entry to or passing across the surface of Te Waikoropupu Springs except:
  - (i) where the activity is for the maintenance or protection of the Springs or associated structures, or
  - (ii) for scientific or research investigation,and
  - (iii) Manawhenua ki Mohua is notified at least two working days prior to the activity commencing.
- (b) There is no commercial operation of craft.

#### Notes

1. The Department of Conservation Reserves Management Plan for Te Waikoropupu Springs also requires authorisation from the Department for entry into the Springs.
2. Activities in a national park may also require approval from the Department of Conservation.
3. The Council's Bylaw for Navigation Safety contains provisions to manage boat speed.

#### 28.4.2.2 Discretionary Activities (Activities on the Surface of Rivers and Lakes)

The entering or passing across the surface of the water in a river or lake by craft that does not comply with the conditions of rule 28.4.2.1 is a discretionary activity, if it complies with the following conditions:

- (a) There is no entering or passing across the surface of Te Waikoropupu Springs.

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

When considering an application for consent, the Council will have regard to the following criteria:

- (1) Adverse effects on the river or lake and its immediate surrounds and adverse effects on uses and values, including those identified in Schedule 30A or in any water conservation order.
- (2) Adverse effects of noise.
- (3) Adverse effects on public access to the river or lake and adverse effects of congestion at points of access.

- (4) Potential for conflict with existing authorised or permitted uses of the river.
- (5) Adverse effects on river bed or bank stability.
- (6) Adverse effects on aquatic habitat and bird nesting areas on river beds.
- (7) Extent and effects of associated structures, whether in or over the water or on the adjoining land.

#### **28.4.20 Principal Reasons for Rules**

The natural environment of the District is dominated by mountains, lakes and rivers. The varied lakes and rivers provide the basis for a wide range of recreational opportunities, both private and commercial, from jet-boating and rafting to angling, picnicking and swimming.

There is increasing recreational activity on the Buller River and other nearby rivers. There is less recreational pressure by motorised craft on the Motueka River and its tributaries, although kayak and canoe use is significant.

The continued pleasantness, integrity, diversity and safety of the rivers are essential to the economic welfare of the District and to the enjoyment of the District's natural resources by residents and visitors both now and in the future. Overcrowding and over-use of the rivers can result in adverse effects, which could undermine the characteristics valued in the District's rivers.

The District's major lakes (Rotoiti and Rotoroa) are within the Nelson Lakes National Park and any commercial and recreational activity is regulated by the Department of Conservation through the Nelson Lakes National Park Management Plan.

The use of lakes and rivers inevitably involves demand for the construction of structures and facilities alongside or in the margins of the rivers and use of the bed by vehicles. This can involve jetties, launching ramps, toilet and changing facilities and administrative facilities for commercial operations. Such facilities and structures may result in adverse environmental effects relating, for example, to their visual impact; the concentration of pedestrian, vehicle and boating activity; oil and fuel spillages; noise; and the alienation of the river from general public use. Some of these land based activities will already require consent under Part II rules. Others will be managed by relevant rules in this chapter.

All motorised boats can make noise, cause wash and travel at high speeds affecting the environment and other river users in some way. Similarly, all crafts and kayaks require putting in and out of the water and intrude to some degree into the wilderness qualities of remote areas.

The degree to which activities are dominated by private or commercial users depends to some extent on the time of the year, although summer is usually busier. The commercial operators are generally more predictable, known elements and the private boaters being less predictable.

The rules distinguish between private and commercial operators because the number of boating trips undertaken by the commercial operators could outnumber private recreational use. The adverse effects could be substantial where there are high numbers of regular commercial trips and the continuation of these trips throughout the year. Some commercial boats, such as jetboats and hovercraft, are quite different from recreational boats, with greater potential for adverse effects on the surrounding environment. The commercial jet boats, for example, are mostly significantly larger boats with more powerful and potentially noisier engines.

Some craft such as hovercraft and jet-skis are inherently noisy. This noise can be disruptive in rivers or lakes with high levels of natural character or remoteness.

The District contains some difficult stretches of river, which could come under more pressure for intensive use, especially from commercial operations. At some point, the level of use of those stretches of the rivers

could be such as to give rise to adverse environmental safety and effects. The rules provide an opportunity for Council to consider and manage these adverse effects.

Activities such as diving and swimming in Te Waikoropupu Springs create adverse effects on the mana whenua values, creates an unacceptable risk of didymo invasion and conflict with the amenity values of the Springs. While now prevented by reserve bylaw administered by the Department of Conservation, there was evidence that increasing diving and swimming pressure was causing adverse effects on the fragile aquatic habitat of the Springs and this part of the Plan also addresses this effect.

A high level of regulation for activities on the surface of Te Waikoropupu Springs reflects the significant adverse effects of such activities on the amenity and cultural values of the Springs.



## 28.5 GRAVEL EXTRACTION

*Refer Policy sets 27.1.3, 27.3.3, 27.5.3, 27.7.3.*

### 28.5.1 Scope of Section

The rules in this section regulate the extraction or removal of gravel from the beds of rivers, except as provided in section 28.1.6.

Chapter 29 details the information required with any land use consent application for gravel removal.

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

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### 28.5.2 Gravel Extraction

#### 28.5.2.1 Permitted Activities (Gravel Extraction)

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from the bed of a river is a permitted activity, if it complies with the following conditions:

- (a) The amount of material taken is no more than 5 cubic metres per year, including removal for cultural harvest.
- (b) The river bed from which the material is removed is more than 10 metres wide, measured between the top of the banks.
- (c) The material is removed more than 600 millimetres above the water level in the bed of the river.
- (d) The removal does not result in any hole more than 600 millimetres deep in the bed of the river.
- (e) There is no material removed within 20 metres of any structure, including stopbanks and other defences against water.
- (f) There is no damage caused to the banks as a result of the removal.
- (g) There is no disturbance from October to February inclusive by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-fronted tern nesting site.
- (h) There is no disturbance from October to December inclusive in any year by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-billed gull nesting site.
- (i) Disturbance of any river bed, including the banks, from 15 February to 31 May in any year, within 1 kilometre of the river mouth, does not cause damage to inanga spawning habitat (the principal whitebait species).
- (j) The material removed is not for sale to or use by a third party.
- (k) There is no disturbance of the wetted part of the bed.

**28.5.2.2 Controlled Activities (Gravel Extraction and Relocation)**

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from and subsequent deposition in the bed of a river that does not comply with the conditions of rule 28.5.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The extracted material is replaced within the same river bed.
- (b) There is no disturbance from 1 May to 30 September in any year (trout spawning season) of any part of the bed covered by water in any rivers listed in Schedule 30A as having trout spawning values.
- (c) Disturbance in the river bed, including the banks, from 15 February to 31 May in any year, within 1 kilometre of the river mouth, does not cause damage to inanga spawning habitat (the principal whitebait species)
- (d) There is no disturbance from October to February inclusive by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-fronted tern nesting site.
- (e) There is no disturbance from October to December inclusive in any one year by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-billed gull nesting site.
- (f) The maximum length and frequency of river bed disturbance is not more than 600 metres of river length in any one year for any river.
- (g) The disturbance is by or under the supervision of a person carrying out functions under the Soil Conservation and Rivers Control Act for the express purpose of:
  - (i) protecting the channel from erosion or instability;
  - (ii) maintaining efficient movement of floodwaters and sediment down the channel; or
  - (iii) preventing or mitigating the adverse effects of flooding.

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

- (1) The location, rate, method and timing of the extraction and deposition of material.
- (2) The length of river bed disturbed.
- (3) The extent to which the location and the amount of the material being extracted is identified in Council's current Annual Operation and Maintenance Programme for river works.
- (4) Measures to provide for and maintain the passage of fish.
- (5) Effects on aquatic and riparian ecosystems, including habitats of birds nesting on the river bed and riparian vegetation.
- (6) Effects on river bed and bank stability upstream and downstream of the activity and measures to remedy any instability or erosion.
- (7) Effects on other river users, and landowners potentially affected by the activity including effects of flood flows and effects on structures.
- (8) Effects of noise on neighbouring properties.
- (9) Effects on the natural character and amenity of the river or lakes and effects on public access to the river.

- (10) Effects of removing vegetation or other debris.
- (11) Measures to provide for safe navigation.
- (12) The effects of machinery working within wetted parts of the river.
- (13) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (14) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (15) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

### **28.5.2.3 Controlled Activities (Gravel Extraction - River Management)**

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from the bed of a river that does not comply with the conditions of rule 28.5.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The material is removed from a river or river reach with an extraction limit specified in Figure 28.5A.
- (b) The amount of material removed on its own or in combination with other authorised removals does not exceed the relevant extraction limit specified in Figure 28.5A.
- (c) The material is removed by a person carrying out functions under the Soil Conservation and Rivers Control Act for the express purpose of:
  - (i) protecting the channel from erosion or instability; or
  - (ii) maintaining efficient movement of floodwaters and sediment down the channel; or
  - (iii) preventing or mitigating the adverse effects of flooding.
- (d) Machinery is not operated in any flowing water.
- (e) The removal of material does not take place closer than 2 metres from flowing water.
- (f) There is no material removed from areas less than 0.5 metres above the water level of the adjacent river.
- (g) There is no material removed within 20 metres of any structure in, on, under or over the bed of the river.
- (h) All equipment and surplus materials are removed from the bed on the completion of the activity.
- (i) There is no disturbance from October to February inclusive by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-fronted tern nesting site.
- (j) There is no disturbance from October to December inclusive in any year by the use of motorised machinery in any river-bed location listed in Schedule 30A as having a black-billed gull nesting site.
- (k) There is no disturbance from 1 May to 30 September in any year by the use of motorised machinery on any part of the bed covered by water in rivers listed in Schedule 30A as trout spawning rivers.

**Figure 28.5A: Extraction Limits for Gravel, Sand and Other Materials**

RIVER OR RIVER REACH	EXTRACTION LIMIT (cubic metres per year expressed as a long term running mean over 10 years)
<b>Waimea Catchment</b>	
Waimea - Wairoa River and tributaries	0
Wai-iti River and tributaries	0
<b>Motueka Rivers</b>	
Lower Motueka (mouth to Alexander Bluff Bridge)	1500
Middle Motueka (Alexander Bluff Bridge to Wangapeka confluence)	1000
Upper Motueka (Wangapeka confluence to Gorge)	3000
Motupiko River	2000
Wangapeka River	0
Riuwaka River	0
<b>Moutere River and its tributaries</b>	0
<b>Golden Bay Rivers</b>	
Takaka (mouth to Gorge)	1000
Waingaro	0
Anatoki	1000
Aorere	1000
Patarau, Anatori, Turamawivi rivers	1000 collectively
<b>Buller Rivers</b>	
Buller (O'Sullivan's to Lake Rotoiti)	2000
Matakitaki (above 1929 earthquake slip)	1000
<b>Note:</b>	
(1) Unless specified otherwise, the extraction limit applies only to the mainstem of the river listed.	

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

- (1) The location, rate, method and timing of the extraction or deposition of material.
- (2) The extent to which the location and the amount of the material being extracted is identified on the current Annual Operation and Maintenance Programme for river works.
- (3) Effects on aquatic and riparian ecosystems, including habitats of birds nesting on the river bed and trout or indigenous fish spawning reaches.
- (4) Effects on river bed and bank stability upstream and downstream of the extraction and measures to remedy any instability or erosion.
- (5) Effects on other water users, downstream landowners and landowners affected by the extraction, including effects of flood flows.
- (6) Adverse effects on aquatic habitat and on other uses and values of the river including those listed in Schedule 30A.
- (7) Effects of noise on neighbouring properties.
- (8) Any potential effects on existing river users or existing structures.
- (9) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (10) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews and the purposes of reviews (Section 128 of the Act).

- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

### Notes

- The purposes specified in condition (c) are further described in the river works programme prepared under the Soil Conservation and Rivers Control Act 1941. This is specified in the Council's Rivers Activity Management Plan and Annual Operation and Maintenance Programme.
- The Council's Annual Operation and Maintenance Programme for river works identifies the location and the maximum amount of gravel needed to be taken for river management purposes at that site. The preparation of the Annual Operation and Maintenance Programme is integral to both river management and the management of gravel extraction demand. For most rivers, the Annual Operation and Maintenance Programme will identify all the available gravel in accordance with Figure 28.5A. Where the Annual Operation and Maintenance Programme requires less gravel extraction than the extraction limit, a third party may apply to extract the gravel.

### 28.5.2.4 Restricted Discretionary Activities (Gravel Extraction)

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from the bed of a river that does not comply with the conditions of rule 28.5.2.2 or rule 28.5.2.3 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Where the material is to be removed from a river or river reach with an extraction limit specified in Figure 28.5B, the amount of material removed on its own or in combination with other authorised extractions does not exceed the relevant extraction limit specified in Figure 28.5B.

**Figure 28.5B: Extraction Limits for Gravel, Sand and Other Materials**

RIVER OR RIVER REACH	EXTRACTION LIMIT (cubic metres per year expressed as a long term running mean over 10 years)
<b>Waimea Catchment</b>	
Waimea - Wairoa River and tributaries	0
Wai-iti River and tributaries	0
<b>Motueka Rivers</b>	
Lower Motueka (mouth to Alexander Bluff Bridge)	0
Middle Motueka (Alexander Bluff Bridge to Wangapeka confluence)	0
Upper Motueka (Wangapeka confluence to Gorge)	0
Motupiko River	2000
Wangapeka River	0
Riuwaka River	0
<b>Moutere River and its tributaries</b>	0
<b>Golden Bay Rivers</b>	
Takaka (mouth to Gorge)	0
Waingarō	0
Anatoki	0
Aorere	0
Patarau, Anatori, Turamawiwi or Anaweka rivers	0
<b>Buller Rivers</b>	
Buller (O'Sullivan's to Lake Rotoiti)	2000
Matakitaki (above 1929 earthquake slip)	1000
<b>Note:</b>	
(1) Unless specified otherwise, the extraction limit applies only to the mainstem of the river listed.	

**A resource consent is required** and conditions may be imposed on the following matters over which Council has reserved discretion:

- (1) The extent to which the river contributes material to a river or reach specified in Figure 28.5A, and the potential adverse effects the extraction of gravel and associated bed disturbance has on bed levels and bed and bank stability in both rivers and the significance of this contribution.
- (2) The extent to which the location and the amount of the material being extracted is identified on the current Annual Operation and Maintenance Programme for river works.
- (3) The location, rate, method and timing of the extraction or deposition of material.
- (4) The proportion of the extracted material in relation to the calculated amounts of gravel entering and exiting the river system, and any significant exceedance, from the calculated inputs, of the amount of gravel extracted.
- (5) Effects on river bed and bank stability upstream and downstream of the extraction.
- (6) Opportunities for enhancing bed stability, meander pattern, channel morphology, bed substrate or other aspect of habitat by realignment or relocation of gravel resources within the banks of the river.
- (7) Effects on aquatic and riparian ecosystems, including habitats of birds nesting on the river bed, including those values listed in Schedule 30A, and braided river characteristics.
- (8) Effects on other water users, downstream landowners and landowners affected by the extraction or deposition, including effects of flood flows.
- (9) Effects of noise on neighbouring properties.
- (10) Monitoring compliance with conditions, and effects of the activity on the environment and the provision of information to Council.
- (11) The duration of the consent as provided for in Schedule 28A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (12) Financial contributions, bonds and covenants in respect of the performance of conditions, and administration charges (Section 108 of the Act).

#### **28.5.2.5 Discretionary Activity (Gravel Extraction)**

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from the bed of a river that does not comply with the conditions of rule 28.5.2.4 is a discretionary activity, if it complies with the following conditions:

- (a) The material is removed by a person carrying out functions under the Soil Conservation and Rivers Control Act for the express purpose of:
  - (i) protecting the channel from erosion or instability; or
  - (ii) maintaining efficient movement of floodwaters and sediment down the channel; or
  - (iii) preventing or mitigating the adverse effects of flooding.

**A resource consent is required** and conditions may be imposed.

**Note:** The purposes specified in condition (a) are further described in the river works programme prepared under the Soil Conservation and Rivers Control Act 1941. This is specified in the Council's Rivers Activity Management Plan and Annual Operation and Maintenance Programme.

**28.5.2.6 Non-complying Activities (Gravel Extraction)**

The disturbance of the bed of a river for the extraction or removal of sand, gravel or other material from the bed of a river that does not comply with the conditions of rule 28.5.2.5 is a non-complying activity.

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

**28.5.20 Principal Reasons for Rules**

The rules regulating gravel extraction provide flexibility for day-to-day management of rivers within a resource management framework to provide for consistency and co-ordination between Council's resource management as well as its river management roles.

Most small gravel extractions do not cause adverse effects, either individually or cumulatively. However, as the amount taken increases, the chance of adverse effects being caused either at the point of extraction or cumulatively over a reach or river also increases.

It is probable that more than minor amounts of gravel have been extracted without authority, but there is very little data on the frequency and actual amounts taken.

The conditions for permitted extraction give some guidance as to the nature and scale of permitted extraction and provide much better guidance for both Council and the public by establishing a threshold. If gravel was to be removed according to the suggested conditions, then adverse effects will be avoided.

The approach to regulating gravel extraction initially leaves gravel resource management discretion with the river works asset managers through the exercise of their resource consent required to carry out most aspects of the river works programme, but this discretion is within specified limits and for a specified river management purpose. Council will consult with landowners in assessing priority for river management works, including gravel management, to address localised bank stability and flooding effects. In cases where Council is required to access private land (including the riverbed) to carry out river management works, Council shall consult with and/or seek the owner's consent to access private land.

These rules also enable the value of the gravel that is necessarily extracted for river management purposes to be offset against the costs of the river protection work being carried out.

The gravel extraction limits provide information about sustainable rates of extraction for river gravels in many rivers. Extractable amounts are, however, limited because of the risks presented by degrading river beds on bed and bank stability. In order to facilitate river management, the rules also enable relocation of gravel within river beds to address risks of overland flow of flood waters because of gravel build-up on beaches. The adverse effects of gravel relocation on aquatic habitats can be significant and the rules include conditions to limit scale and frequency of these disturbances.

The works identified in the Annual Operating Management Programme for River Management will be carried out by or under the supervision of the Council.

**SCHEDULES****Schedule 28A: Duration of Resource Consents**

*Refer to rules 28.1.5.2, 28.1.8.1, 28.2.2.3, 28.2.2.4, 28.3.2.2, 28.3.3.2, 28.5.2.2, 28.5.2.3, 28.5.2.4.*

The period for which a resource consent to carry out an activity regulated by Part IV is granted is the period (not exceeding 35 years from the date of granting) specified in the consent, and if no such period is specified, is five years from the date of commencement of the consent under the Act.

The list of matters in this Schedule provides guidance in determining the appropriate duration of any resource consent to be granted. It does not restrict the consent authority's discretion in each case to grant a resource consent for a duration based on the particulars of the individual consent applications. If after consideration of the matters, no significant concerns are identified then Council may apply a 35-year duration. However, if significant concerns are identified, then Council may restrict the duration of the resource consent to a shorter duration.

The matters will also be relevant in determining any review conditions that may be imposed with the consent.

When considering the duration of any resource consent to be granted, the Council will grant the resource consent for as long as is consistent with sustainable resource management, having particular regard to the following matters:

1. The nature and sensitivity of the affected environment, including:
  - (a) the risk of unforeseen adverse effects arising from the consented activity;
  - (b) the level of knowledge about the affected environment.
2. The nature of the activity, including:
  - (a) the degree to which the methods used to control, avoid, remedy, or mitigate the adverse effects of the consented activity are of a temporary nature or inconsistent with the requirements of the Act and the time that is practicable for the consent holder to implement other options;
  - (b) the level of compliance monitoring, environmental impact monitoring, reporting and action required by the conditions on the resource consent;
  - (c) the significance of the activity relative to the existing situation and the capacity of the affected environment;
  - (d) the duration of consent sought by the applicant;
  - (e) the rate of change in technology that may mitigate adverse effects resulting from the activity;
  - (f) the permanence and economic life of the activity;
  - (g) the costs and benefits of the activity to the community;
  - (h) the consent holder's capital investment in a pre-existing activity;
  - (i) any documented and proven history of non-compliance with the requirements of the Act, and the response to that non-compliance by the consent authority and those undertaking the activity;
  - (j) guidance from resource management case law;
  - (k) any resource management work committed to by the consent holder which will have positive or beneficial environmental effects and is dependent on consent duration.
3. For disturbances of river beds to extract sand, material or other gravel, the duration must be consistent with any such specification in the Rivers Activity Management Plan and Annual Operation and Maintenance Programme for river works where relevant and where not relevant:
  - (a) for activities subject to rule 28.5.2.2, the duration must not exceed 10 years;
  - (b) for activities subject to rule 28.5.2.4, the duration must not exceed 15 years;
  - (c) for activities subject to rule 28.5.2.5, the duration must not exceed 15 years.
4. Any other relevant matters.

# CHAPTER 29: INFORMATION REQUIRED WITH LAND USE CONSENT APPLICATIONS

## 29.1 SCOPE OF CHAPTER 29

This Chapter outlines the information required to accompany particular types of land use consent applications for activities affecting the beds of rivers and lakes. More than one of the requirements may apply to a particular application. For example, an application involving gravel extraction in most cases will have to include information under 29.2.1 and 29.2.3. The matters listed will not be relevant to every application, nor are they an exhaustive list. The obligation remains with applicants to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act.

In all cases, the Council may request further information under Section 92 of the Resource Management Act.

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

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## 29.2 INFORMATION REQUIREMENTS

### 29.2.1 General

Applicants must submit the following information when seeking any land use consent for an activity affecting the bed of a river or lake:

- 29.2.1.1 The location of the proposed activity, including the legal description and address.
- 29.2.1.2 The name and address of the owner and occupier (other than the applicant) of any land (including riverbed land) to which the application relates.
- 29.2.1.3 The full name of the applicant, whether an individual, partnership or company and who will hold the consent. If the applicant is a partnership, the full names of all the partners.
- 29.2.1.4 A full description of the activity, including frequency and timing of the activity.
- 29.2.1.5 A site plan showing:
  - (a) roads;
  - (b) boundaries of adjacent properties;
  - (c) location of known archaeological sites;
  - (d) details of any legal public access along and to any water body or the coast.
- 29.2.1.6 An assessment of the environmental effects of the activity, including:
  - (a) the potential effects on bed and bank stability;
  - (b) the extent to which the activity will adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (c) the extent to which the activity will adversely affect the natural character of the water body, public access and any other relevant values identified in Schedule 30A;

- (d) the extent to which the activity will affect neighbouring or downstream properties or the stability of the bed and banks;
- (e) the extent to which the activity will affect any lawfully established structure.

29.2.1.7 A description of the morphology of the river or lake bed.

29.2.1.8 A description of mitigating measures (safeguards and contingency plans where relevant) to help prevent or reduce actual or potential effects of the activity.

## **29.2.2 Structures**

29.2.2.1 A description and plan of the structure's dimensions, including an assessment of any percentage change in the size of the structure.

29.2.2.2 The expected construction period.

29.2.2.3 A description of the proposed method of construction including:

- (a) the material to be used to erect, place, extend, alter or reconstruct the structure;
- (b) the equipment to be used;
- (c) a construction plan.

29.2.2.4 A description of the site, nature of the river or lake bed and banks, and vegetation.

29.2.2.5 Evidence that the owner of the river or lake bed has authorised the structure to be built.

29.2.2.6 The extent to which the activity will affect navigation safety.

29.2.2.7 Where a structure is to be removed or demolished;

- (a) a description of the structure to be removed, including a description of its former purpose and use;
- (b) a description of any amenity or historic value attached to the structure to be removed.

## **29.2.3 The Disturbance of a River or Lake Bed, including that for Maintenance of Structures and Sand and Gravel Extraction**

29.2.3.1. A description of the nature, scale, and frequency of the proposed bed disturbance.

29.2.3.2 A description of the proposed method, including the equipment to be used.

29.2.3.3 An assessment of the activity on any natural hazard, and the extent to which it is likely to create or exacerbate a natural hazard.

29.2.3.4 In the case of the extraction of bed material:

- (a) an assessment of the volume of material proposed to be removed, in terms of total annual volume and daily amounts;
- (b) an assessment as to the extent to which the removal of bed material is identified in the annual operating plan for river works;
- (c) an assessment of the proportion of material being removed in relation to the calculated or measured amounts of gravel entering and exiting the river reach or lake;
- (d) a description of the period over which the removal will occur and frequency of removal in any 12 month period;
- (e) a description of the methods to be used to remove the material;

- (f) an assessment of alternative sources of material that have been considered, and why the extraction is required in the location chosen.

#### **29.2.4 Livestock on the Bed and Banks of Rivers and Lakes**

- 29.2.4.1 A description of the type and numbers of livestock that will be entering or crossing the river or lake bed and the frequency and duration of the activity.

#### **29.2.5 Activities on the Surface of Rivers and Lakes**

- 29.2.5.1 Description of craft, including numbers and size.
- 29.2.5.2 Frequency of operations and locations of activity, including locations of entry and exit points.
- 29.2.5.3 Descriptions of ancillary buildings and structures.



# PART V: WATER

## INTRODUCTION

Part V applies to all uses of water including taking, diverting and damming water. Activities in beds of rivers, streams or lakes will be addressed in Part IV of the Plan. Part VI of the Plan addresses the discharge of contaminants into water and the management of water quality.

This Part of the Plan addresses freshwater and inshore coastal water. It does not address open coastal water. The Act allows open coastal water to be taken and used without restriction. (Discharge after use is separately regulated.)

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**Chapter 30** deals with the water issues concerning the availability of water in water bodies and inshore coastal water for abstractions, diversions and use, and contains the objectives and policies for managing the quantity of water in water bodies and inshore coastal water throughout the District.

**Chapter 31** states the rules applying to the taking, using, diverting and damming of water in water bodies and inshore coastal water.

**Chapter 32** states the information requirements for water permit applications and coastal permit applications.

Part V constitutes regional plan provisions controlling the taking, using, diverting and damming of water and the management of water quantity. There are no rules in relation to the taking or using of heat or of energy from water including from coastal water. These activities continue to be addressed through Section 14 of the Resource Management Act. The effect of regional rules on water taking, using, damming and diverting activities is described in section 1.8.2 of the Plan.

Elements of Part V, along with Part III (Coastal Marine Area) and parts of Part VI (Discharges) constitute the Regional Coastal Plan. The Regional Coastal Plan, while incorporated into the Tasman Resource Management Plan, is approved by the Minister of Conservation and not the Council.

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**Note:** Other parts of this introduction are applicable to the coastal marine area but are not part of the Regional Coastal Plan.



# CHAPTER 30: TAKING, USING, DAMMING AND DIVERTING WATER

## 30.0 INTRODUCTION

### 30.0.1 Water Resources of Tasman District

The Council has good hydrological records for the larger rivers in the District and a good understanding about frequency of floods and low flows in these rivers. It continues to collect information about water flows and levels, and about the adverse effects of reduced water flows on instream uses and values to better understand the relationship between water abstraction, river hydrology, aquatic habitats, and other water uses.

The Council also has a good knowledge about the interconnections between ground and surface water resources, recharge mechanisms, and rates and extent of groundwater resources in the Waimea and Motueka plains and in the Moutere Valley. It continues investigations to define more accurately the groundwater resources, particularly those of the Takaka Valley, the Upper Motueka Valley and the deep Moutere aquifers. The Council recognizes the importance of good hydrological data and information about interconnections between water bodies and water use relationships in making robust and equitable water management decisions. It is committed to the on-going collection and analysis of this information.

#### 30.0.1.1 Takaka/Aorere/West Coast

The rivers in Tasman District vary greatly in character. In the west the rivers drain the high rainfall areas of Golden Bay. The rivers there frequently have large floods but also have long settled periods.

The Aorere River is a major river, flowing through a dairy-farming valley. To the west of the Aorere, there are several catchments flowing to the west coast, including the Patarau and Anatori rivers. High rainfall and plentiful water are features of this part of Tasman District.

The Takaka River includes the Cobb, Anatoki and Waingaro tributaries. There are several coastal rivers like the Pariwhakaoho and Onekaka north of Takaka flowing directly to the sea. The Takaka valley contains the major marble and limestone karst aquifers associated with Te Waikoropupu Springs. The Cobb Power Station is located in this catchment.

#### 30.0.1.2 Motueka

The rivers in the Motueka River catchment are more diverse. The western tributaries (notably the Wangapeka and Baton rivers) have larger flows more representative of the higher rainfall Golden Bay area. They contrast greatly with the small rivers such as the Dove, Stanley Brook and Motupiko rivers draining the Moutere Hills as these can dry up completely in summer. The catchment also includes the nationally recognised Mt Arthur karst cave system. A high-yielding aquifer comprised of three interlinked layers underlies the central part of the Motueka Plains. Computer modelling has been used to provide information about sustainable yields and predict effects of various water management regimes for these aquifers.

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The Motueka and Riuwaka rivers contain important trout fisheries. There is a Water Conservation Order over the Motueka River, which is a nationally significant trout fishery and has high natural and intrinsic values.

#### 30.0.1.3 Abel Tasman/Marahau

This area is predominantly within the National Park. Main rivers are the Marahau, Otuwhero and Wainui which all drain Separation Point Granite and have stable base flows. Main water use is by settlements adjacent to the Park and by Department of Conservation campgrounds and huts within the Park.

#### **30.0.1.4 Moutere**

The Moutere catchments and adjacent coastal catchments from Appleby to Lower Moutere have low summer flows and many headwater streams are dry in summer. The three deep Moutere aquifers lie under the Moutere valley and may extend into the Waimea Basin, Motueka Plains and south to Lake Rotoiti.

#### **30.0.1.5 Waimea**

Between the Moutere Hills and the Richmond ranges is the Waimea River system which partially drains Moutere hill country with small rivers to the west of the catchment, often drying completely in summer. Rivers draining the Richmond ranges to the east have more reliable flows from the ultramafic rocks of the Red Hill/Maungakura and the eastern Nelson hills.

The Waimea water system also comprises three main aquifers and computer modelling has been used to provide information about sustainable water management from the ground and surface water systems.

#### **30.0.1.6 Upper Buller**

The Buller catchment just upstream of Lyell is within Tasman District and includes the Matiri, Gowan/Te Kauparenu, Matakita and Lower Maruia rivers, and lakes Rotoiti and Rotoroa. Abstractive water use is low. The Buller River has important instream values. They are recognised in the Water Conservation (Buller River) Order 2001 (*refer Annex 1*).

#### **30.0.1.7 Wetlands**

Wetlands are found, in varying forms, from mountain ranges to coastal estuaries. While there are wetlands in the conservation estate, these are generally at higher altitudes, and most of the remaining lowland wetlands, particularly those at altitudes below 100 metres above sea level, are in private ownership. International convention and national legislation recognise the importance and scarcity of this unique and valuable ecosystem and the need to preserve and protect it.

A preliminary study of wetlands in the District shows an almost total loss of naturally occurring wetlands from the Motueka and Moutere ecological districts, and significant losses (over 70 percent) of wetlands from Waimea and Golden Bay. Few large wetlands remain and of the remaining wetlands, more than half are less than 0.5 hectares in size or are not naturally occurring.

Part V deals with activities relating to the taking, diversion and damming of water from wetlands. Other parts of the Plan dealing with wetlands include Part II in relation to controls over vegetation removal and land disturbance. Part IV considers activities carried out in river and lake beds and Part VI considers discharges of water and contaminants. All of these parts of the Plan provide a complementary approach to the management of wetlands.

### **30.0.2 Uses and Values of Water**

Water is a public natural resource. The Plan aims for an integrated approach to the management of water by managing water as part of an ecosystem, with uses and values that are required to be sustained.

#### **30.0.2.1 Surface Water Uses and Values**

Water is a public natural resource. The District's freshwater resources have a wide range of uses and values, both instream values and value through use of abstracted water. Instream uses and values include use of water for recreation activities, harvesting of fish and aquatic plants, values for public health, and aesthetic, ecological, cultural, spiritual, intrinsic and natural values.

Abstracted or dammed water also has a range of public and private uses and values, including water supply for urban uses, fire-fighting, hydro-electric power generation, industrial, irrigation and other commercial uses.

These are beneficial uses of water and the benefits are realised by individuals, communities, Tasman District and the nation in varying degrees. Benefits of water use provide for the economic and social well-being of the District through provision of wealth and jobs such as through horticultural or industrial uses of water. In addition to these benefits, hydro-electric power generation also has benefits relating to the production of renewable energy. In some cases, water use activities, such as damming, can result in benefit by augmenting the water resource and thus increase the range of values the water body may have. Health benefits arise from community water supply, and individuals also gain benefit from private use of water for swimming pools and amenity garden irrigation. The Council recognises the benefits of water use to community health and its social, economic, and cultural wellbeing through the allocation of water, establishment of allocation limits, and on the priority order for restrictions on water takes during times of low flow.

Contaminants may enter water bodies either directly or through diffuse runoff. The quantity of water present affects the water bodies' ability to assimilate the contaminants. Council manages the effects of discharges in Part VI of the Plan, but also recognises that there is a connection between water quantity and water quality in this part of the Plan.

### **30.0.2.2 Groundwater Uses and Values**

The groundwater resources of the District also have a range of uses and values dependent on adequate water levels being maintained in each aquifer. There is considerable abstractive use made of most groundwater resources for a range of purposes, including community supply, domestic use, stock use, and irrigation. Groundwater resources in karst terrain also have significant ecological, intrinsic and recreational values and have an important role in creating karst features, landforms and ecosystems. They may also contain phreatic communities of underground fauna whose water quality and quantity needs are not well understood.

Some groundwater resources also sustain important uses and values of surface water resources, such as special aquatic ecosystems and fisheries. The Te Waikoropupu Springs, alluvial coastal springs such as Neimann and Pearl creeks, and the Riuwaka River are particularly significant examples. The Te Waikoropupu Springs also has particularly significant value as a taonga to Māori, as well as the community at large.

### **30.0.2.3 Wetland Uses and Values**

Some water bodies such as wetlands and lakes have particular significance because of their limited number and extent, and high value as natural ecosystems. The Act requires the Council to recognise and provide for the preservation of the natural character of wetlands and their margins and their protection from inappropriate use and development.

Wetlands have a range of natural functions; physical, chemical and biological ecosystem processes; and biodiversity and habitat values that are unique, scarce and important. Wetland values include maintaining or improving water quality, providing aquatic and semi-aquatic habitat for fisheries and fish spawning (especially native fish, including eels), and a wide range of plants and fauna, flood control, natural character, natural heritage and landscape values, intrinsic and ecological values, and, aesthetic, cultural and spiritual values, including tangata whenua values. Wetlands can function as carbon and nutrient sinks. They also have recreation values for hunting and fishing. Wetlands have traditionally been places for gathering mahinga kai and a range of other cultural materials important to the customs and economy of tangata whenua.

Wetlands improve water quality by filtering sediment and pollutants such as fertiliser and bacterial contamination from run-off and help by denitrifying groundwater flowing through them. This is also the case for the small wetlands draining into Lake Rotoiti that help maintain lake water quality. Some wetlands host a range of rare native fish, including the giant kokopu and the mudfish and rare plant associations. Wetlands adjacent to estuaries provide important habitat for a wide range of plants and animals.

#### 30.0.2.4 Coastal Water Uses and Values

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Coastal water, which is a public natural resource, also has a range of uses and values in addition to its natural, habitat, cultural, spiritual and intrinsic values, such as abstractive uses for fish and shellfish processing. Coastal waters in estuaries support particularly important fishery and wildlife ecosystems and in being the medium for mussel farming.

Council has distinguished between open coastal water, being that adjoining the open sea coast between Kahurangi Point and the Farewell Spit lighthouse; and inshore coastal water, being the waters of Golden Bay/Mohua and Tasman Bay/Te Tai-o-Aorere, and the estuaries of the western coastline of the District. Council has not identified issues relating to the open coastal water of the District, and this Chapter contains no provisions about this resource.

Further information on the characteristics and qualities of coastal water should be sought through state of the environment monitoring, baseline information required with coastal permit applications, and effects monitoring conditions incorporated in coastal permits.

#### 30.0.2.5 Tangata Whenua Values

Water is of great significance to tangata whenua — it is an essential element to all life. As kaitiaki, or guardians, tangata whenua believe that the maintenance of the mauri, or life-supporting capacity of water, is fundamental to ensuring the physical and spiritual survival of all living things. A water body with an intact mauri is able to sustain healthy ecosystems.

The mauri of water is sacred and is a link to the source of tribal creation traditions. In Māori mythology, water represents the lifeblood of Papatuanuku and the tears of Ranginui. Water symbolises the spiritual link between the past and the present and is regarded with great respect. Customary lore and practices, or tikanga Māori, regulate the way in which water resources are used and conserved in order to protect and sustain the mauri of the water body for future generations.

The interrelationship of the spiritual dimension with the physical can be illustrated by the many names that tangata whenua have for water and the way that they classify it. For instance:

- Waiora is of spiritual significance and is used in baptism.
- Wai Māori is water used for everyday purposes.
- Wai Mate is water that has lost its life-supporting capacity, or mauri. It has been damaged or polluted beyond its capacity to rejuvenate either itself or other living things.
- Wai Kino is water that has been spoiled or polluted.

Rivers are a source of water and have a mauri and mana of their own. They are entities with a distinct essence and identity with which tangata whenua affirm their relationship to the environment. Tangata whenua have a relationship with the entire river system, not any one component. Rivers are the lifeblood of the land and therefore the well-being of a river reflects the well-being of the land and people who live around it.

Water bodies provide tangata whenua with mahinga kai and other cultural materials and taonga. Therefore, the maintenance of the quality and quantity of water is vital to sustain habitats important for mahinga kai. The mahinga kai custom involves the management and utilisation of the resources of waters for the sustenance of life, the mauri and human wellbeing. Traditionally, the abundance of food found in water bodies reflected the wealth and mana of the tangata whenua and their success as rangatira and kaitiaki in preserving their local resources and cultural traditions.

Tangata whenua have a long association with water bodies in Tasman, therefore there are many wāhi tapu, or sacred places found in or next to water bodies in the District. These wāhi tapu are of great significance to tangata whenua and are integral values to be protected by this Plan.

The Act requires that the Council recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water wāhi tapu and other taonga. It also requires Council to have particular regard to kaitiakitanga and to ensure that the Plan takes into account the principles of the Treaty in the management of the District's water resources. These principles include the active protection of Māori rights and interests, consultation, and each partner acting in good faith towards each other.

Restoration, protection and enhancement of the life-supporting capacity of waters, and avoidance or mitigation of all forms of water contamination are directives under the Act fully in accord with kaupapa and tikanga Māori. Concerns about protection of fresh water from overuse are not uniquely Māori issues. These are matters of public concern to which tangata whenua have added their significant cultural perspective, and Council will take heed of these concerns through its Plan.

Kaitiakitanga can be expressed through the control and regulation of the effects of human action on the environment and thus supports participation by iwi in the preparation, implementation and monitoring of this Plan.

### **30.0.3 Sustainable Water Management**

The significant uses and values of water bodies that may be adversely affected by reduced water quantity are identified in Schedule 30A of this Plan. Council also maintains a detailed complementary database that lists the range of uses and values for specified water bodies and parts of water bodies. This database is being continually updated as more information is collected through ongoing investigations and consultation. Council intends to undertake water classification, which is addressed in Part VI, and which establishes water quality standards to meet specified uses and values, in a manner consistent with this database and to ensure that the water management objectives in both parts of the Plan are consistent and integrated.

Sustainable water management means that the significant uses and values of a water body that may be adversely affected by reduced water level or flow are identified, and any water allocation regime takes them into account.

As part of the requirement for sustainable water management, the Act specifies certain nationally important natural and cultural values to be particularly recognised and provided for or have regard to. These include:

- (a) preserving the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate development (Section 6);
- (b) protecting outstanding natural features and significant habitats of indigenous fauna (for example, indigenous fish, eels and wildlife) (Section 6);
- (c) intrinsic values of ecosystems (Section 7);
- (d) maintenance and enhancement of amenity values and the quality of the environment (Section 7);
- (e) protecting the habitat of trout and salmon (Section 7);
- (f) any finite characteristics of any water body.

Sustainable allocation limits for water will allow for continued use for abstractive needs while protecting and enhancing life-supporting capacity of water bodies and their ecosystems, and other identified uses and values of water. In relation to surface waters, these are usually described as instream values and uses, such as the maintenance of healthy freshwater life and associated recreational, cultural, spiritual and aesthetic needs. Reduced flows can give rise to habitat loss, increased temperature, and other adverse water quality effects. Investigations and continued monitoring are needed to define or further confirm flow needs of aquatic life, recreational and other instream interests, and to determine effects of activities on them.

Ways the Council sets sustainable allocation limits for surface waters include minimum flow regimes and allocation limits (maximum allocatable volumes or flow rates). Council manages the allocation of water from interconnected water bodies by establishing water management zones. The zones may include both surface and groundwater bodies which have common policies and rules.

For groundwater, potential adverse effects which may limit the sustainable use of the aquifers include reduced water yields because of excessive watertable drawdowns, seawater intrusion, aquifer compression, excessive induced seepage from connected surface waters, and changes in groundwater recharge or quality because of land use practices. Investigations and continued monitoring into groundwater and associated hydrological systems are essential so that sustainable allocation limits can be established and refined. Council sets limits for groundwater by establishing minimum water levels and associated pumping regimes, maximum allocatable volumes or yield rates, and minimum bore spacings.

Limits may be set in conservative or precautionary terms or may be set in response to problems. The Council will determine how much investigation and monitoring is necessary to support the limits to be set, and the precise threshold limits to sustain a water resource. Previous experiences in water allocation in the District have indicated the difficulties facing communities and the Council when over-allocation has caused local water resources to go dry, or it has caused surface water flows and groundwater levels to be reduced to unsustainable levels or it has reduced security of supply for existing water users. This has resulted in problems in reducing authorised and actual usage to restore the resource to a more sustainable level of allocation in the Moutere Surface Water and Wai-iti zones and other zones in the Waimea Water Management Area should the Waimea Community Dam not be constructed. Any new limits or reviews of the established allocation limits and water allocation policies that may be required following further investigations will be subject to consultation with water user committees, water users and the community before the Plan is changed.

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Water flow regimes and water allocation limits will be revised where water augmentation increases the amount of water available to supply additional water for abstractive users while ensuring that instream values are provided for.

### 30.0.3.1 Integrated Catchment Management

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There is a risk to the quality of water as land use intensifies, including through the use of water to irrigate land. Land use intensification has the potential to increase the amount of nutrients, especially nitrate-nitrogen and phosphate, in run-off to surface water and through leaching to groundwater.

Groundwater in the Waimea Plains aquifers has high nitrate in places both from the current and historic pattern of land use. While trends in the nitrate concentrations are mostly decreasing, the increased intensification of land use enabled by the proposed Waimea Community Dam is a risk to groundwater quality and surface water quality in the Neimann, Pearl and lower O'Connor creeks.

Provisions in Part VI address this risk and include management of the contamination risks through controlling the effects of taking and using water for irrigation.

### 30.0.4 Activities with Adverse Effects on Water Bodies

There are several activities that may reduce the amount of water or alter natural flow regimes and cause adverse effects on the uses and values of the water body. The activities are:

- (a) Taking water from water bodies.
- (b) Changes in land use, particularly establishment of tall vegetation.
- (c) Reductions in bed levels by gravel extraction from riverbeds.
- (d) Dams for hydro-electric power generation or for water storage or water harvesting.
- (e) Diversion of water from a water body, which includes drainage of wetlands.
- (f) Infilling wetlands.

These activities may reduce surface water flows, lower groundwater levels, or reduce recharge rates.

The adverse effects of these activities include:

- (i) adverse effects on the life-supporting capacity (the mauri) of the water of any of the above water activities or the mixing of waters from different water bodies;
- (ii) adverse effects on in-stream values such as aquatic ecosystems; natural character; eel, trout and salmon habitat; recreational, intrinsic and cultural values; and values of riparian margins;

- (iii) aquifer damage by seawater intrusion, compression, and excessive drawdowns;
- (iv) reduction in the capacity of a water body to assimilate contaminants;
- (v) adverse effects on other abstractive users of water;
- (vi) adverse effects on the natural, cultural and intrinsic values of wetlands;
- (vii) adverse effects on sites of special spiritual, historical or cultural value to tangata whenua, including mahinga kai, wāhi tapu, and areas where pure water is used for ritual purposes;
- (viii) adverse effects on important values, including the mana of tangata whenua and the ability of tangata whenua to provide hospitality to visitors.

#### 30.0.4.1 Water Abstraction

The taking of water from water bodies and the margins of others has the potential to cause reduced levels or flows in any water body. Water takes can be significant, individually or cumulatively.

Fresh water is a seasonally changing natural resource. Often, demand for its use is greatest when it is least available. Parts of the District, including the Waimea and Moutere river catchment, some of the Motueka-Riwaka Plains areas, and parts of the eastern Takaka Hills, already face significant water shortage and allocation problems during the summer months.

Two thirds of water takes authorised by resource consent take from groundwater, while the remaining third take from surface water bodies, including dams. Storage dams are a major source of water in the water short Moutere catchment. Overall, irrigation accounts for about 90 percent of water takes.

There is a long history of irrigation in the Waimea and Motueka areas and these water resources also meet community and industrial needs of Richmond and Motueka. In the Waimea area and in the Moutere catchments, Council is committed to investigating options for augmenting water supplies, including options for funding to meet demands of water users as well as needs of instream water uses and values. Council is committed to improving flows in the Waimea River to protect instream habitat and maintain and improve water users', including community users', security of supply as this river is being adversely affected by the current water abstraction. It has identified an augmentation dam on the Upper Lee River as its preferred solution to meeting the current and potential future values and uses of the Waimea River and Waimea Plains groundwater.

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A revision of water resource data for the Waimea Plains shows that, as the river flows drop, the connection between river flows and groundwater is much more critical than previously modelled. There is significantly more water flowing from the river to groundwater during low flow conditions. It is now evident that without augmentation, there is much less water available to:

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- meet allocation limits to a desirable security of supply,
- maintain minimum flows to protect instream values of the Waimea River,
- prevent seawater intrusion,
- maintain coastal spring flows,

in the Waimea Plains water management zones (excluding the Wai-iti and Wai-iti Dam Service zones) than previously understood.

Council operates a Dry Weather Task Force (DWTF) with representatives from a range of organisations with an interest in water management, including iwi, Nelson Marlborough Fish and Game Council, Department of Conservation and representatives from water user committees to assist in the management of water during droughts. The DWTF is consulted during droughts and the members provide input into decisions about rationing and other drought management measures that could be adopted as well as liaison with the members of their groups.

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Council is addressing the over-allocation of water in the Waimea Plains zones by supporting the community-based Waimea Water Augmentation Committee in providing for water augmentation through a dam on the Lee River. Resource consents to construct, operate and maintain the Waimea Community Dam on the Lee River have been granted.

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Other water bodies are facing increasing demand from water users because of changing land uses, including rivers in the Motueka and Takaka catchments where there is increasing irrigation of dairy land and horticultural crops. Council must allocate water from the Motueka and Buller rivers in a way that is consistent with their Water Conservation Orders and is continuing its investigation into the water resources of the Takaka Valley. The Act requires available water to be allocated on a “priority-in-time” or “first-come, first-served” basis, in the absence of allocation policies or rules. The Act exempts minor individual domestic or stock-watering needs from having to obtain a water permit, provided there are no adverse effects on the environment, but otherwise creates no priority for these uses. Fire-fighting water may be taken under all circumstances.

Provided sustainable allocation limits are either set or acknowledged in terms of the above requirements, then the Act leaves open the question of whether any uses or values may be reserved or preferentially allocated through policy-making under plans. The Council has identified significant future public needs for water for which reservation of water is justified. It will specifically reserve water within any sustainable allocation limit for future community needs and for the irrigation of Māori perpetual lease land because there are special circumstances that make it appropriate to do so. The Council also acknowledges that Crown lands will be returned to Māori as part of the settlement of claims under the Treaty of Waitangi Act 1975. The potential future water needs of these lands are not known with any certainty and will need to be addressed in the future when known.

Different water management zones have varied values and uses and different patterns of land and water use. This may result in different management objectives and methods being used for different water bodies. In addition, the effects of water demand and management history have manifested themselves in slightly different ways in different parts of the District. However, the Council has ensured in this Plan, that its approach to water management is consistent across the District. The plan accounts for any differences in water management between different water bodies and the level of regulation will reflect the appropriate level of protection for water bodies and amount of competition between users.

Once a sustainable allocation regime has been established, the Council calculates the amount of water available to be abstracted from the water body, taking into account the desirable security of supply. It identifies triggers such as specific river flows, groundwater levels, or salt levels in groundwater that cause rationing to be imposed. Rationing is the mechanism the Council uses to reduce the total amount of water taken by users in a water management zone so that the flow or level can be maintained. Rationing is imposed on individual permits, although one permit may supply water to several properties. Rationing is in a series of steps that progressively limits water permit holders from taking water if dry periods continue. Another mechanism used to maintain river flows is through rostering, where surface water users adjust the timing or rate of individual takes to reduce the instantaneous rate of take from a particular river.

Other changes in the pattern of water use are occurring as a result of increasing amounts of water being taken to protect susceptible crops from damaging effects of frost. Fruit blossom of crops, especially kiwifruit, are prone to damage by late frosts. Water is sprayed on the vines to provide protection for the developing fruit.

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Effects of taking water for frost protection are different from effects arising from water takes for irrigation during summer. While flows are usually higher during autumn and spring, the aquatic habitat requirements are also different. For example, the higher flow needs of spawning fish and sufficient flow through gravels to protect incubating eggs are particularly important.

The cumulative effects of water taken for frost protection have the potential to cause adverse effects especially on the spawning habitat of trout. Flow management provisions to protect spawning trout will help protect the spawning requirements for other fish.

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Op 8/14

#### **30.0.4.2 Vegetation Changes**

Land use activities such as vegetation change can have a significant effect on water quantity. A catchment with a forest or tall vegetation cover will generally have a lower annual run-off than a similar catchment under pasture. The changes in water yield following vegetation changes are dominated by changes in the interception characteristics of the vegetation. That is, rainwater is intercepted by the foliage and evaporated back into the air and more rainwater is lost in this way from tall vegetation cover than from pasture cover.

This process has important consequences for water resources: a change from short to tall vegetation covers may cause a decline in surface water yields and, if the catchment also recharges groundwater, then groundwater yields may also decline. Both instream values and the opportunities for continuing or new abstractions of water for irrigation or other purposes may be adversely affected by such declines.

This adverse effect on yields of surface water is best known for areas located on the Moutere gravel formation between the Motueka River and the Wai-iti and Waimea rivers in association with the establishment of plantation forests.

Discovery and development of the deep Moutere aquifers has led to concern that an increase in plantation forests in the recharge area for those water resources is likely to adversely affect recharge of the aquifers and affect security of supply for existing users.

Scrub such as fern and gorse may also have adverse water yield effects in comparison with pasture. Council has considered the impact of scrub reversion but judges that the risks to water yield is negligible in comparison with the contribution from new plantation forest. Practical and legal difficulties would also make it difficult for Council to address the effects of these vegetation types.

#### **30.0.4.3 Damming Water**

Dams are valuable for augmenting water supplies in water short areas, and they frequently provide new or enhanced aquatic habitats. However, dams can alter the hydrological regime of a river by stopping or reducing flows during dry periods and preventing natural variations in flow and velocity. They can also adversely affect aquatic habitats, both downstream and upstream of a dam, and adversely affect the passage of fish and eels, alter natural sedimentation processes, influence the range of fish and eel habitats, and change water quality.

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Op 9/15

Dams are an integral part of water management, particularly in water short Moutere gravel catchments.

The effects of dam structures are addressed in Part IV and include assessment of structural stability.

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#### **30.0.4.4 Diversion of Water**

Stopbank systems are a diversion of water that may cause adverse effects on the hydrological regime of a river. Other diversions include temporary or permanent diversions of water flow from the river flow for uses such as hydro-electric power generation.

However, mixing waters from one catchment to another may adversely affect the unique and special mauri of those catchments. There is also the risk of introduction of species to ecosystems where they are not already found and changes to water quality.

Farm drainage activities also divert groundwater or water from surface water bodies, including wet areas in paddocks, and drains can also divert water away from wetlands.

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#### **30.0.4.5 Diversion and Taking of Water from Wetlands**

Drainage of wetlands involves the diversion and taking of water away from the wetland. This adversely affects the hydrological functioning of the wetland and associated water bodies. Wetland drainage and infilling wetlands with soil or other fill adversely affects the range of natural, cultural and intrinsic values that wetlands have. Other activities such as stock grazing and processes, such as sedimentation and pest plant growth, can also reduce wetland values.

Most of the remaining wetlands in the lowland areas below 100 metres above sea level are in private ownership and are vulnerable to economic pressure to develop land. The greatest threats to these wetlands are not so much water abstraction, but rather grazing by stock, drainage and diversion of water from the wetland, infilling, invasion by animal and plant pests, and increased input of sediment and nutrients. For some wetlands, natural or intrinsic values can be lost where excavations to form open water are carried out.

The public's understanding about the high natural and ecological values of wetlands is growing but there is a need to ensure that people are aware of the importance and significance of wetlands.

There is a particular need for the Council to establish partnerships with landowners that recognise, support and build on landowners' stewardship roles in managing wetlands and their margins on private property.

The approach that Council adopts will need to reflect a careful balance between establishing effective wetland management on private property and acknowledging the community uses and values of wetlands. The management of wetlands and their margins is constrained by the lack of information about the location and nature of wetlands in the District, particularly the wetlands with significant local, regional or national values. Without this information, it is difficult to make informed policy decisions about whether and in what circumstances wetland drainage can be permitted under the Resource Management Act.

#### **30.0.4.6 Gravel Extraction**

Gravel extraction may change the shape of a riverbed and affect water flow and quality, groundwater recharge, velocity, and the amount of aquatic habitat. Effects of these changes may be either adverse or beneficial depending on the situation. Beneficial effects can include increasing water depth and improving aquatic habitat. Adverse effects on river ecosystems and their uses and values can include the loss of traditional mahinga kai resources. The removal of gravel may cause the bed of a river to drop causing a range of adverse effects on the river ecosystem. Gravel extraction can also lead to channelisation and realignment of water flows with adverse effects on fish and eel habitat.

A number of the riverbeds in Tasman District are degrading in places, and the processes involved in river channel changes are gradual. The adverse effects of gravel extraction from the Wai-iti River on water availability from adjacent aquifers are well documented. Computer modelling also shows that gravel extraction – and hence lowered riverbed levels - from the Motueka River near Woodmans Bend could reduce recharge into the Motueka Plains aquifers adjacent. Recent modelling shows that groundwater levels in the Motueka Plains aquifer would be reduced by 0.1 metres if the bed levels in the lower Motueka River are lowered by 0.3 metres. These effects are recognised and provided for in this part of the Plan and effects of the gravel extraction activities are accounted for in Part IV.

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Gravel is occasionally removed or moved within rivers in the Moutere gravel derived catchments to enhance access to surface water. Adverse effects on other water users' access to water and on channel capacity need to be managed.

This part of the Plan deals with the effects of gravel extraction on the quantity of water in rivers and in adjacent aquifers. Part IV considers the effects on river channels, instream habitats and other values, and continues regulation of this activity.

### 30.0.4.7 Competing Water Demands

The Council must first establish the minimum flows or aquifer levels needed to protect the instream uses and values of water bodies. Once these have been established, an allocation limit can be calculated that defines the amount available for out-of-stream use.

There is competition for the water that is available for abstractive use. Competition exists between different end users such as community, industrial and irrigation users. There is also competition within the user groups, e.g. between irrigators.

The Council must allocate (and re-allocate) water between these competing demands in a way that results in equitable access to water for all water users.

The Council must balance the need for water by individual water users with the need to ensure that all water users have an acceptable security of supply and are not subject to an unreasonable level of rationing during low-flow periods. In achieving equitable water allocation between these competing water users, the Council seeks the efficient use of water. It also seeks to ensure equitable allocation of water between present and potential water users.

The Council notes that for users in the water short Wai-iti Zone and the Moutere Surface Water Zone, historical allocation of water has been such that users do not have a desirable security of supply. These zones are considered to be over-allocated.

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Abstractive water users in most of the Waimea Water Management Zones have low security of supply as a result of past allocation and relatively recent findings about groundwater and surface water interactions. Without the proposed Waimea Community Dam, water security will continue to be low in these zones with respect to the Council's security of supply standard.

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The proposed Waimea Community Dam will enable existing water users to significantly improve their security of supply provided they are affiliated to the Dam. New water use is also provided for by the dam.

### 30.0.4.8 Augmenting Water Supplies

In the areas of the District where there is insufficient water to meet all the demands placed on the resource, there may be opportunities for augmenting supplies in some areas. This is particularly relevant for the Waimea and Moutere water management zones where there is insufficient water to meet all present and future potential demands for water. Council is particularly committed to meeting water demands for both abstractive and instream water users in the Waimea water management zones and is co-ordinating and supporting the development of a community water supply dam on the Lee River, the Waimea Community Dam.

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Augmentation options include discovery of new groundwater resources, for example the deep aquifers of the Moutere may be found to extend over a larger area. Augmentation through harvesting water in dams and reservoirs at times of high flow is a common augmentation option. Transfer of water within catchments or between water management zones may also be used to augment supplies in water short areas.

Water augmentation may enable water to be used by a greater number of users. It may also enhance or maintain instream uses and values, or it may offset or mitigate adverse effects of water use or reduced water flows.

Water augmentation can improve the security of supply for water users by ensuring that there is water available for abstraction when natural flows or water levels are insufficient to meet demand, or it can be used to meet day-to-day water demands.

Where water is stored in reservoirs or impoundments constructed away from the river bed, adverse effects on the water body, including adverse effects on fish passage, are more easily avoided.

Measures to reuse or recycle water will also contribute to enhancing water availability and its efficient use.

## 30.1 REDUCED WATER BODY FLOWS OR LEVELS

### 30.1.1 Issue

A number of activities, including:

- (a) water abstraction;
- (b) reductions in bed level by gravel extractions;
- (c) dams;
- (d) changes in vegetation from short to tall vegetation;
- (e) diversion of water, including wetland drainage or infilling;

can reduce or alter surface water flows, recharge rates or groundwater, wetland or lake water levels, and cause adverse effects including:

- (i) adverse effects on in-stream values such as aquatic ecosystems; natural character; eel, trout and salmon habitat; recreational, intrinsic and cultural values; values of riparian margins; and the cultural and spiritual values of the tangata whenua;
- (ii) aquifer damage by seawater intrusion, compression, and excessive drawdowns;
- (iii) reduction in the capacity of a water body to dilute contaminants;
- (iv) adverse effects on other abstractive users of water;
- (v) adverse effects on the natural, cultural and intrinsic values of wetlands.

### 30.1.2 Objectives

**30.1.2.1** The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:

- (a) preserve their life-supporting capacity (the mauri of the water);
- (b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values, including eel, trout and salmon habitat, and recreational and wildlife values; and
- (c) maintain their ability to assimilate contaminants.

**30.1.2.2** The maintenance, restoration and enhancement, where possible, of the quality and extent of wetlands in the District.

### 30.1.3 Policies

*Refer to Policy sets 27.3.3, 27.5.3, 30.1.3, 30.2.3, 30.3.3.*

*Refer to Rule sections 16.12, 18.3, 18.4, 28.2, 28.5, 31.1, 31.2, 36.4.*

#### Water Body Management

**30.1.3.1A** To avoid the loss of river extent and values, unless the Council is satisfied that:

- (a) there is a functional need for the activity in that location; and
- (b) the effects of the activity are managed by applying the effects management hierarchy.

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**30.1.3.1** To maintain and enhance the uses and values of rivers, aquifers, wetlands and lakes that may be adversely affected by reduced water flows or levels including:

- (a) the uses and values of water bodies identified in Schedule 30A, particularly the internationally, nationally and regionally significant uses and values of water bodies;

- (b) the customary and traditional uses and values of iwi, including wāhi tapu, mahinga kai and other taonga, particularly in relation to sustaining the mauri of the water;
- (c) the capacity of water bodies to dilute contaminants;

by taking into account the management objectives specified for each of the water bodies in Schedule 30A.

**30.1.3.2** To establish a minimum flow regime or minimum water level regime for rivers, wetlands and lakes where there is a threat to uses and values of the water body or a connected water body, taking into account:

- (a) the range and significance of the existing and potential water body values and uses;
- (b) adverse effects from existing and potential abstractive water users and land use activities affecting water quantity;
- (c) natural flow characteristics;
- (d) practical monitoring and enforcement needs;
- (e) contributions to water flows and levels from dams.

**30.1.3.3** To recognise the seasonal limitations of the surface water flows of Moutere gravel catchments by seeking to maintain residual water flow downstream of any abstraction point.

**30.1.3.4** To establish the sustainable yield of aquifers taking into account:

- (a) depletion of aquifer yields;
- (b) reduction of connected surface water flows, including coastal springs and wetlands;
- (c) potential for compression of the aquifer;
- (d) potential contamination of the aquifer by seawater intrusion;
- (e) potential for excessive drawdown of groundwater levels;
- (f) presence and significance of living organisms naturally occurring in the aquifer;
- (g) effect of land use activities on recharge of the aquifer;

to avoid:

- (i) long term aquifer depletion;
- (ii) drying up of surface waters;
- (iii) compression of the aquifer;
- (iv) irreversible seawater contamination of the aquifer;
- (v) over-allocation of water from the aquifer.

**30.1.3.5** To maintain minimum river flow regimes or groundwater levels by establishing trigger levels for initiating rationing regimes for water management zones (as shown on the planning maps).

**30.1.3.6** To ensure that the water allocation limits take into account effects of other activities and events on availability or yield of water, including:

- (a) potential water yield reduction effects arising from land cover changes such as changes to tall vegetation or urbanisation;
- (b) climate change, including changes to drought frequency;
- (c) effects of dams and other water augmentation or storage schemes;
- (d) effects of gravel extraction.

- 30.1.3.7** To adopt a water allocation limit for the groundwater of the Motueka Plains aquifers based on the sustainable yield of the aquifer that takes into account: C24 12/08  
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- (a) impact of groundwater abstraction on flows in the Motueka River;
  - (b) the cumulative effects of takes in the Central Plains Zone on the potential for seawater intrusion, especially in the Hau Zone;
  - (c) potential for inducing additional recharge to the aquifers from the Motueka River by allowing greater rates of abstraction in the high yield area of the Central Plains Zone;
  - (d) irrigation needs of land in the Middle Motueka and Upper Motueka water management zones;
  - (e) desirable security of supply standards for abstractive water users;
  - (f) the potential for mitigating adverse effects of localised saltwater intrusion in the coastal margin of the Hau Zone, including through provision of alternative water supplies for existing users;
- and to review the allocation limit if further monitoring and investigation confirms that the Hau Zone seawater intrusion trigger for rationing is not affected by water abstraction in the adjacent zones.
- 30.1.3.8** To ensure that water takes from the Te Matu Zone avoid, remedy, or mitigate adverse drawdown effects on other water users and to:
- (a) require bore testing, including step drawdown and constant discharge tests to assess localised drawdown and hydraulic characteristics; and
  - (b) ensure effects of takes from any single bore or collection of bores in the same bore field take into account well performance, yields, localised drawdown and long term yield of existing fully penetrating bores.
- 30.1.3.8A** The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats. NPS-FM  
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### Water Takes

- 30.1.3.9** To manage the allocation of water taken from water bodies so that the cumulative effect of water takes does not exceed:
- (a) the stated flow or water level regime;
  - (b) any allocation limit for water takes for consumptive use for the water body; C24 12/08  
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  - (c) the sustainable yield of the aquifer;
- provided that harvesting water during times of high flow may be considered, if adverse effects can be avoided, remedied, or mitigated.
- 30.1.3.10** To encourage and promote the taking of water for irrigation from dams and from groundwater in preference to new takes from surface water resources in the Motueka catchment so as to reduce the impact of surface water takes on the values of the Motueka River and its tributaries. (*See also 30.1.3.17*)
- 30.1.3.11** To ensure that the connections between groundwater and river flows are fully accounted for when setting and reviewing water allocation limits and minimum flow regimes and when deciding on applications to take or divert water in relation to both rivers and their connected groundwater systems.

**30.1.3.12** When assessing resource consent applications to take water, particularly those applications to take water from water bodies where no allocation limit has been established, to take into account actual and potential adverse effects, including cumulative adverse effects of the proposal in combination with any existing authorised takes, on:

- (a) natural character of the water body and its margins;
- (b) associated wetlands;
- (c) cultural and spiritual, amenity and recreational values;
- (d) aquatic habitat, including plants and animals;
- (d) other water users;
- (e) water reserved for other uses;
- (f) hydrological regime of the water body;
- (g) capacity to dilute contaminants;
- (h) uses and values identified in Schedule 30A;
- (i) sustainable yield of an aquifer and the sustainable short and long term yield of a bore based on the assessment of yields over five and 100 days.

**30.1.3.13** Except for takes from the Riuwaka River, when assessing a resource consent application to take water for frost protection of crops, to take into account actual and potential adverse effects of the take, either on its own or in combination with other similar water takes on:

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- (a) aquatic habitat, including habitat of fish and eels, including trout;
- (b) spawning and egg production of fish and eels, including trout;
- (c) the natural flow variability of the river;
- (d) existing water users;
- (e) drawdown effects on groundwater users;

and to require measures to ensure that the natural flow of any river does not reduce below the Mean Annual Low Flow (MALF – 7 day).

**30.1.3.14** To avoid, remedy or mitigate adverse effects of water takes from the Riuwaka River for frost protection by:

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- (a) ensuring that the total instantaneous takes from the river do not reduce the minimum flow for May to October below 615 litres per second;
- (b) assisting the Riwaka Water User Committee to ensure that the minimum flow is maintained;
- (c) requiring time-stamped water metering for water takes used for frost protection;
- (d) carrying out resource investigation to understand more about the relationship between water takes for frost protection on river flows;
- (e) limiting takes for frost protection to land within the Riwaka Water Management Zone.

**30.1.3.15** Except as otherwise provided by a water conservation order, to manage the allocation of water for consumptive uses from rivers that have:

- (a) no minimum flow or allocation limit specified in this Plan or water conservation order and;
- (b) regionally or nationally significant aquatic habitat value as identified in Schedule 30A;

so that the cumulative abstraction from the proposed and all existing authorised takes from the river does not exceed 10 percent of the 5-year, 7-day low flow.

**30.1.3.16** Except:

- (a) as otherwise provided by a water conservation order, or
- (b) for rivers in the Moutere gravel catchments;

to manage the allocation of water for consumptive uses from rivers that: (i) have no established minimum flow or allocation limit; and

- (ii) do not have regionally or nationally significant aquatic habitat value as identified in Schedule 30A;

so that the cumulative abstraction between November and April inclusive, other than in relation to hydro power, from the proposed and all existing authorised takes from the river does not exceed 10 percent of the 5-year, 7-day low flow, provided that up to 33 percent of the 5-year, 7-day low flow may be allocated if the cumulative adverse effects listed in Policy 30.1.3.12 from the proposed take in combination with any other authorised take are avoided, remedied or mitigated.

**30.1.3.17**

To require applicants applying for resource consents for new surface water takes in the Moutere Surface Water and Wai-iti zones to provide information about the practicable actual and potential alternatives (including dam or groundwater takes) available to the applicant and to decline the application where:

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- (a) an alternative supply is considered to be the best practicable option after taking into account:
  - (i) the financial implications of the alternative options compared with the proposed take;
  - (ii) the extent to which the alternative options have more or less adverse effects on the environment compared with the proposed take;
  - (iii) the extent to which any alternative may enable more equitable water allocation than the proposed take; or
- (b) the adverse effects of the take assessed under Policy 30.1.3.12 or in relation to the security of supply for other existing water users cannot be avoided, remedied or mitigated. (*See also 30.1.3.10*)

**30.1.3.18**

To avoid excessive localised reductions in bore yields when considering applications to drill bores or applications to take groundwater from an existing bore (provided that in the case of alluvial aquifers, potentially affected neighbouring bores fully penetrate the aquifer), taking into account the:

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- (a) sustainable yield of the aquifer (*see 30.1.3.4*);
- (b) depth to the aquifer;
- (c) permeability of the aquifer;
- (d) distance from other bores;
- (e) costs of full penetration;
- (f) effects on connected surface water bodies;
- (g) other uses of the water;
- (h) cumulative effects of water takes from bores, including:
  - (i) potential adverse effects of water takes from any bore whether any take is permitted or otherwise;
  - (ii) effects of takes from new bores on existing takes;
  - (iii) effects of existing water takes on any new take from a bore; and
  - (iv) risks for potential water users identified on any Council waiting list;

and declining an application for new bores where:

- (i) bore setbacks and casing requirements for the Moutere groundwater zones are not met, except in exceptional circumstances.

**30.1.3.19** In times of low flows, to use rationing regimes, including rostering, as mechanisms to avoid, remedy or mitigate the adverse effects of water takes.

**30.1.3.20** To adopt management objectives in Schedule 30A for the Waimea River and its tributaries and connected aquifers, and specify minimum flow regimes, allocation limits and targets and rationing of takes in Schedule 31C, that:

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- (a) reflect the water augmentation contributions from the Waimea Community Dam to improving river flows and groundwater levels in the Waimea Plains water management zones; and
- (b) manage abstraction of water by providing two different security of supply standards depending on whether the relevant water permit is affiliated to the Waimea Community Dam, where permits that are:
  - (i) not affiliated will be managed in real time as if the water flows and levels have not been augmented based on flows at the Wairoa River monitoring site; and
  - (ii) affiliated will be managed in consultation with the Dry Weather Task Force as provided in (c)(ii)(a) – (c)(ii)(i) to avoid saltwater intrusion and maintain and enhance in-stream values as specified in Schedule 30A until the dam is operating.
- (c) manage effects of water abstraction for any permits where there is no Waimea Community Dam, by:
  - (i) adopting minimum flows and implementing the rationing of takes in the Waimea water management zones to avoid saltwater intrusion and maintain and enhance instream values as specified in Schedule 30A and;
  - (ii) managing the decision to impose cease take provisions in consultation with the Dry Weather Task Force, taking into account:
    - a) the time of year;
    - b) rate of recession of river flows and groundwater levels and, if relevant, effect of flow releases from any augmentation scheme;
    - c) the current weather and weather forecast;
    - d) patterns of current and likely ongoing water use;
    - e) the extent and effectiveness of any water saving measures already in place;
    - f) changes in salinity levels in groundwater;
    - g) whether salt levels (by measuring electrical conductivity) in the Council’s monitoring bore WWD50 E1611825 N5427949 (NZTM Map Grid) exceed 1 millisiemens per centimetre;
    - h) the rate of river flow recession, particularly as the Waimea River flows fall below 500 litres per second at the Council nursery recorder;
    - i) the pattern of groundwater level changes in bores in the coastal margin of the Delta Zone; and
- (d) make the most efficient use of available water when there is rationing and reduce abstractive uses according to established priority in Policy 30.2.3.1 when river flows fall below the minimum specified in Schedule 31C.

### Gravel Extraction

**30.1.3.21** To avoid, remedy or mitigate adverse effects on the uses and values of the water body from the extraction of gravel from riverbeds, taking into account adverse effects on:

- (a) groundwater levels and water yields in adjacent aquifers;

- (b) the flow regime of the river;
- (c) aquatic ecosystems and riparian habitat;
- (d) cultural, spiritual, natural and intrinsic values;

to avoid reducing the:

- (i) desirable security of supply of existing water users;
- (ii) diversity and abundance of aquatic organisms.

### Efficient Use of Water

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**30.1.3.22** Within the sustainable allocation limits and subject to flow or level regimes established by the Plan, the Council will enable, promote or require efficient use of water through:

- (a) ensuring allocation limits and allocations of water for abstraction are:
  - (i) calculated with known security of supply; and
  - (ii) regular review of take permits to ensure bona fide water use;
- (b) enabling water to be used for the highest social or economic values by:
  - (i) reserving water for future specified needs;
  - (ii) encouraging the transfer of permits within the same water management zone to help meet demand for water;
  - (iii) adopting a flexible water permit management regime including provisions for well sharing and use of water user committees to meet minimum flow requirements during periods of drought;
- (c) ensuring that the technical means of using water are physically efficient through:
  - (i) allocation of water for irrigation end-uses based on specified soil type and climate application rates;
  - (ii) encouraging the adoption of best practice water use technology and processes that reduce the amount of water wasted; and
  - (iii) the use of water meters;
- (d) investigations monitoring, liaison and provision of information:
  - (i) to water users about how to reduce water use, water use efficiency, re-use of water, use of water, use of water conservation devices or practices; and
  - (ii) to water users and the community about the results of investigations and monitoring;
  - (iii) about water user decisions that affect water use and how these may be managed to improve water use and water allocation efficiency;
  - (iv) to water supply service providers, including through Council's asset management plans and with industry stakeholder groups to promote and plan for effective and integrated water supply, including options for water augmentation.

### Water Damming

**30.1.3.23** When assessing applications to dam water, to:

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- (a) take into account adverse effects of the damming, including the effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other dams, on:
  - (i) the uses and values for any water body identified in Schedule 30A;
  - (ii) any flow regime for any river as set out in Schedule 31C;
  - (iii) water levels and flows in connected water bodies, including lakes and wetlands;

- (iv) recreational values;
  - (v) water quality, including management of periphyton;
  - (vi) river ecology and aquatic ecosystems, including passage of fish and eels;
  - (vii) groundwater recharge;
  - (viii) riparian habitat;
  - (ix) downstream land, property and infrastructure at risk from dam failure;
  - (x) other water users;
- (b) maintain, in connected water bodies:
- (i) existing ecosystems to the extent practicable, and
  - (ii) downstream river bed stability, including through sediment transfer and management of vegetation in river beds
- including by managing the volume, velocity, frequency and duration of flow releases from the dam or cumulatively with other dams.

*(See also 30.3.3.2)*

*[Policy 30.1.3.24 is deleted]*

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### Water Diversion

**30.1.3.25** To avoid, remedy or mitigate adverse effects of diversion of water, including

- (a) diversion of floodwater by stopbanks and other structures;
- (b) water augmentation schemes;
- (c) hydro-electric power generation; and
- (d) instream diversion of water;

taking into account effects of the diversion on:

- (i) uses and values of water bodies identified in Schedule 30A;
- (ii) fish and eel passage;
- (iii) actual or potential risks of flooding or erosion;
- (iv) actual or potential impact on river sediment and gravel transport processes;
- (v) water quality;
- (vi) aquatic and riparian ecosystems, including wetlands and habitats for indigenous vegetation or fauna;
- (vii) any relevant water allocation limits;
- (viii) other water users.

### Wetland Management

**30.1.3.26A** The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

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- (a) the loss of extent or values arises from any of the following:
  - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
  - (ii) restoration activities
  - (iii) scientific research
  - (iv) the sustainable harvest of sphagnum moss
  - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)

- (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the regional council is satisfied that:
  - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
  - (ii) the specified infrastructure will provide significant national or regional benefits; and
  - (iii) there is a functional need for the specified infrastructure in that location; and
  - (iv) the effects of the activity are managed through applying the effects management hierarchy.”

**30.1.3.26** To recognise the importance of naturally occurring wetlands and their margins as unique, scarce and vital ecosystems with a range of significant values, including natural character, and to protect and maintain or restore existing naturally occurring wetlands.

**30.1.3.27** To develop and maintain a database of wetlands which identifies their values and significance and to assign particular significance where any one of the following criteria applies:

- (a) it is predominantly in its natural state;
- (b) there is biological diversity or representativeness of aquatic or associated terrestrial species or habitats;
- (c) it has threatened species' habitat values;
- (d) it is an area of predominantly indigenous vegetation;
- (e) it contains indigenous dune vegetation, salt herb fields or coastal shrublands;

and to take into account the following criteria in assessing significance:

- (f) the extent to which it improves or maintains water quality by providing a buffer between adjacent land use activities and any water bodies;
- (g) the extent to which it contributes to the connectivity of hydrological or biological relationship with associated water bodies, including fish passage, river or lake flows and levels, and flood or drought flows, and its importance as a habitat for migratory species;
- (h) if it is adjacent to the coastal marine area;
- (i) the extent to which it has specific cultural or spiritual significance.

**30.1.3.28** To encourage, promote and support:

- (a) the protection and maintenance or enhancement of naturally occurring wetlands;
- (b) the construction of further wetlands; and
- (c) the enhancement of wetland values in wetland areas that are not naturally occurring, including farm drainage systems, irrigation, stock water and amenity ponds and dams;

including the creation of wetlands following gravel extraction.

**30.1.3.29** To encourage, promote and support appropriate management of naturally occurring wetlands to:

- (a) control animal and plant pests;
- (b) exclude stock grazing from wetlands;

- (c) protect wetlands from inappropriate land use, including land drainage and infilling;
- (d) maintain water levels to protect wetland values.

**30.1.3.30** To establish and maintain partnerships with landowners that recognise, support and build on existing sustainable management initiatives of naturally occurring wetlands on private property and to prepare wetland management plans, in consultation with each landowner, that:

- (a) identify wetland values;
- (b) identify management options for protecting, maintaining and restoring wetland values, having regard to development options of adjacent productive land; and
- (c) to fund or assist in carrying out works and other activities to protect and restore wetland values.

**30.1.3.31** To avoid, remedy or mitigate adverse effects on wetlands and their margins, including cumulative adverse effects as a result of taking, damming, diverting or discharging water, including by infilling, when considering resource consent applications for those activities, taking into account its degree of significance assessed under Policy 30.1.3.27.

### **New Plantation Forest**

**30.1.3.32** To regulate new plantation forestry to protect existing water resources from the adverse effects of reduced water yield on the surface water resources of specified Moutere gravel derived catchments in low rainfall areas and on the recharge of the Moutere aquifers.

**30.1.3.33** To ensure that the adverse effects of new plantation forestry on water yield or groundwater recharge are avoided, remedied or mitigated.

**30.1.3.34** If water becomes available for further abstraction from the Moutere groundwater zones or from catchments within the Surface Water Protection Area, to allow a sustainable and equitable amount of new plantation forestry to take place in the Moutere Groundwater Protection Area or the Surface Water Protection Area before any amendment of allocation limits.

### **Financial Contributions**

**30.1.3.35** To consider requiring financial contributions as a condition on resource consents to take, dam or divert water, and for new plantation forest proposals in areas at risk of significant water yield or recharge reduction so that the adverse effects of reduced water flows or levels can be remedied or mitigated, taking into account:

- (a) the effectiveness of a financial contribution to offset adverse effects, particularly cumulative effects and, in the case of new plantation forest proposals, to offset the adverse effects, particularly cumulative effects of reduced water yield;
- (b) the effectiveness of a financial contribution to offset adverse effects on other water users, or uses and values of a water body;
- (c) the effectiveness of a financial contribution to improve existing water users' security of supply;
- (d) the need for a direct relationship between the size and significance of any adverse effect of the take, dam or diversion, and the level of any financial contribution.

### **Water Resource Management Relationships**

**30.1.3.36** To encourage and support the functioning of water user committees in water management zones with representatives, as appropriate, from abstractive users, iwi, dischargers of contaminants, those affected by the water extraction or diversion, and those with an interest in instream uses and values, including the Department of Conservation and the Nelson Marlborough Fish and Game Council, to:

- (a) advise the Council in the development and implementation of water management policies;
- (b) assist the Council in managing water usage during drought periods, including assistance with rationing or rostering arrangements;
- (c) assist the Council in implementing programmes of education and advocacy for good practice methods of water use;
- (d) assist the Council in the development of water classification standards.

**30.1.3.37** To identify with manawhenua iwi agreed opportunities for active participation of iwi in water management in the District, other than by any transfer or joint management of the power to decide on any policy statement, plan or resource consent.

**30.1.3.38** To make decisions on water management having regard to provisions of resource management plans such as the Eel Management Plan, Nelson Marlborough Conservation Management Strategy, and Iwi Environmental Management Plans that promote the sustainable use of water and associated resources.

### Investigations and Monitoring

**30.1.3.39** To continue investigations and monitoring of the water resources of the District, with the aim of establishing and maintaining defensible allocation limits and management policies to ensure sustainable management of the resource.

**30.1.3.40** To liaise and consult with neighbouring authorities in the management of cross-boundary issues, in particular the management of water in the Roding and Buller rivers.

**30.1.3.41** To continue to investigate and monitor the effects of activities on water resources and methods for avoiding, remedying or mitigating adverse effects of these activities.

**30.1.3.42** In managing water abstraction in the Upper Motueka Water Management Zones, Council will mitigate adverse effects of abstractive water takes on instream values, water quality and mitigate adverse effects of rationing on water users by adopting a management regime that:

- (a) manages the decision to impose progressive rationing steps to maintain specified minimum flows and to ensure compliance with the Motueka Water Conservation Order taking into account:
  - (i) the significance of water flows from contributing tributaries;
  - (ii) the time of year and season;
  - (ii) rate of recession of river flows and groundwater levels;
  - (iii) the current weather and weather forecast;
  - (iv) patterns of actual current and likely on-going water use;
  - (v) the extent and effectiveness of any water saving measures already in place;

and
- (b) makes the most efficient use of available water when there is rationing and reduces abstractive uses according to established priority in Policy 30.2.3.1 when river flows fall below the minimums specified in Schedule 31C.

**30.1.3.43** When considering any application, the consent authority must have regard to the following matters:

- (a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and
- (b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

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**Note:**

1. This policy applies to:
  - a) any new activity and
  - b) change in the character, intensity or scale of any established activity –  
that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).
2. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

## 30.1.20 Methods of Implementation

### 30.1.20.1 Regulatory

- (a) Rules relating to:
  - (i) minimum flow regimes or levels for surface water bodies and aquifers;
  - (ii) allocation limits and triggers for initiating rationing regimes;
  - (iii) construction, location, depth and spacing of bores;
  - (iv) taking water;
  - (v) damming water;
  - (vi) diverting water, including drainage and infilling of wetlands;
  - (vii) extraction of gravel from river beds in Part IV;
  - (viii) establishment of plantation forestry in specified areas.
- (b) Water quality classification under Method 33.1.20.1(iii) that takes into account effects of changed water quantity on identified uses and values.
- (c) Reviews of permits.
- (d) Enforcement and abatement action, as necessary.

### 30.1.20.2 Education and Advocacy

- (a) Liaison with landowners, resource user groups, interest groups, iwi and other statutory bodies to identify uses and values of water bodies, the minimum flow or water level regimes to protect these uses, and values and methods to maintain these flows or levels.
- (b) Encouraging formation of and providing administration support for the on-going functioning of water user committees in water management zones.
- (c) Working with manawhenua iwi to identify and implement agreed opportunities for iwi to participate in water management, including through water resource monitoring and investigations, policy development, resource consent consideration, and education on sustainable water use practices.
- (d) Consultation with water user committees for the management of water takes for frost protection. C23/C24  
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- (e) Provision of information and advice concerning sustainable practices, including best practicable options for water use, activities in riverbeds and establishment of plantation forestry to maintain water quantity and avoid adverse effects.

- (f) Promotion or support of appropriate industry codes of practice and individual management practices that avoid, remedy or mitigate adverse effects of water use or reduced water quantity.
- (g) Provision of information and advice about wetland uses and values, and measures to protect, maintain or restore them.
- (h) Provision of information and advice about establishment of wetlands, and their margins, and restoration or protection of existing wetlands, including enhancement of values in wetlands that are not naturally occurring.
- (i) Providing information to landowners about sources of funding, such as from the Council, through the QEII Trust, Nga Whenua Rahui and others, for the protection and restoration of wetlands.
- (j) Advocacy for water takes that reduce impacts on surface water resources in the Motueka catchment.
- (k) Support or support preparation of resource management plans that promote the sustainable use and management of resources, such as the Eel Management Plan and Iwi environmental management plans.
- (l) Provision of information about the state of the District's water bodies to iwi and other interest groups, landowners and water users through state of the environment monitoring reports, other monitoring reports, and information transfer through meetings, hui and presentations.
- (m) Provision of information to people, including householders in rural areas, about the nature and extent of water resources.
- (n) Review of stakeholder partnerships on completion of wetlands database in 2008.

#### **30.1.20.3 Financial Incentives**

- (a) The Council will fund the preparation of wetland management plans for naturally occurring wetlands on private property, in consultation with landowners, that identify wetland values and management options for sustainable wetland management and will contribute funding to works, including fencing, pest control, planting and habitat enhancement where there is public benefit and long term improvement to wetland values, including biodiversity gains, or improvements to water quality and quantity.
- (b) The Council will consider funding the establishment of new wetlands or enhancement of wetland values in circumstances where there is public benefit and long term improvement to wetland values, including biodiversity gains, or improvements to water quality and quantity.
- (c) Council will consider rates relief for wetland areas and the waiving of consent fees for any application for the construction or maintenance of wetlands and waiving requirements for backfilling following gravel extraction where appropriate.

#### **30.1.20.4 Investigations and Monitoring**

- (a) Continuing development and maintenance of the database in consultation with iwi and interest groups, that identifies specific water bodies or parts of water bodies, their particular uses, values and significance.
- (b) Further development of criteria used to assign significance to the range of uses and values of water bodies. This includes determining the process to be followed for developing criteria and the regulatory status of the criteria, in consultation with iwi, Department of Conservation, Fish and Game Council and other stakeholders and water users.
- (c) Development of an integrated schedule of water body uses and values, management objectives and methods, including monitoring, that relate to all water body management provisions in this Plan, in consultation with iwi, Department of Conservation, Fish and Game Council and other stakeholders and water users by 2008.

- (d) Investigations and monitoring of the water resources of the District to:
- (i) identify relationships between water body uses and values, and water levels and flows;
  - (ii) understand the nature and extent of aquifers, including recharge mechanisms and relationship with surface water bodies;
  - (iii) understand the relationship between land cover change, surface water yields and groundwater recharge;
  - (iv) understand the relationship between gravel extraction from riverbeds and groundwater levels in adjacent aquifers;
  - (v) understand the values and significance of naturally occurring wetlands in the District, assess the contribution of water levels and flows to these values, and record changes in quality and extent of wetlands;
  - (vi) accurately assess impacts of water abstraction, damming or diversion that reduce water quantity or water body uses and values;
  - (vii) continue to improve understanding about the dynamics of groundwater systems by developing and updating computer and other models;
  - (viii) investigate and understand the potential hydro-electric power generation value of water bodies, potential effects and measures to mitigate adverse effects of such power generation, and the relative value or significance of power generation values in relation to other uses and values of the water body.
- (e) In consultation with interest groups, including iwi, investigate and monitor instream uses and values of water bodies and assess the significance of and risks to such values and methods for their necessary and appropriate protection or enhancement.
- (f) To monitor the effects of water takes on rivers that have no minimum flow regime, and review and assess the appropriateness of the allocation limit threshold or the need for some other allocation regime for that water body once the threshold for allocation has been reached.
- (g) Continue the development and maintenance of a database of wetlands in consultation with landowners, the Department of Conservation and the Nelson Marlborough Fish and Game Council, iwi and interest groups that identifies specific wetlands, their uses and values and their significance and potential for restoration. Council will establish a register of national, regional and locally significant wetlands and will report on changes to the quality and extent of wetlands in the District.
- (h) The wetlands database will be completed by 2008 and, once complete, Council will review landowner partnerships and the regulatory provisions for wetland drainage and infilling.
- (i) Investigations into what economic decisions affect water use and how these may be managed to improve water use and water allocation efficiency.
- (j) Investigations into the nature and patterns of water use for frost protection of vulnerable crops and whether there is a need to develop allocation limits for uses other than irrigation uses in summer periods, including further investigation into the connection between frost water takes and the flow of the Riuwaka River, and investigation into the need for reservation of water within these limits for crop needs on irrigable Māori perpetual lease land. C23/C24  
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- (k) To carry out concurrent flow gauging and water abstraction monitoring during summer low flow in the Motueka River between Kohatu and Tapawera to better determine the correlation between ground water and river flows and the effect of abstraction on river flows. C52 1/15  
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### 30.1.30 Principal Reasons and Explanation

#### Water Body Management

The Council is required to manage water resources sustainably. In particular, Council must sustain the potential of the water resources to meet the needs of future generations and to safeguard the life-supporting capacity or mauri of the water. In addition, each water body has a number of overlapping or competing uses and values that must be recognised and taken into account.

The Council also recognises that tangata whenua have an interest in the management of the District's water resources. It will consult with iwi in the development and implementation of its policies. The Council has adopted policies and methods to implement policies that are in accordance with the objectives that Māori have for the management of water in exercising their role of kaitiakitanga as kaitiaki.

The significant uses and values for the major rivers, lakes, aquifers and some major wetlands in the District are listed in Schedule 30A, along with the management objectives that Council has adopted. The public and private benefits of water use to individuals and the community are recognised by ensuring that sustainable amounts of water are available for these uses. Management objectives show the extent to which various uses and values are accounted for and this, along with the policies in section 30.2, establish relative priority for water. The Council is also developing a database, which identifies uses and values in more detail for specific water bodies or parts of water bodies. Council does not yet have full information about the range of uses and values of all the water bodies in the District. Neither has it determined the significance of all the potential uses and values of all water bodies. It has undertaken to develop the criteria used to determine significance in consultation with stakeholder groups. This database will continue to be developed in consultation with stakeholders and will guide decision-making in respect of resource consent applications for activities subject to this part of the Plan. The database and the Schedule will be developed to reflect the range of uses, values and management objectives and methods that relate to all aspects of water body management. The revised schedule will be added to the Plan as a further variation (or change). It will contribute to decision-making in respect of activities in the riparian management zone (addressed in Part II and Part IV), as well as water classification (Part VI) and land disturbance activities (Part II, Chapter 18) that have the potential to affect water body uses and values.

The Council's water allocation policies recognise the need to provide for a water body's uses and values while allowing for abstractive use of the water. It will achieve this for some rivers by establishing a minimum flow regime that takes into account seasonal aspects of low flows including, for example, provision for fish and eel spawning, and the duration and frequency of low flows. For other rivers, Council has identified a threshold for allocation that recognises the significant values and uses. This approach is consistent with the protection of the traditional values and perspectives according to tikanga Māori, including kaitiakitanga.

The management approach is that for most rivers, a decision on minimum flow is one of selecting how much habitat loss is sustainable rather than seeking no habitat loss. Other factors relevant to instream water flow needs for recreational, cultural and spiritual values, are also taken into account. The minimum flow regime is not necessarily intended to provide for all in-stream uses in all rivers, particularly recreational uses that will recover after low-flow periods.

The minimum flow regime specified for any river is the flow regime that is required to maintain or provide for the specified uses and values identified for that river. A minimum flow regime also reflects the imperative of the Act to provide for the life-supporting capacity of the river.

Under most circumstances, the river flows should not fall below a minimum flow because of abstractions. This minimum flow may need to be maintained by Council intervention, including through imposing rationing, by or through specified rationing steps, or rostering takes.

However, in some drought situations, the flow may naturally, or in combination with abstractive uses, fall below a stated minimum, even with these management provisions. During these times of extreme low flow beyond provisions of rationing, or when issuing directions under Section 329 of the Act, Council has identified priorities for use of water. It will require that specified uses of water cease before more essential uses in a priority order, which is specified in Policy 30.2.3.1.

The Council has regard to the Ministry for the Environment's flow guidelines when establishing minimum flow regimes. The flow regime will establish the sustainable baseline flow that the Council will attempt to maintain through its water management provisions.

Some rivers, such as the Waimea, Riuwaka, Little Sydney and Brooklyn, have minimum flow regimes established for them. As water use from other water bodies increases, or where other activities may impact on water quantity, there may also be a need to develop minimum flow regimes or other water allocation management provisions for them, for example, specific provisions for the Takaka River. Policy 30.1.3.2 guides decision-making where there may be a need to consider establishing a minimum flow regime.

Takes from storage will often have less impact on the uses and values of water bodies than takes directly from a water body. Takes from river gravels adjacent to rivers will have a direct effect on flows in the river and will be considered as a take from surface water.

Council will also advocate for landowners, water permit holders and people carrying out flood or erosion control works in rivers to consider measures to enhance aquatic habitat to mitigate the adverse effects of reduced water flows.

Council will continue to monitor and collect information about the nature of water bodies, including information about their interconnectivity and recharge. It will also ensure its water management provisions continue to be appropriate and defensible, including through plan changes where applicable.

### Waimea River

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Review and further investigation of the water resources in the Waimea water management area has shown that in the Reservoir, Waimea West, Golden Hills, Delta, Hope and Eastern Hills and Upper and Lower Confined Aquifer zones there is insufficient water to meet abstractive demand at the stated security of supply level. Historical allocation limits had not taken account of flow requirements for the identified instream values, and current permit allocations mean that the maintenance of a desirable minimum flow in a significant drought requires substantial management action. Even with reduced allocation limits, maintenance of a minimum flow in the Waimea River requires earlier rationing that takes advantage of aquifer storage for longer during reducing flows. In addition, by the time a '1 in 10-year' frequency drought is reached, the Waimea River flow is falling so rapidly that the stated security of supply standard also falls very rapidly.

Council acknowledges that this allocation regime significantly exceeds the available water for both water body values and uses and significantly reduces water users' acceptable security of supply.

Council is now signalling through these provisions and those in Chapter 15 and the Long Term Plan, that it considers the Waimea Community Dam is the most efficient and effective means of managing water demand and river flows in the Waimea Plains.

Objectives in Schedule 30A reflect the higher standards for the range of values and uses for the Waimea water resources if the Waimea Community Dam is constructed.

The proposed Waimea Community Dam will provide a minimum flow of 1100 litres per second in the Waimea River that will meet existing and foreseeable future water users' needs, including abstractive and instream uses and values. This corresponds to the calculated natural 1-day Mean Annual Low Flow (MALF) and maintains flows for recreation and habitat for aquatic life at or above the level that would have been expected without any abstractions in most years.

The minimum flow of 510 litres per second in the Lee River between the dam and the Roding confluence is equivalent to the natural 7-day MALF, also set to provide for recreation and maintain aquatic habitat. With 13 million cubic metres of water storage, the Waimea Community Dam provides water security for droughts occurring, on average, every 60 years.

Council adopted an interim water management regime in 2007 that focussed on mitigating adverse effects of droughts on water body uses and values and on water users until the outcome of the augmentation scheme project is known. Those transitional provisions will continue to apply to water permits which are affiliated to the dam until the dam commences operation.

### Waimea River – Augmented Flow Management

C47 4/13  
Op 9/15

Water management provisions are updated to enable management of the augmented flows in the rivers affected by dam releases and also the management of what would have been the unmodified (or natural) flows in those rivers.

C56 9/15  
Op 9/16

New water management provisions for the Waimea water management zones, including establishment of minimum flows, and rationing triggers that reflect two different security of supply standards have been adopted. The two different security of supply standards reflect whether or not the water permit is affiliated to the Waimea Community Dam through a water supply agreement or other applicable agreement.

The Council has adopted new river and groundwater management objectives as shown in Schedule 30A to manage the unmodified river flows. These flows in combination with the relevant allocation limits, targets and rationing triggers are what would be required in the absence of an augmentation scheme.

In the absence of an augmentation dam, management objectives included avoiding seawater intrusion, maintenance of spring flows and provision for minimal recreation and amenity values in the lower Waimea River.

However, trigger levels for rationing to be used where there is no dam, cannot also be used when there is a dam to differentiate the two security of supply standards. This is because the augmented river flow at the Wairoa Gorge then enhances water levels and flows in the rivers and the groundwater of the Waimea Plains, when the dam is releasing water. These flows contribute to Waimea River flow and groundwater storage, and augment all associated water resources that are subject to abstractive use. It is impossible to distinguish the augmented water supply from the otherwise unmodified component of flow and level once the water flows into the Plains and starts flowing from the river to the aquifer below the Wairoa Gorge.

For this reason, the rationing regime proposed for where there is no dam and applicable to water permits that are not affiliated to the dam, relies on the unmodified flow at the Wairoa River monitoring site at Irvines. The three rationing triggers are calculated on the basis of the new sustainable allocation limits that provide for abstraction at the Council's security of supply standard. The unmodified flow at the Wairoa site will be calculated by the Council on the basis of measured flows at the Wairoa at Irvines monitoring site, accounting for any effects on flow caused by the dam.

In addition, a cease take flow calculation based on maintaining a similar level of restrictions for unaffiliated permits, compared to the 'no dam' rationing, is also introduced for the permits not affiliated to the dam. The 4-step rationing triggers, including the 800 litres per second trigger for the Waimea River cannot be used in this regime as the Waimea Community Dam is required to maintain flows at 1100 litres per second.

Resumption of water takes following any rationing for water permits that are not affiliated will also be restricted. Taking water will only be resumed once there has been sufficient recovery of the groundwater levels. This recovery is provided by ensuring the 7-day moving mean flow of 6,000 litres per second for the Wairoa River measured at the Wairoa at Irvines site has been reached. This flow ensures the necessary water resource recovery before pumping can start again.

Rationing based on flows in the Wairoa River at Irvines site, will be required for permits that are not affiliated with the Waimea Community Dam. For water permits affiliated to the dam, rationing will be based on dam storage volume and the maintenance of minimum flows in the Waimea River.

### No Waimea Community Dam

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In the absence of a dam, management objectives to avoid sea water intrusion and provide for minimal recreation and amenity values require a minimum flow of 800 litres per second in the Waimea River and linking Step 4 rationing to that minimum flow. Policy direction to guide decisions about cease take includes occurrence of sea water intrusion in the council's monitoring bore and a flow of 500 litres per second in the Waimea River. This reflects the community values

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for the river and complements the Council's community Waimea River Park Management Plan 2010. A flow of 800 litres per second also ensures effects of climate change and sea level rise can be managed.

### **Transitional Water Management Provisions**

C56 9/15  
Op 9/16

If there is no dam or while waiting for commencement of dam operation, Council will also continue to consult with the Dry Weather Task Force during droughts about implementation of rationing for affiliated permits or for cease take directions in a 'no dam' situation and other drought management methods, including measures to ensure efficient use of available water. In all other circumstances, water takes are controlled through conditions for rationing that are linked to specified flows at the Wairoa Site. Once the dam is operational, in a severe drought, drought management will require the Council, the managers of the dam and water users to work together on efficient management of the stored water. The Dry Weather Task Force will be established by Council during droughts with representatives invited from iwi, Nelson Marlborough Fish and Game Council, Department of Conservation, Federated Farmers of New Zealand and the relevant water user committees and will include the Waimea Community Dam Operator in relation to the Waimea Plains water management zones.

The Council's long term approach to water management for the Waimea zones is to augment water supplies to reduce the level of conflict between instream and abstractive uses and values and increase users' security of supply and provide for new water use. It will promote the increased security of supply enabled by water permits affiliated to the Waimea Community Dam as well as the range of economic, social and community benefits enabled by the dam.

If the construction of the Waimea Community Dam does not proceed as anticipated, Council nevertheless will protect the site for a future augmentation dam through land use provisions in Part II that provide for the needs of future generations.

### **Motueka River**

The Motueka River and its tributaries are subject to the Water Conservation (Motueka River) Order 2004. The Order primarily recognises the importance of the Motueka River as a nationally significant trout fishery and seeks to maintain minimum river flows. The river also has significant landscape, amenity, recreation and cultural values. The rules in the Plan provide the means by which the flow regime will be maintained, and include rationing triggers and allocation limits. (*See Annex 2 for a copy of the Order [provided for information purposes only]*).

The Council is also continuing its investigations into the relationship between ground and surface water resources in the Motueka catchment. It wishes to encourage and promote the taking of water for irrigation from groundwater rather than directly from the river as this will reduce the impact of water takes on the values of the river. Investigations to date indicate that there is sufficient water to irrigate all the irrigable land in the catchment, provided a smaller proportion of water is taken directly from the river than from groundwater.

### **Riuwaka River**

The regionally significant trout fishery of the Riuwaka River will be maintained by the establishment of an allocation limit and a rostering regime that maintains stated flows in the river. The resulting flows in the Riuwaka River are not the ideal conditions for fisheries, especially trout fisheries, however a process of consultation and liaison between interest groups will identify and implement measures to mitigate adverse effects of the takes.

The relatively small number of permit holders and the effective operation of the water users' committee for this zone effectively achieve the management objectives for the Riuwaka River.

## **Buller River**

The outstanding instream and natural values of the Buller River and its tributaries have been identified in the Water Conservation (Buller River) Order 2001. The Order contains restrictions on the taking of water, alterations of river flow or lake levels, river form and damming. It also specifies water quality standards that must be maintained. (*See Annex 1 for a copy of the Order [provided for information purposes only]*).

## **Other Rivers**

For rivers without an established minimum flow regime, policies 30.1.3.12 to 30.1.3.16 provide guidance for allocating water. Council may not yet have sufficient information to establish a minimum flow for them. Some of these resources may not currently be subject to significant demand, although others, like the Sherry River, may make significant contributions to other rivers.

For larger rivers, the inter-relationships between the various uses and values and river flows means that where there is no minimum flow or allocation limit, each application needs to be assessed on a case-by-case basis. The Council will take into account the cumulative effect of other abstractions from the river.

For the smaller rivers, Council has established thresholds for allocation based on the 5-year, 7-day low flow. This ensures that while water can still be allocated for abstraction from these rivers, a limit is established to protect the identified significant uses and values, beyond which a greater level of investigation into the effects of water takes on that river will be initiated.

The thresholds adopted by the Council reflect recognition of the needs of instream values while allowing for sustainable abstraction. The regime adopted for rivers for which there is incomplete knowledge is still precautionary and is reflected by the use of the 5-year, 7-day low flow as this is a smaller flow than the annual flow and allows for better residual flows in most years.

The policies provide water allocation guidance in the interim, and they will be reviewed as there is increasing abstractive demand to assess and evaluate the values and uses of the water body and to produce an allocation regime that ensures protection of those values.

The Council's management approach for these water bodies provides for a consistent, logical and sustainable water allocation for all water bodies.

## **Groundwater**

The Council will achieve sustainable groundwater allocation for most aquifers by establishing a safe allocation limit that takes into account recharge rates, effects on connected water bodies (including wetlands) and the need to avoid causing adverse effects that are irreversible, such as compression and seawater or nitrate contamination. Other adverse effects such as localised drawdown may be remedied or mitigated by establishing separation distances for bores and controlling rates and quantity of water pumped. Seawater contamination may be irreversible depending on the sea or freshwater interface. In some aquifers, such as in the Hau Plains Zone, seawater intrusion is reversed once water is no longer taken from the aquifer. The effects of groundwater abstraction on river flows, including the Waimea and Motueka rivers and coastal springs such as Neimann and Pearl creeks, may also be significant, and Council has taken this into account when establishing a safe yield.

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The Council will take into account the degree of interconnection between groundwater bodies and adjacent surface water bodies in setting allocation limits. It recognises that the storage capacity or nature of some aquifers means that takes from groundwater have no or less immediate effect on surface water flows and levels. It will encourage takes from groundwater in preference to surface water takes, particularly in relation to the surface water resources of the Motueka catchment.

In assessing the drawdown effects on other bores in alluvial aquifers such as those in the Motueka or Waimea plains, a fully penetrating bore is drilled to the bottom of the aquifer and constructed in such a way that water is abstracted from the deepest part of the bore in order to maximise water quality and water quantity. If bores are not fully penetrating, they may be adversely affected by pumping drawdown effects from other bores.

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Allocation limits for the Motueka plains aquifers are based on the sustainable recharge of the aquifer and take into account interaction with the Motueka River flows and irrigation needs in the upper catchment. The limits for the Central Plains Zone also recognise a high yield area of the aquifer near to the River, where higher rates of groundwater abstraction can be sustainably provided for.

The allocation limits currently reflect the potential adverse effects of seawater intrusion in the Hau Zone. However, it is possible that seawater intrusion is a localised effect mainly in the coastal margin of the Hau Zone and is not a relevant trigger for groundwater takes in the Central Plains Zone. Until Council has gathered more data and monitored the effects of this allocation regime, it will adopt a conservative allocation limit for the Central Plains Zone that accounts for possible seawater intrusion effect in the Hau Plains Zone. Better understanding about interactions between the Hau Plains and Central Plains zones and the potential for mitigation of seawater intrusion in the Hau Plains Zone (as is currently carried out by the Lower Moutere Water Scheme) may mean Council can further review allocation limits for the Central Plains Zone in the future. Any review of the allocation limits for any water management zone will be done through a plan change or variation process and subject to public consultation.

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Op 8/14

### **Water Allocation**

The use of water management zones means Council can establish allocation limits that reflect the interconnections between ground and surface waters. It also means that Council can establish allocation limits having regard to the security of supply for water users in those zones. Water management zones will have rules that are specific to them and which will apply to all water users in that zone.

Under the Act, resource consents are not required for taking water for an individual's reasonable domestic needs or the reasonable needs of an individual's drinking water, provided that no adverse effect is caused by the take. No resource consents are required to take water for fire fighting. The Plan defines what is meant by domestic water, and restricts the take during drought to avoid adverse effects from such takes. The taking of water for any other use requires a consent unless permitted by a rule in the Plan.

Through rules in this Plan, the taking of small amounts of water for any purpose will continue to be a permitted activity. This is because such takes generally have an insignificant effect on the water resource and because the costs to the Council and to the water user of regulating these uses through permits for such small takes would outweigh the benefits to the environment and to other users.

Council must take into account the likely cumulative effects of permitted takes of water on natural and instream values of the water body, and on other abstractive water users. In over-allocated zones or for sensitive water bodies, the cumulative effects of incremental increases in permitted water takes may become significant. The trends towards rural residential living, in particular, may result in incremental increases in the amount of water taken that are becoming cumulatively significant, this is particularly so for some coastal margins, such as in the Hau Plains, Delta and Marahau margins.

The Council will carry out investigations to quantify the amounts involved in existing and potential future permitted water takes, including takes for domestic supply in rural and rural residential areas and to better understand their significance, particularly in fully-allocated or over-allocated zones. Council will also require water augmentation through provision of water storage by new dwellings in Rural and Rural Residential zones (*see 30.2.3.3*). Water storage will also provide water supplies for fire fighting, particularly during droughts. Furthermore, Council will ensure that landowners in water short areas are informed of the nature of the water supplies in those areas. This will help enable people to make appropriate decisions about their water supplies and measures to reduce water use.

Water is increasingly being taken for frost protection of susceptible crops to avoid damage to blossom. While effects of water takes for frost protection are not currently known to be significant because water is generally taken at times of higher flows in spring, the potential for cumulative effects of water takes for frost protection is significant in the Riuwaka River and may develop for other water bodies. A minimum flow will protect the Riuwaka River and potential adverse effects will be avoided for other rivers by taking into account the cumulative impacts of frost protection takes on the river's flow variability and on its Mean Annual Low Flow. Drawdown effects of groundwater takes, as well as effects on connected surface water bodies, will also be accounted for when assessing groundwater takes for frost fighting.

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### Gravel Extraction

Extraction of gravel has been shown to have an adverse effect on the groundwater levels of adjacent aquifers. This consequently affects water users who would otherwise have access to this water and adversely affects their security of supply. Gravel extraction from the Wai-iti River has already been shown to adversely effect the groundwater levels in adjacent aquifers. Computer modelling has shown that adverse effects of gravel extraction from the Lower Motueka River on adjacent groundwater levels are potentially very significant.

Gravel extraction from rivers also has the potential to alter the river hydrology and may, in some instances, have beneficial effects. This may occur where the river flow has been deepened. In other situations, gravel extraction may adversely affect aquatic life and habitats, and cause sedimentation of water. River hydrology may also be adversely affected if flows are shallower and faster.

The effects of gravel extraction on riverbed level and subsequently on aquifer recharge may also be relevant in the Upper Motueka, Motupiko and Takaka Plains and rivers like the Moutere where groundwater from aquifers adjacent to the rivers is being extracted, but there is less information about the extent and significance of these effects as yet.

### Damming Water

Dams capture run-off from storm events as well as summer low flows. They can have a range of adverse effects that the Council may need to consider, including effects on fish and eel passage and on the usual flow regime of the downstream water bodies. (Fish passage must also be considered under the Freshwater Fisheries Regulations administered by the Department of Conservation). Reduced flows in summer, or variable flows throughout the year, may affect aquatic communities. Some dams may also affect riparian habitats if the flow regime is changed significantly.

Managing flows from dams may need to account for flood and low flow management as well as providing for variable or flushing flows to mimic natural conditions where these are necessary to manage bed and bank stability, including sediment and vegetation management in river beds, periphyton and ecological functioning.

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The quality of impounded water in dams can also be changed as a result of time or depth at which the water is stored, and the effects of this, including the effects of discharging this water, may need careful assessment. The rules regulating discharge of water in Chapter 36 address this. The impoundment can also deprive downstream permit holders (stream takes or other dam owners) of their previous security of supply, particularly where dams are constructed on ephemeral streams, rather than permanent ones. Cumulatively, the impacts of dams on summer flows in the lower catchment can be significant.

Small dams where the contributing catchment is less than 20 hectares have little impact on the quantity of water in downstream water bodies. This is because the catchment area does not contribute a significant amount of water and water resources in the contributing catchment are generally insignificant. Dams of this size are most common in the water short catchments of the Moutere gravels.

### **Afforestation**

The establishment of plantation forest on parts of the Moutere gravel formation may have adverse effects on surface water yield and groundwater recharge.

The Council wishes to ensure that the groundwater resources of the Moutere Eastern and Western Groundwater zones are safeguarded. The establishment of further plantation forestry in the recharge area for this groundwater resource is therefore regulated. In addition, new takes and renewals of existing groundwater takes from these zones will be required to comply with sustainable abstraction and rates of use limits.

Some of the Moutere gravel derived catchments such as the Moutere, Dove and Wai-iti catchments are at risk of reduced surface water flows as a result of plantation forestry growth. Council wishes to provide for a certain security of supply for existing water users as well as safeguard the life-supporting capacity and in-stream values of water resources in defined areas. It will achieve this by controlling the establishment of new plantations so that the adverse effects of plantations are avoided, remedied or mitigated. In fully and over-allocated catchments such as the Moutere and Wai-iti catchments, new surface takes in low-flow periods will be avoided. In other catchments susceptible to water yield reduction, Council will also regulate water use to avoid adverse effects of future water yield reduction.

The significance of the effect of further afforestation in these Moutere gravel catchments will depend largely on the size of the catchment, the proportion of the area already afforested and any new afforestation. Expected water flows and the existing level of abstraction are also important in establishing whether the reduction in flow attributable to the afforestation is likely to cause significant adverse effect, that is, in some catchments, including the smaller tributaries of the Waimea, low flows are already non-existent and further afforestation is unlikely to create additional adverse effect on either water users or in-stream values. Rules controlling further afforestation are thus limited to those areas where any further reduction in water flow during low-flow periods is likely to cause adverse effects. These are the areas where further abstraction during low flows is also avoided because allocation limits have been reached. For those catchments where water has not yet been fully allocated, further water allocation or afforestation will only be considered if they do not cause flows to be reduced below a stated minimum level.

There are still gaps in the information and understanding of the water yield effects of plantation forestry, including the recharge mechanisms and effects on low surface water flows. Investigations into processes and effects of plantation forest and water yields, and measures to avoid, remedy or mitigate adverse effects, are necessary to help refine Council policy for effective management.

### **Diversion of Water and Wetland Management**

Policy 30.1.3.25 provides direction to manage adverse effects of diversions of water related to activities such as flood water diversions by stop banks and hydro-electric power generation.

Policies 30.1.3.26 to 30.1.3.31 recognise the importance of wetlands, especially naturally occurring wetlands in the District.

Council wishes to encourage the community to understand and appreciate wetlands, and to take an active role in protecting and maintaining or restoring their values.

Education is an important aspect of improving community understanding and awareness of the importance of wetlands, and the activities that affect them, such as vegetation clearance, stock grazing, pest and weed control, and nutrient enrichment.

The Council also acknowledges that landowners have an important stewardship role in the management and protection of wetlands on private property. Council wishes to complement and support this role through establishing strong and cooperative partnerships with landowners and by providing appropriate advice and assistance, including financial assistance to achieve the sustainable management of wetlands. This includes wetlands in rural areas under threat of drainage for pastoral use and wetlands under threat of drainage or infilling for residential development.

The Council will encourage landowners to seek advice and information from Council about wetland values on their properties and the most appropriate ways to manage them. It will adopt a proactive approach that reflects the need to recognise and protect wetlands, which will help avoid regulatory measures being required.

This partnership approach will assist understanding about Council's regulatory role and raise awareness about wetland management issues. The Council will recognise the public benefit gained through appropriate wetland management by providing financial assistance for wetland protection and supporting the creation of new wetland habitat including, as part of gravel extraction, activities where appropriate.

When considering an application to modify a wetland through drainage, infill or vegetation damage, the Council will assess the importance of the wetland on a case-by-case basis using relevant criteria. Policy 30.1.3.31 allows for the possibility of mitigation or remedying adverse effects by enhancing wetland values in alternative wetlands.

Stock grazing can also destroy or impair wetland values. There is no regulation controlling stock grazing, however the Council will seek to avoid, remedy or mitigate adverse effects of this activity by ensuring that landowners are aware of the importance of wetlands and methods to protect them.

The Council has completed a wetland inventory that lists the location, description and significance of wetlands, including potential for restoration. Council has also undertaken to carry out a review of wetland management provisions in the Plan on completion of the inventory. This is because the Council wishes to demonstrate its commitment to sustainable wetland management. The intention of review provides a transparent signal of this commitment and ensures that landowner expectations will not be unnecessarily constrained by a regulatory provision that has such a blanket effect on land management.

Such a database will also provide information about existing wetlands and threats to them and assist Council and landowners to make sustainable resource management decisions.

### **Financial Contributions**

Section 108 allows the Council to impose a requirement for a financial contribution. This is where adverse effects, including adverse cumulative effects, may be offset or prevented through money or land contributed by the consent holder. The financial contribution can be used to remedy or mitigate the adverse effect and/or it could be used to contribute to a positive effect which provides some compensation or relief from the adverse effect caused or likely to be caused by the activity. It will not be applied as a penalty or payment for effects which cannot otherwise be adequately managed.

The Council may need to consider financial contributions because the adverse effects caused by individuals in some circumstances cannot easily be avoided, remedied or mitigated through conditions imposed on the consent.

The Council wishes to ensure an equitable approach to financial contributions so that all measures to avoid, remedy or mitigate the adverse effects of resource users are appropriately considered. This includes where adverse effects of water takes could be offset or mitigated through such things as water augmentation.

Council will also consider imposing a financial contribution for new afforestation proposals according to the extent and location of the proposed afforestation. It will apply only in respect of consents necessary to establish new forestry in areas where there is likely to be an adverse effect on water yield. These contributions will be for the purpose of providing water augmentation.

It is not possible to provide a basis for calculating the maximum exposure to financial contributions more explicitly for water take, damming or diversion, or afforestation activities at present. The significance of effects is related to the nature, scale and location of each activity which can be very variable in each circumstance and there is no pre-determined or pre-costed solution as with, for example, the utility services required to manage the effects of subdivisions.

#### **30.1.40 Performance Monitoring Indicators**

- 30.1.40.1** Number of times water flows or levels decrease below stated minimum flows or levels and the frequency that rationing triggers are reached.
- 30.1.40.2** Level of knowledge about quantity of water in water bodies and interconnections with other water bodies.
- 30.1.40.3** Numbers of consents issued for water taking, damming or diverting, new afforestation, and gravel extraction.
- 30.1.40.4** Level of compliance with conditions of resource consents.
- 30.1.40.5** Number of complaints about adverse effects of low water levels or flows.
- 30.1.40.6** Changes in water yield assessed as resulting from changes in tall vegetation cover, particularly plantation forestry, in at-risk catchments.
- 30.1.40.7** Changes to quality and extent of wetlands.
- 30.1.40.8** Level of satisfaction by recreational users of water bodies.
- 30.1.40.9** State of health of aquatic life, including significant trout fisheries.



## 30.2 ALLOCATION OF FRESH WATER BETWEEN COMPETING WATER USERS

### 30.2.1 Issue

Once the minimum water requirements for instream uses and values of water bodies have been established, the allocation and re-allocation of water available for extraction must be carried out in an equitable way between the competing water users. In water short areas, there is competition between different end users of water, within the same end user groups, and between present and future water users. Water allocation management must result in efficient water use and a reasonable security of supply for users that appropriately balances the number of people with access to water with a level of rationing that is acceptable to all users.

### 30.2.2 Objective

To achieve equitable water allocation and efficient use of water by water users while ensuring an acceptable security of supply for water users.

### 30.2.3 Policies

*Refer to Policy sets 30.1.3, 30.3.3.*

*Refer to Rule sections 16.12.2, 17.5.2, 17.5.5, 17.6.2, 17.6.5, 17.7.2, 17.7.5, 31.1, 31.2.*

#### Equitable Water Allocation

**30.2.3.1** During times of low flow beyond the provisions of any rationing or rostering regime or when implementing a water shortage direction under Section 329 of the Act, Council will give priority to the following uses, whether they are authorised by a permit or through a rule in the Plan (in order of priority from highest to lowest) in requiring reduction or greater restrictions, including cessation for authorised takes:

- (a) water for the maintenance of public health;
- (b) prevention of significant long term or irreversible damage to the water resource or related ecosystems or specified significant instream values;
- (c) water necessary for the maintenance of animal welfare; C56 9/15  
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- (d) uses for which water is essential for the continued operation of a business, such as irrigation of horticultural crops or water essential to industrial activities;

and the following uses will not be authorised during such a drought:

- (e) irrigation and other uses not associated with commercial production such as irrigation of amenity plantings;
- (f) non-essential uses such as recreational use, for example, swimming pools and car washing.

Takes not subject to any rationing are:

- (i) firefighting uses;
- (ii) non-consumptive uses;
- (iii) takes from storage.

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**Note:** An allowance of 125 litres per person per day is used to calculate the amount required for maintenance of human health.

*[Policy 30.2.3.2 deleted]*

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**30.2.3.3** To protect the minimum water supply needs of domestic and stock water users except where a domestic bore has not fully penetrated an alluvial aquifer by:

- (a) assigning priority for available water to the water supply needs for the maintenance of public health during times of drought;
- (b) seeking to maintain residual water flow downstream of any surface water abstraction point;
- (c) requiring a minimum quantity of water to be stored on site by new dwellings in rural and rural residential areas to manage the effects of drought and fire risk;
- (d) advocating the installation of on-site storage of water in urban areas to manage the effects of drought and fire risk;
- (e) advocating the efficient use of water, including the use of water saving devices, particularly in water short areas;
- (f) ensuring that the community has information about the reliability of water supplies for permitted activities, particularly in water short areas.

**30.2.3.4** To recognise and provide for the existing and potential future water needs of communities by:

- (a) taking into account the effects of future community growth on available or potentially available water supplies, within the limits of any applicable allocation limit, especially in the Waimea water management zones, and the Hau, Marahau and Moutere Surface Water zones when making decisions on resource consent applications for subdivision or Plan changes to zoning;
- (b) assigning priority for available water to the water supply needs for the maintenance of public health during times of drought;
- (c) reserving water within any allocation limit for future expected community growth, taking into account:
  - (i) long term population growth projections for the area, including both medium and high growth estimates;
  - (ii) water demand based on existing and likely residential, non-residential (schools, hospitals, commercial and industrial) demand within the reticulation area, including allowance for meeting demand at peak times and network water losses.
- (d) investigating and adopting, if appropriate, according to Policy 30.3.3.3, other options, including water augmentation, water use reduction, and water re-use and recycling, for ensuring water demand for future growth is able to be met;
- (e) declining applications for subdivision or zoning change if sufficient reliable and potable water is not available;
- (f) taking into account the potential effects of severe drought in the stated level of service objectives in the Council's asset management plan for water supply.

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**30.2.3.5** To continue to allocate water on the basis of priority in time for any application for a water permit where there is still water available for allocation.

**30.2.3.6** To reserve water within the sustainable allocation limits of the water body for the following uses:

- (a) irrigation needs in respect of Māori perpetual lease lands under perpetual leasehold terms (where Māori landowners are unable to directly influence authorised access to water for irrigable land through lease arrangements); and

- (b) community water supply needs, taking into account expected demand until 2026, and to enable temporary use of the reserved water by other users until it is required for the reserved purpose. C23 7/08  
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**30.2.3.7** In water management zones where there is no water available for allocation, to guide the allocation or re-allocation of any water that may become available in that zone by assigning priority for potential water users and by establishing waiting lists. Priority is assigned according to the following criteria in descending order of priority:

- (a) first, to the irrigation needs of Māori perpetual lease lands reserved under Policy 30.2.3.6(a);  
 (b) next, to potential water users who are registered on a Council-established waiting list.

Where (a) and (b) do not apply, then priority will be assigned according to:

- (c) whether a need for water can be demonstrated;  
 (d) whether there is compliance with relevant Plan rules;  
 (e) new users before existing permit holders;  
 (f) underground takes (which will normally be preferred over takes from surface water);  
 (g) priority uses as listed in Policy 30.2.3.1;  
 (h) any remaining registrations assigned priority by chance.

**30.2.3.8** To regularly review rates of water use specified on water permits, including those that are deemed permits under Section 386 of the Act, to ensure that levels, flows, rates or standards established for any water body or management zone will be met.

**30.2.3.9** To set common expiry dates for water permits to take water in each water management zone, to ensure consistent and efficient management of the resource and set durations that provide a periodic opportunity to: C47 4/13  
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- (a) review cumulative water use that takes into account potential effects of changes in:
- (i) knowledge about the water bodies
  - (ii) over allocation of water
  - (iii) water quantity and water quality
  - (iv) patterns of water use
  - (v) technology
  - (vi) community values
  - (vii) climate

on the cumulative effects of all the water takes within the water management zone;

and

- (b) to adopt common expiry dates, and consent status of activities and requirements for permit review that take into account continued business security and consent costs while managing environmental risks.

**30.2.3.10** Except as provided by policies 30.2.3.11, 30.2.3.12 and 30.2.3.13, when assessing any application to take, use, dam or divert water, to take into account: C23 7/08 Op 8/14  
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- (a) any provisions that may exist for the reservation of water; C23 7/08  
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 (b) effects on other water users, including drawdown of groundwater in neighbouring bores;

- (c) measures taken for water conservation and to ensure efficient water use;
- (d) measures for monitoring water use;
- (e) whether the applicant has reasonable access to water at the site where water is to be used;
- (f) whether the applicant already has any existing permits that are not fully exercised;
- (g) for any application to take water for irrigation:
  - (i) the location and area of land to be irrigated at any one time, excluding non-irrigated areas such as roads, waterways and buildings, and the soil water-holding characteristics of the soil being irrigated;
  - (ii) the influences of climate on crop water demand;
  - (iii) irrigation management plans, that demonstrate mitigation of adverse effects of the water take and use on water quality and quantity.
  - (iv) for applications that renew existing takes for irrigation, the nature and extent of the financial investment in the construction and operation of an existing irrigation system.
- (h) for any application to take water for community water supplies:
  - (i) the area to be serviced; C23 7/08  
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  - (ii) water demand based on existing and likely residential and non-residential (schools, hospitals, commercial and industrial) demand within the reticulation area, including allowance for meeting demand at peak times and network water losses; C47 4/13  
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  - (iii) measures to manage demand, including water meters, restricted supplies and pressure control, pricing and water saving technology and processes, for both residential and non-residential (schools, hospitals, commercial and industrial) end uses;
  - (iv) provisions to manage reduced availability during periods of drought or low flow;
  - (v) provisions for demand management.
- (i) for any application for other uses, including industrial uses, the process where water is necessary, likely volumes to be used in any process and best practice options for efficient water use; C23 7/08  
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- (j) for any application to take water for domestic use, whether Council intends to provide a reticulated community water supply (as identified in the Long Term Plan);
- (k) whether there is a reasonable alternative supply from which water takes cause less significant adverse effects, including water storage options for that property;
- (l) whether the activity significantly reduces the security of water supply to existing dams.
- (m) for any application to take water from an augmented water supply, the nature and extent of the financial investment into the construction, operation and maintenance of the augmentation scheme. C56 9/15  
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*(See also 30.1.3.12)*

- 30.2.3.11** Where in relation to an application to take water, the permit applicant can demonstrate their augmentation or a contribution to augmentation of a natural water supply through an investment in, or affiliation or contribution to, a water augmentation scheme, Council will not apply policies 30.2.3.10 and 30.2.3.15 in respect of:
- (a) bona fide review of permits; or
  - (b) demonstration of need for and access to water;
- depending on the extent to which the natural water supply has been augmented.
- 30.2.3.12 (A) Where there IS a Waimea Community Dam - Transitional Arrangements**
- In considering applications to take water in the Waimea Plains water management zones, the Council will provide for transitional water allocation as follows:
- (a) For affiliated permits, until operation of the Waimea Community Dam has commenced:
    - (i) when making decisions on resource consent applications under Rule 31.1.2.3A, water use will reflect bona fide use between 2003 and 2013 (actual and reasonable use); and
    - (ii) rationing for all permits will be based on avoiding seawater intrusion and maintaining river flows according to Policy 30.1.3.20; and
    - (iii) granting any application for site-to-site transfer of water permits or parts of water permits only in circumstances that do not result in an increase in the amount of water used from November to April;
  - (b) For permits that are not affiliated, until operation of the Waimea Community Dam has commenced, allocation limits and rationing will be based on the provisions, including the 4-step rationing regime that would apply in the absence of the Waimea Community Dam.
- (B) Where There IS NO Waimea Community Dam**
- In considering applications to take water in the Waimea Plains Zones, either:
- (a) after 1 November 2023 if by this date the construction of the Waimea Community Dam has not commenced; or
  - (b) where there is no Water Supply Agreement available to permit applicants by 1 November 2019;
- the Council will provide for a water allocation regime that reduces the over-allocation of water and the adverse effects of taking water by:
- (c) adopting allocation limits (the sum of existing consented takes due for renewal in 2016 and 2017 and authorised under rule 31.1.2.2) and longer-term allocation targets (based on Council's security of supply policy) that guide decision making for resource consent applications to take water;
  - (d) adopting a 4-step rationing regime with the first three steps based on Wairoa River flow triggers and Step 4 requiring a reduction to 30 percent of allocated water based on flow in the Lower Waimea River and salinity levels, except for community water supplies, which remain at Step 3;
  - (da) considering the imposition of cease take water shortage directions in accordance with policy 30.1.3.20(c)(ii);

- (e) reviewing the Plan provisions relating to allocation limits, targets, rationing triggers, and flow regimes by 2025 to assess:
  - (i) the security of supply in these water management zones to compare it with Council’s security of supply standard in Policy 30.2.3.21(a); and
  - (ii) the relationship between the observed security of supply and flow regime; and
  - (iii) the extent to which the stated river management objectives are being met;
- (f) declining any new resource consent application for consumptive water takes, except where water is taken when river flows are significantly higher than the sum of consented abstractions plus the minimum flow;
- (g) when making decisions on resource consent applications under rule 31.1.2.2, reducing permit allocations to reflect bona fide use (actual and reasonable use);
- (h) providing for a permit duration of 20 years and reviewing the permit during the consent term in relation to maintenance of river flows and effects of the water use on water quality, including as a result of any Plan review under clause (e).

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### **(C) Once Waimea Community Dam Operation Commences**

In considering applications to take water in the Waimea Plains Zones once the operation of the Waimea Community Dam commences, the Council will provide for the following water management regime:

- (a) For water permits affiliated to the Waimea Community Dam:
  - (i) allocation limits, security of supply and rationing is linked to the volume of water stored in the dam and the release of water from the dam to maintain specified flows in Schedule 31C Table 1A;
  - (ii) a consent duration for any permits affiliated to the dam is concurrent with resource consents issued for the Waimea Community Dam;
  - (iii) permit reviews are required during the consent duration in relation to management of effects of the water use on water quality.
- (b) For permits that are not affiliated to the Waimea Community Dam once operation of the Dam has commenced:
  - (i) a security of supply that is less than the Council’s standard for supply security through:
    - a) adopting allocation limits (the sum of existing consented takes due for renewal in 2016 and 2017 and authorised under rule 31.1.2.2) and longer-term allocation targets (based on Council’s security of supply policy) that guide decision making for resource consent applications to take water;
    - b) water take restrictions, including cease take provisions that provide a security of supply similar to that if there was no dam for the Waimea Plains Zones, and trigger flows specified at the Wairoa at Irvines monitoring site; and
    - c) a flow trigger that provides for the resumption of water takes after any rationing has been imposed based on the unmodified 7-day moving mean flow of 6,000 litres per second for the Wairoa River measured at the Irvines site;
  - (ii) permit reviews during the consent duration in relation to management of effects of the water use on water quality;
  - (iii) a consent duration of 20 years.

**(D) Root Stock Survival Water**C47 4/13  
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In considering applications to take water in the Waimea Plains Zones under policy 30.2.3.12(A), policy 30.2.3.12(B) or policy 30.2.3.12(C)(b), the Council may provide for the taking of water authorised for the sole purpose of avoiding the death of pipfruit, stonefruit, viticulture and kiwifruit root stock and for the purpose of glasshouse irrigation as follows:

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- (a) Water allocated for this purpose must not exceed a cumulative instantaneous limit across all Waimea Plains Zones of 521 litres per second; and
- (b) The water may only be available after:
  - (i) 11 days on the lighter soils (Ranzau, Maori) and 30 days on the heavier soils (Waimea, Richmond) for pipfruit, stonefruit, viticulture and kiwifruit
  - (ii) one day for glasshouses;
 following the imposition of either:
  - (iii) Figure 31.1C Step 3 rationing or beyond for permits not affiliated to the Waimea Community Dam before the Dam commences operation; or
  - (iv) Figure 31.1C Step 3 rationing or beyond for permits where there is no Waimea Community Dam; or
  - (v) Figure 31.1C Step 2 rationing for permits not affiliated to the Waimea Community Dam after the Dam commences operation; and
 in each case only where no practicable alternative sources of water are available or accessible.

**(E) Permits to Take from the Waimea Community Dam**

In considering applications for permits that are affiliated or unaffiliated to the Waimea Community Dam, the Council will require that only one permit subject to the relevant affiliated or unaffiliated allocation limit is consented for any one point of take and monitored through one water meter, except where the point of take services more than one landowner through a reticulated irrigation scheme and where:

- (a) the total water take is telemetered;
- (b) the affiliated and unaffiliated permits are managed jointly so that the water use authorised in each permit is managed as a combined total, with a volume equivalent to the unaffiliated portion of that combined total being subject to the rationing steps applicable to an unaffiliated permit;
- (c) water use by landowners serviced by the reticulation scheme must be monitored by water meters at the property boundary and unaffiliated water use reported separately to Council.

**30.2.3.13**

If substantial progress towards giving effect to the relevant resource consents for construction of the Waimea Community Dam has not been made by 1 November 2020, as determined under policy 30.2.3.13A, Council will provide priority for the taking of water from any of the Waimea Plains zones and use for community water supplies in a way that recognises and accounts for the constraints on water availability in the Waimea Plains zones, by:

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- (a) ensuring that water allocated for community water supplies is retained for that use when those existing permits expire and are replaced;

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(b) requiring permits for community water supplies to be exercised to service only land that:	C47 4/13 Op 9/15
(i) was zoned for urban development as at 27 April 2013, including: <ul style="list-style-type: none"> <li>• any urban deferred zones that existed at that time, and</li> <li>• any such zoned land in Nelson City reticulated for community water supplies from the Council’s supply; or</li> </ul>	C56 9/15 Op 9/16 C67 7/18 Op 6/19
(ii) is land the subject of a Special Housing Area declared in any order that was gazetted under the Housing Accords and Special Housing Areas Act 2013 before 14 July 2018; or	
(iii) was connected to a community water supply before 14 July 2018, including land zoned for rural development connected to rural extensions or to the Redwood Valley community water supply;	
(iv) is the subject of any resource consent granted before 14 July 2018 in relation to which a binding agreement or requirement exists for any connection to a community water supply;	
(c) limiting new or expanding industrial activities in these zones to water demanding activities that do not exceed 15 cubic metres of water per day averaged over a week, unless the expanding industrial activity does not involve an increase in bona fide water use or constitutes the non-consumptive use of water;	C47 4/13 Op 9/15 C56 9/15 Op 9/16
(d) investigating options for augmenting community water supplies;	
(e) ensuring, when appropriate, that the Council’s Water Supply Bylaw and contracts to supply water to industrial and commercial users of water account for water restrictions and water use rationing imposed by conditions on relevant water permits for reticulated community water supplies.	
<b>30.2.3.13A</b> Council, after consultation with the consent holder for the Waimea Community Dam, will make, by 1 November 2020, a determination on whether substantial progress has been made towards giving effect to the relevant resource consents for construction of the Waimea Community Dam.	C56 9/15 Op 9/16 C63 9/16 Op 7/18 C67 7/18 Op 6/19
<b>30.2.3.14</b> When considering any application to change the water use specified on a water permit, to take into account any adverse effect of the change on water body uses and values, including maintenance of minimum flows, other water users, and water quality and including:	C23 7/08 Op 8/14
(a) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water takes occurring throughout the year or changes from season to season;	
(b) effects of any changes to the rates of take;	
(c) compliance with any relevant reservation policies and provisions.	
<b>30.2.3.15</b> To regularly review permits to ensure the allocation authorised by the permit reflects what is actually needed by:	C47 4/13 Op 9/15
(a) encouraging permit holders to relinquish permits or, if relevant, to transfer the point at which water is taken, and/or lease or permanently transfer permits wholly or in part to another person if the water allocated is no longer being used, except in over-allocated zones; and	C56 9/15 Op 9/16
(b) reducing allocations to reflect bona fide use.	

- 30.2.3.16** To provide for water permit transfers, including temporary transfers from site to site, including within the Wai-iti Dam Service Zone and the zones augmented by the Waimea Community Dam when it commences operation (Appleby Gravel, Upper Confined Aquifer and Lower Confined Aquifer Water Management Zones), that:
- (a) enable more efficient use to be made of water available for abstractive use;
  - (b) enable water users to obtain more reliable supplies of available water;
  - (c) where applicable, contribute to the efficient and sustainable operation of the Wai-iti and Waimea Community Dam augmentation schemes.

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### Water Measuring

- 30.2.3.17** To require water meters or other systems for water take and use recording to be used and water take and use data to be reported to Council by water permit holders in order to:
- (a) meet the requirements of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
  - (b) ensure reliable data is available for making good resource management decisions including through the use of computer models;
  - (c) enable monitoring for compliance with resource consents;
  - (d) manage effects of takes on the environment, including cumulative effects and where there is a rationing trigger or minimum flow requirement;
  - (e) enable efficient use of water;
- in respect of any water take:
- (i) that is authorised by a consent; or
  - (ii) that is permitted and where there is a need for water use data to assess cumulative effects of abstraction on a water resource or in relation to an allocation limit, including for permitted takes from the Moutere Groundwater Zones;
- 30.2.3.18** To develop electronic data management systems that allow for electronic recording and reporting by water users and to consider requiring electronic recording and reporting when assessing resource consent applications to take water when any of the following apply:
- (a) a proposed take from a surface resource is a significant percentage of the flow;
  - (b) there are significant values that may be affected by a take, particularly during low flows;
  - (c) there is a history of non-compliance with meter returns;
  - (d) there is a need to monitor the take in real time, including where takes from rivers are managed by proportional allocation of the flow.

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### Mitigation of Adverse Effects

- 30.2.3.19** In consultation with landowners, water permit holders and interest groups, to seek to mitigate the adverse effects of reduced water levels or flows in rivers with significant aquatic fishery habitat, including the regionally significant trout fishery of the Riuwaka River through methods such as:

- (a) enhancement of habitats;
- (b) ensuring that Council’s river works programmes take into account adverse effects on aquatic habitat.
- 30.2.3.20** To work together with water users in the Hau Plains Zone, particularly the users of the Lower Moutere Water Scheme to ensure that domestic water users in the coastal margin of the Hau Plains Zone are periodically supplied with alternative water supplies so as to avoid rationing caused by seawater intrusion into those domestic bores.
- 30.2.3.21** To seek to maintain or establish a minimum security of supply for all abstractive water users by establishing allocation limits and trigger levels for rationing whereby:
- (a) a reduction in 35 percent of the allocated amount is expected during a 10-year drought for permits to take water from surface or ground water bodies during summer periods; except for community water supplies where the reduction is 25 percent, and
- (b) to adopt a higher security of supply where knowledge about cumulative effects of water abstraction on water bodies is not complete or where demand for water resources is lower or where abstractive water users are supplied by a water augmentation scheme that enables higher security standards;
- (c) in the Waimea Water Management Zones, where permits are not affiliated to Waimea Community Dam, or where there is no Waimea Community Dam by 1 November 2023, to adopt a lower security of supply as provided by policy 30.2.3.12.
- 30.2.3.22** To encourage taking of water for storage during high flow and to acknowledge that some water users can improve their security of supply above the minimum level through the storage or augmentation of water:
- (a) in circumstances where water is only taken when the river flow is greater than the natural median flow for that river and the cumulative total amount of water taken does not exceed 10 percent of the median flow;
- or
- (b) in circumstances where it can be shown that the water take, either on its own or in combination with other takes, will not:
- (i) be inconsistent with flow regimes specified in Schedule 31C;
- (ii) increase the frequency or duration of minimum flows;
- (iii) reduce the security of supply of any water users subject to an allocation limit;
- (iv) have a significant adverse effect on the values of the water body or any connected water body identified in Schedule 30A;
- and when assessing applications, to take into account effects on:
- (v) natural flow regime, including the magnitude of the median flow and the frequency of flushing flows.
- 30.2.3.23** To introduce into the Plan or amend by way of variation or change, allocation limits and trigger levels for rationing, in the event of a water augmentation scheme in the Wai-iti Zone or in the Moutere Surface Water Zone.

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## Efficient Water Use

- 30.2.3.24** To promote, encourage and require, as appropriate, water conservation practices in the use of water through:
- water use practices which minimise losses of water;
  - water use practices that use water more efficiently;
  - encouraging water users to use less water;
  - encouraging the re-use of water;
  - requiring the storage of water for any new dwelling not connected to a reticulated water supply.
- 30.2.3.25** To regulate the site-to-site transfer of water takes and changes to conditions on water permits according to the potential for adverse effects arising from the transfer or change, taking into account:
- the level of knowledge about the water body;
  - the monitoring of water use;
  - whether the transfer is within the same water management zone;
  - the level of allocation within the zone;
  - whether water has been reserved for any purpose in the zone in which the water is being transferred;
  - whether the transfer of water facilitates access to water that is augmented from a water augmentation scheme;
  - whether an actual need for water has been demonstrated and whether there is a risk of speculative trade by a third party.
- 30.2.3.26** When considering applications to take water from any Moutere Groundwater Zone, annual water permit allocations will be calculated as follows, after taking into account the sustainable yield of the bore:
- for irrigation uses, the annual total is not to exceed a 100-day pumping limit determined from the step-drawdown pumping test (or equivalent);
  - for other uses, the annual total is not to exceed the amount calculated by a maximum 181 days pumping based on the extension of the 100-day extension of the 100-day limit determined from the step-drawdown pumping test (or equivalent).
- 30.2.3.27** To examine the necessity and opportunities for meeting:
- identified water needs, including for frost protection in respect of lands of the Crown returned to Māori as part of the settlement of claims under the Treaty of Waitangi Act 1975 and to review water management methods, including plan provisions (including consideration of reserving water for such lands), as appropriate; and
  - identified water needs for frost protection of crops on Māori perpetual lease land.
- 30.2.3.28** To regulate the damming, taking and use of water from dams, ponds and reservoirs in such a way as to provide flexibility for water users to make decisions about:
- security of supply for consumptive water takes; and
  - efficient water use; and
  - bona fide use;
- while managing the adverse effects, including cumulative effects, of damming and any potential water takes from the dam on:

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- (i) the river uses and values including aquatic ecosystems;
- (ii) connected water bodies;
- (iii) downstream water users, including security of supply for existing water users; by managing residual flows from the dam.

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## 30.2.20 Methods of Implementation

### 30.2.20.1 Regulatory

- (a) Rules relating to:
  - (i) the establishment of allocation limits, rationing triggers and rationing regimes;
  - (ii) water taking, including permit reviews;
  - (iii) reservation of water for specified uses;
  - (iv) site-to-site transfer of water permits;
  - (v) use of water meters;
  - (vi) collection and storage of water.
- (b) Enforcement and abatement action, where necessary.
- (c) Water shortage directions under Section 329 of the Act, where necessary.
- (d) Establishment and maintenance of waiting lists for water management zones where limits specified in the Plan have been reached.

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Information concerning fully allocated zones and the waiting lists that have been established is publicly available at any of the Council offices. The waiting lists will be maintained in the order in which they are currently established (provided all the necessary information has been provided to the Council), followed by new registrations.

A person wishing to become registered on a waiting list must:

- (i) apply by way of a form prescribed from time to time by the Council; and
- (ii) specify a maximum amount of water to be taken or used; and
- (iii) demonstrate a need to take or use water up to that amount; and
- (iv) include details of the person's landholding that is to benefit from use of the water.

This will require a person to include applicable details of the matters set out in Policy 30.2.3.10.

A registration fee must also be paid prior to registration being acknowledged.

New registrations will be entered on the relevant waiting list in the order in which the Council acknowledges in writing that it has received all necessary information, including sufficient information to satisfy the Council that there is a need to take or use the amount of water sought by the person wishing to become registered.

The Council may, at its discretion, include on the register a lesser amount of water, or refuse to register a person on the waiting list where it is not satisfied that a person has demonstrated a need to take or use water, or to take or use water up to the amount sought, as the case may be.

Registration on a waiting list grants priority in accordance with Policy 30.2.3.7 for a person on the waiting list to apply for a water permit under Section 88 of the Act for the amount of water as registered on the waiting list, in the order set out in the waiting list when the water becomes available for allocation.

Where a person registered on a waiting list has been informed by the Council that they have priority to make an application for a water permit, the application must be made within three months of being so advised in writing by the Council.

If no application is made within three months (or such further time as the Council may, in its absolute discretion, allow) the Council may receive and process an application from the next person or persons on the waiting list in their order of registration.

Where a person registered on a waiting list transfers a benefiting landholding, that person's position on the waiting list may be transferred to his or her successor in title, provided the Council is so advised of this in writing within three months of the transfer of ownership.

- (e) To require water meters in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Policy 30.2.3.17, and to progressively upgrade existing water meters in a manner consistent with the transitional provisions of the regulations and for consented takes less than 5 litres per second.

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### 30.2.20.2 Education and Advocacy

- (a) Provision of information to potential water users concerning waiting lists.
- (b) Provision of information about transfer, including site-to-site transfer or lease of water permits where water permits are not being fully exercised.
- (c) Provision of information to individuals and the public about actual water use obtained from water meter data.
- (d) Provision of information about how to reduce water use, water use efficiency, re-use of water, use of water conservation devices or practices, and transfer of information gained through investigations and monitoring.
- (e) Promotion of works to improve fish and eel habitat in rivers with significant aquatic fishery habitat, including the Riuwaka River, in consultation with landowners, permit holders, interest groups, and iwi.
- (f) Preparation and provision of information about best practices for irrigation.

### 30.2.20.3 Works and Services

- (a) Liaison with water supply and wastewater service providers, especially through Council's asset management plans, to:
  - (i) promote and plan for effective and integrated water supply and wastewater services, including assessment of the strategic water supply needs of existing and potential future communities in water short areas;
  - (ii) investigate options for providing for future community water supply needs, including options for water augmentation;
  - (iii) investigate options for reducing water use and increasing water use efficiency.
- (b) Liaison with the asset manager of rivers to take into account options to improve fishery values in rivers with significant aquatic habitat value, including the Riuwaka River, when carrying out river works.

### 30.2.20.4 Investigation and Monitoring

- (a) Investigation of alternative water supply options for domestic and stock water users affected by low security of supply.
- (b) Investigation and support of industries to investigate options for more efficient water use.
- (c) Continued monitoring of the impact that possible increased use of allocated water may have on water body flows and levels and on users' security of supply.

- (d) Investigation and understanding of the nature and significance of small-scale permitted water takes, including cumulative incremental increases, especially water taken by rural residential water users.
- (e) Investigation and development of options for monitoring and reporting on soil moisture levels in relation to irrigation needs of a range of crops across the District, in consultation with industry stakeholders.
- (f) Investigation into barriers for use of allocated water and measures to improve rates of use of allocatable water. C23/C24  
Op 8/14
- (g) Investigation into the necessity and opportunity for meeting water needs in respect of Treaty of Waitangi settlement lands, including the water needs for frost protection of crops on settlement lands, on enactment of legislation confirming settlement of all Te Tau Ihu (Wai 785) iwi claims in respect of land in the Tasman District (or at a sooner time as considered appropriate), and to review water management methods, including plan provisions, and consideration of reserving water for such lands, as appropriate.

### 30.2.30 Principal Reasons and Explanation

Policies 30.2.3.1 to 30.2.3.6 recognise that not all end uses of water have equal priority for water at all times and these policies specify the circumstances where there is priority for water. They establish priority during periods of water shortage, and continue with the Council's protection of the minimum water supply needs for stock water and domestic supplies to provide for essential human health and animal welfare. C56 9/15  
Op 9/16

In assessing the drawdown effects on other bores in alluvial aquifers such as those in the Motueka or Waimea Plains, a fully penetrating bore is drilled to the bottom of the aquifer and the bore is constructed in such a way that water is abstracted from the deepest part of the bore in order to maximise water quality and water quantity. C24 12/08  
Op 8/14

Domestic bores in the unreticulated areas of the Motueka Plains may be affected by drawdown effects from neighbouring irrigation bores if the domestic bore is too shallow and increasing allocation limits in the Central Plains Zone may impact on these bores. Council intends to provide a reliable and secure community water supply to Motueka as an alternative for domestic users. However, Council acknowledges that while some domestic bores may experience lower water levels in some summers, the benefits of an increased allocation limit to the District are very significant and should not be forgone because some bores are inadequate.

The policies articulate better the levels of expectation both by Council and of Council in terms of water services. Council will protect minimum needs of domestic water users to the extent specified, and will ensure that development of communities is in such a way that takes into account the limitations of water supplies in some areas.

The Council will require that new dwellings in all rural and rural residential areas be constructed with 23,000 litre water tanks to enhance water supplies in those areas. Water collection, especially rainwater collection from dwellings has water management implications in that it can give householders additional security of supply during droughts and reduces reliance on a scarce resource. It enables householders to better manage the effects of a drought.

The requirements for water collection and storage also reflect a concern about the need to manage fire risk. Council wishes to ensure that there is sufficient regard for the need for fire-fighting water supplies in all unserved areas, and requirements for water collection will help achieve this.

The need to allow for reservation of water for irrigation of Māori perpetual lease lands and for future community use has been recognised by Council.

Certain Māori perpetual lease lands currently under perpetual leasehold terms may not have authorised access to sufficient water, either at present or in the future. The Māori landowners are unable to directly influence the lease arrangement to require water permits for irrigation of irrigable land to be obtained or exercised.

C24 12/08  
Op 8/14

This is a potential disadvantage to these otherwise productive lands following future resumption of the leases in favour of the Māori owners.

The Council intends to investigate opportunities to address provision for possible water needs in respect of Crown land that is to be returned to Māori in the settlement of claims under the Treaty of Waitangi Act 1975. If new allocation limits are established for takes in relation to frost protection, the Council will also account for the need to reserve some of this water for crop and other productive needs for Māori perpetual lease land. The Treaty of Waitangi and Council's duties under the Act to account for its principles provide a basis for this reservation.

C23/C24  
Op 8/14

In providing for water for future community use, Council recognises the need to take into account the demand for water according to the expected rate of growth of communities. There is a need to ensure this growth is consistent with the size and condition of the water supply infrastructure and the availability of water. Asset management, including both maintenance of existing assets and provision for creating new assets, also needs to be considered, along with water availability, options for augmentation, and water management policies. The Plan gives priority to community uses by reserving defined amounts of water for future community use. The reservation of water will be within stated allocation limits for any water management zone, and the Council will ensure that its asset management plan for water supply will take into account the effect of water allocation limits when considering future water supply needs for community water supplies. Community water supply permits will continue to be required to comply with rationing requirements and bona fide reviews, although these requirements will reflect the unique characteristics of community water supplies. They recognise that water asset providers do not have the same level of control over the amount of water used and that indirect controls such as hosing bans, water meters and pricing mechanisms are employed to influence levels of water use. Policy 30.2.3.4 recognises that reserving water will not be sufficient by itself to provide for the future needs of community water supplies, particularly in already fully-allocated zones.

Policy 30.2.3.7 provides guidance for water allocation in situations where water may become available in areas previously fully allocated. The use of waiting lists to determine priority for future access to water will continue so that Council has a transparent and equitable system in these situations.

Policies 30.2.3.8 to 30.2.3.17 seek equitable and efficient water allocation and water use.

Council will require water permit applicants to demonstrate a need for water, especially in water short areas where there are waiting lists. This will assist in achieving the objective of equitable allocation and efficient use of water.

C23 7/08  
Op 8/14

It is both efficient and sustainable for the Council to consider community water supply needs through a planned approach to water allocation rather than an ad hoc response to individual demand. This approach ensures more equitable and strategic water allocation management that can address the needs of a wide range of existing and future water users.

C23 7/08  
Op 8/14

In water management zones benefitting from an augmented supply, including those benefitting from the Waimea Community Dam, water users will need to contribute funding to such schemes in order to access the augmented water. This reflects the community approach to resolving water shortages as, without user contributions, the security of supply for existing users is not sustainable in over-allocated zones and no provisions can be made for future users. Under Policy 30.2.3.11, Council will not subject these permits to the same review provisions as other water users to reflect the investment made by water users in augmenting their water supply.

C56 9/15  
Op 9/16

For affiliated permit holders, the Council also wishes to protect existing investment into water use until the Waimea Community Dam is operational. It is adopting provisions that protect the status quo water use for these permits by requiring only a limited bona fide review assessment that does not include reductions as a result of soil or crop type specifications, and continues with the same rationing triggers as currently exist.

It wishes to maintain a status quo approach but also ensure that there is no increased usage before the dam is operational.

Council also wishes to enable efficient use of the allocatable quantity of water specified through allocation limits and especially augmented water supplies in the Wai-iti Dam Service Zone and the Waimea Zones benefitting from increased flows or levels arising from the proposed Waimea Community Dam as described in Policy 30.2.3.16. Where such augmentation schemes are operating, site to site transfers will be encouraged as a means of increasing the efficient use of available water and these will be subject to fewer restrictions. It has introduced permitted and controlled activities for site-to-site transfers of points of take. This regime enables users to move points of take closer to the augmented river flow and thus a more reliable supply. It can encourage users to transfer unused parts of permits to new users and contribute to more efficient use of water. It helps achieve more efficient and sustainable use of the augmented supply by allowing optimal use of all the available water.

C56 9/15  
Op 9/16

In most water short areas, potential water users currently do not have access to water. Through Policy 30.2.3.15, Council wishes to ensure that water available for allocation in these areas is used fully and not "saved" or unused by permit holders. The previous policy approach, which saw reductions in allocations if water permits were not fully exercised, has been criticised for not being totally successful in achieving the outcome of equitable water allocation and efficient water use. To overcome this, Council has indicated that it will encourage the permanent transfer or lease of permits to allow permit holders some flexibility.

C47 4/13  
Op 9/15

Council also proposes to retain its discretion to review permits regularly to ensure permits reflect actual usage. The Council will continue to carry out reviews of bona fide use of water authorised by permits, generally at the time a permit is due for expiry and a new application is received. Water permit holders will be advised of the options available to them at the time information about the expiry of the permit is given. The 'bona fide' review will take into account relevant reasons for water use at rates lower than that allocated. Rates of water use may be reduced as a result of the review, particularly in zones that are fully or over allocated. Any reductions in allocated amounts will be used to meet demand by new water users, or to reduce allocated amounts in over-allocated zones. Continued non-use of allocated water may result in reductions in allocation.

Except in over-allocated zones, Council will provide information and advice to permit holders about permanent transfer or lease of permits. There is a potential for higher rates of use of allocated water than has previously occurred by the Council taking this approach. This is because there is an incentive for water users to maximise their use of water allocated to them either by themselves or by leasing or trading part of their permit, rather than 'losing unused portions'. Council recognises the potential for adverse effects on water users' security of supply through increased rationing and on the water levels or flows as more water is taken. It will continue to closely monitor water usage and the effects of water abstractions in affected water management zones as well as on the security of supply of water users.

In setting allocation limits and establishing rationing regimes, Council takes into account the minimum security of supply of water users.

C24 12/08  
Op 8/14

### Security of Supply

C44 4/13 Op 1/15

The Council will generally seek to provide a security of supply for surface and ground water users that results in the equivalent of a 35 percent reduction in allocated use during a 10-year drought, implemented through a series of stepwise reductions as provided for in Policy 30.2.3.20. It will also encourage the harvesting of water during times of high flow and recognise that water users can increase their own security of supply through water augmentation schemes such as water harvesting and storage in dams (Policy 30.2.3.21). The Council also recognises that contributions to an augmentation scheme may improve instream values. An augmentation scheme may lead to allocation limits being increased or changes being made to minimum flow provisions.

The Council will also account for investment into dam infrastructure and associated water use by ensuring that any new activities to take, use, dam or divert water do not significantly adversely affect the functioning and use of any existing dam by reducing the supply of water to the dam.

C23/C24  
Op 8/14

Some water management zones have allocation regimes where the security of supply is higher than the stated minimum. This may be because there is still uncertainty about the exact nature of the water resource and recharge mechanisms and a more precautionary approach has been used. The consequences of unsustainable extraction are significant and irreversible damage to aquifers can be caused by over abstraction. Higher security of supply is provided in the Moutere groundwater zones and in the Central Plains and King Edwards zones. Water users in these zones enjoy a relatively high security of supply as triggers for rationing are set at levels that are unlikely to be triggered in a '1 in 10-year' drought.

C24 12/08  
Op 8/14

More data and improved understanding about the connections between the Hau Plains Zone seawater intrusion risks and water takes in the Central Plains zone may allow Council to review allocation limits while still providing for a security of supply that is consistent with stated objectives.

In some zones, water allocated is greater than the amount considered to be the sustainable water allocation limit for the zone. This is particularly relevant in most of the Waimea zones should there be no augmentation dam, the Wai-iti Zone and for most of the Moutere Surface Water Zone. Permit holders are likely to have a lower security of supply than considered desirable. The existing Wai-iti Dam and the proposed Waimea Community Dam, however, enable water users in the augmented zones to improve their security of supply. The size of the Lee dam and the flows required to maintain downstream aquatic habitat and other values will influence the security of supply. For the Wai-iti dam, the design security of supply means water permit holders will not be rationed in a 10-year drought, while the proposed Waimea Community Dam ensures secure supplies for those abstractions that are affiliated to the Dam for a 24-year drought for abstractive use under the new allocation limits.

C56 9/15  
Op 9/16

For permits not affiliated to the Waimea Community Dam, the security of supply will be much lower. Rationing and security of supply is based on the cumulative sustainable allocation limit for the affected zones and the (calculated) effect of these takes on a minimum flow of 650 litres per second in the Waimea River and will include cease take provisions based on flows at the Wairoa River Irvine's monitoring site.

These provisions will avoid creating any opportunity for permits not affiliated to the dam gaining advantage from augmented flow as a result of the Waimea Community Dam.

Provision is made in policy 30.2.3.12(D) for the Council to consider allocating water for the survival of horticultural and viticultural root stock and glasshouse crops.

Some takes that service more than one landowner through a reticulated water scheme, such as the take by Waimea East Irrigation Company Limited, may need to provide water both to landowners within a scheme who wish to be affiliated and to those who do not wish to be affiliated. One option for managing this is for an applicant to apply for a single affiliated permit for an area that is less than the total area able to be irrigated, but which can then be applied to a bigger area. This may not be feasible in all cases, so the Plan also provides for another alternative which is to obtain two permits (one for affiliated water and one for unaffiliated water) and to manage these jointly (see policy 30.2.3.12(E)).

The Council will work with the Lower Moutere Water Scheme and other water users in the Hau Plains Zone to ensure that domestic water users, who might otherwise have been affected by seawater intrusion, are periodically provided with an alternative water supply to avoid adverse effects of seawater intrusion. This means that domestic users will continue to have water while irrigators can avoid triggering rationing for longer.

C24 12/08  
Op 8/14

An allocation limit has been established for the Riuwaka River that results in a compromise between the needs of the existing abstractive users for a reasonable security of supply and the requirements for a minimum flow that sustains the regionally significant trout fishery in the river. Through Policy 30.2.3.19 the Council will seek to mitigate the adverse effects of the reduced flows in consultation with the Nelson Marlborough Fish and Game Council as well as adjacent landowners and permit holders by improving fish and eel habitat. (*See also section 8.1 in respect of public access to rivers.*)

Allocation of water will be on the basis that water allocated is used efficiently. Council will achieve this by taking into account soil characteristics and area irrigated for irrigation purposes and other users will be required to show how water use efficiency will be achieved and monitored. Crop type will not generally be used to determine allocation rates for irrigation as this will reduce the flexibility for landowners to change type of crops grown. However, because water users can elect to transfer access to water temporarily or permanently, permit renewal applications will be assessed on the basis of the least of the previously allocated or used amount, and will not subsequently be increased to reflect the defined soil application rate.

### No Waimea Community Dam

C47 4/13  
Op 9/15

If there is no Waimea Community Dam, resource consent applications that are renewals of existing water permits will be subject to water allocation on the basis of bona fide use, including allocation based on crop and soil type. Sustainable allocation targets will guide decision making in relation to any new applications.

C56 9/15  
Op 9/16

In the Waimea Plains water management zones, Council has adopted allocation limits which will be the sum of existing consented takes authorised by rule 31.1.2.2 in 2016 and 2017. New sustainable allocation targets in the absence of a dam have been adopted to manage new water take applications.

These allocation limits and targets will have substantial impacts on all of the abstractive users of water.

No new permits will be issued in these zones. Resource consent applications that are renewals of existing water permits will be subject to water allocation on the basis of bona fide use, crop and soil type and conditions for rationing aimed at protecting the flow in the Waimea River.

However, provision is made in policy 30.2.3.12(D) for the Council to consider allocating water for the survival of horticultural and viticultural root stock and glasshouse crops.

Council has adopted new policy and rule provisions that recognise existing water permits and re-allocation of water for community water supply from the Delta, Golden Hills, Reservoir, and Lower Confined Aquifer Zones and provide for the existing urban development and rural extension commitments for Richmond, Brightwater and Mapua-Ruby Bay identified in this Plan and the Long Term Plan. However, this recognition also accounts for the water over-allocation issues in the Plains and constrains new urban development unless other augmentation solutions are provided for.

C56 9/15  
Op 9/16  
C67 7/18  
Op 6/19

A permit duration of 20 years will also be adopted that reduces consent costs for water users.

### Water Measuring

C36 3/12  
Op 4/13

Water measuring enables Council to monitor compliance with resource consents and also to provide information to assess Plan compliance. Water use data also improves knowledge about the District's water resources and water use patterns and can be used to help in achieving efficient water use and development of robust water allocation provisions. National regulations (Resource Management (Measurement and Reporting of Water Takes) Regulations 2010) also now require water metering for consented takes greater than 5 litres per second. The installation and verification of water meters will be required to be carried out by appropriately accredited people. Decisions about verification of existing meters where installation does not meet the new guidelines developed under the regulations will be made by Council.

Water meters will continue to be required for all consented takes less than 5 litres per second and permitted takes in sensitive water management zones such as the Moutere Groundwater zones where there is a need to monitor total abstraction. Non-consumptive takes may also be required to measure water usage if the take has implications for management of minimum flows, security of supply for other users or rationing, and to enable compliance with consent conditions to be monitored. An exception is provided for surface takes less than 5 litres per second during winter months where the water is being taken and stored for use during summer low-flow periods. This use of water takes advantage of higher flows and augments water supplies during times when water is seasonally limited.

C36 3/12  
Op 4/13

The Council is continuing to develop secure electronic data management and reporting systems as more water users see the benefits of electronic recording and reporting. While manual recording of meter data is currently most common and will continue to be provided for (especially for takes less than 5 litres per second), the Council expects to move towards more automated and electronic systems over time. The regulations provide a good starting point for raising awareness and standards of recording and reporting. Over time, new larger takes and those in sensitive areas could be required to install electronic recording and reporting systems.

The Council will also continue to require reporting of water meter data on a weekly basis. This is because consent compliance and water management, including during drought conditions, is based on weekly totals and this approach has proved effective. Exceptions to this regime include, where rostering is required, at low flow and for situations where compliance with flow-sharing provisions is required, such as for the Buller Water Conservation Order.

### **Water Harvesting and Storage**

C52 1/15  
Op 7/17

The Council also wishes to continue to encourage augmentation of water supplies, especially in seasonally water short areas, and to recognise investment by landowners into structures that augment water supplies, including reservoirs or ponds that are filled by pumping from surface water or groundwater sources. The benefits of augmentation are recognised in section 30.3 and the management of the effects of dams in section 30.1.

As demand for water increases and allocation limits are met, the harvesting of water during times of high flow, generally into storage for later use, is increasingly being considered in a range of innovative ways across the District.

The management of flow harvesting for out-of-stream storage is providing new challenges because the effects are on a range of components of the flow regime, not just the low flow, which has previously been the focus of water allocation policy.

Precise quantitative predictions of the consequences of flow changes are not available for all rivers, and it is not possible to prescribe requirements for all mid-range flow regimes that will meet management objectives. However, there is now sufficient research to support the establishment of flow thresholds to guide some flow harvesting decisions and to highlight the key ecologically relevant flow regime components that may be affected by harvesting.

New policy provides guidance for assessing applications. If water is harvested when flows are above median flow and limited to no more than 10 percent of the median flow, adverse effects of flow harvesting are small. Where there is higher abstraction pressure, a more in-depth analysis may be required, including habitat modelling and flushing flow analysis.

### **Efficient Water Use**

The Council will also ensure that water users have appropriate information to assist them in identifying and adopting practices available for achieving more efficient use of water. It promotes conservative use of water by domestic users, irrigators and industrial users as well as water re-use.

The Council will continue to investigate and encourage industrial and irrigation users to investigate ways of achieving more efficient water use.

**30.2.40 Performance Monitoring Indicators**

- (a) Maintenance of defined river flows, or groundwater or lake levels.
- (b) Number of resource consents issued to take water.
- (c) Level of compliance with resource consent conditions.
- (d) Number of complaints about water take activities.
- (e) Frequency or severity of rationing.

**The next page starts on 30/60**

## 30.3 FRESHWATER AUGMENTATION

### 30.3.1 Issue

In many areas of the District there is insufficient fresh water to meet all the demands placed on the resource and there may be opportunities for augmenting supplies in some areas.

### 30.3.2 Objective

There is sufficient water to meet the needs of all water uses.

### 30.3.3 Policies

*Refer to Policy sets 30.1.3, 30.2.3.*

*Refer to Rule sections 31.1.*

- 30.3.3.1** To encourage augmentation schemes such as water harvesting in dams and reservoirs, which avoid, remedy or mitigate adverse effects on water availability downstream or on values and uses of the river, especially in zones where there is an over-allocation of water.
- 30.3.3.2** To recognise the beneficial effects of water augmentation, including harvesting in dams and reservoirs when considering water permit applications, including beneficial effects on:
- (a) aquatic habitat and ecosystems;
  - (b) increased water availability;
  - (c) downstream water bodies;
  - (d) other water users.
- (See also 30.1.3.23 - Water Damming)*
- 30.3.3.3** To support investigation and construction of water augmentation schemes, including water reticulation schemes where there is public benefit and to establish the level of support according to the following criteria:
- (a) The extent to which a water supply is augmented or the level to which the security of supply for water users is enhanced.
  - (b) The nature or extent of benefits for habitat values of aquatic organisms.
  - (c) The nature or extent of benefits for recreational uses.
  - (d) The extent of any public health benefits.
  - (e) The extent to which adverse effects of water or land use activities can be mitigated.
  - (f) The extent to which there are other community benefits such as beneficial effects on landscapes, tourism, etc.
  - (g) The extent of any benefits for increasing knowledge or understanding of the nature or extent of a water resource.
  - (h) The extent to which adverse effects of water allocation policy on water users need to be mitigated.
  - (i) The scale of the proposal, especially in relation to benefits and costs of any alternative option.
- 30.3.3.4** Where a water augmentation scheme provides opportunities for further water abstraction or restoration, or improvement of instream values, to allocate water for abstraction to sustainable limits or where applicable, allow a sustainable amount of further plantation forestry in the

Moutere Groundwater Protection Area or the Surface Water Protection Area, taking into account the level of financial contribution to the scheme.

- 30.3.3.5** To promote and encourage domestic water users in urban areas to collect rainwater from roofs for re-use. (*See also 30.2.3.3*)

### **30.3.20 Methods of Implementation**

#### **30.3.20.1 Education and Advocacy**

- (a) Advice and information about the extent of water resources and options for water augmentation, especially the construction of dams.
- (b) Advice about and promotion of the collection of rainwater from roofs for re-use.

#### **30.3.20.2 Works and Services**

- (a) Support of water augmentation schemes according to the established criteria.
- (b) Co-ordination of, and financial and technical support for, the Waimea Water Augmentation project.

### **30.3.30 Principal Reasons and Explanation**

In water management zones where water is fully allocated, additional permits to take surface water during low flow periods would not be granted. However, collection and storage of water during high flows in dams or reservoirs can be cost effective. It enables permits to take water to be granted and water to be taken during droughts when takes from rivers or groundwater may be restricted. Council will encourage such augmentation proposals, provided adverse effects can be managed.

Storage of water or other augmentation developments can have a range of other benefits, including for aquatic habitats, recreation, public health, mitigating adverse effects of other land or water uses, better resource knowledge (such as better information about deep aquifers), and other community benefits (such as landscape or tourism).

Water augmentation proposals can include investigation into new water resources such as aquifers, reticulation for users in water short areas, initiatives for enhanced groundwater recharge, or dams and reservoirs.

Council will take account of beneficial effects of water augmentation when considering any application to store water, especially where out-of-stream impoundments avoid adverse effects on water bodies.

There is also a need to guide the level of Council involvement for any particular augmentation proposal according to the public and private benefits and these are identified in Policy 30.3.3.3. The criteria are in no particular order and the significance of any of the criteria will depend on the circumstances of each situation.

Council will ensure that people intending to build new dwellings in urban parts of the district, including serviced urban areas, are aware of the advantages of water storage and collection in respect of reduced reliance on reticulated water supplies during droughts, and augmentation of potentially available water. An additional advantage of water collection and storage in urban areas is in reducing the impact of stormwater on urban stormwater networks.

### **30.3.40 Performance Monitoring Indicators**

- 30.3.40.1** Number of new water augmentation schemes.

- 30.3.40.2** Number of rainwater storage systems constructed.

- 30.3.40.3 Level of unsatisfied demand for water.
- 30.3.40.4 Changes to the security of supply.
- 30.3.40.5 Maintenance of minimum flow regimes.

## **30.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 30.50.1 Abstractive use of water at a rate that avoids, remedies or mitigates adverse effects on instream uses and values of a water body.
- 30.50.2 Land uses that avoid, remedy or mitigate adverse effects on water yield or groundwater levels.
- 30.50.3 Allocation of water at a rate and in a manner that is equitable and reasonable.
- 30.50.4 Efficient use of allocated water.
- 30.50.5 Sufficient water to meet the needs of instream uses and values and the needs of abstractive water users.
- 30.50.6 Sustainable management of wetlands.

## SCHEDULES

### Schedule 30A: Uses and Values of Rivers, Lakes, Wetlands, Aquifers and Coastal Waters

C26 2/10  
Op 3/14

This Schedule lists values for water bodies within the Tasman District. The Schedule includes, as appropriate, the waters of estuaries and coastal margins listed in Schedule 25D. The list of values is not yet complete for all water bodies or for all values. Further work is also underway to develop consistent protocols and determine the evidential requirements for inclusion of values into the Schedule.

Some types of values have been assigned an indicative relative significance of the value. The significance of values or uses (either existing or potential) is only in relation to other water bodies that may have that value or use and is not as compared to other values. A consistent methodology for assessing relative significance between or across all values is still being developed. Only those values in relation to wetlands, values identified in water Conservation Orders and significant habitats of indigenous species are assigned through a formal method or statutory process.

Rivers with potential value for hydro-power generation or irrigation are identified. However, this does not indicate weighting or priority for these values over other values that exist or have potential for that river.

The Schedule includes values that must be taken into account in relation to specific conditions on permitted activities and when making resource consent applications for activities managed by rules in Part IV or when applying provision of Policy 33.1.3.15 in Part VI. It is not an exhaustive list and additional information about potentially affected uses and values may be required in support of resource consent applications.

Unless specified, the values included for any river or group of rivers may apply to the length of the rivers listed or only to specific reaches, and further investigation may be required to provide sufficient details.

This Schedule is yet to be developed in accordance with the:

- (a) National Policy Statement for Freshwater Management 2011
  - (b) National Policy Statement on Renewable Electricity Generation 2011
- to:
- (i) include management objectives for all water bodies as well as limits and thresholds for water quality and quantity; and
  - (ii) to recognise the national significance of the need to develop renewable electricity resource including hydro-electric power generation.

The Council will introduce future changes to the Plan to fully implement these national policy statements.

WATER BODY USES AND VALUES		
Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity
(1) <b>All groundwater</b> (All groundwater may have any of these uses and values and information may be required to identify existence of values and to assess the impact of proposed activities on these values and uses.)	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Contribution to river and spring flows.</li> <li>Phreatic ecological communities.</li> </ul>	<ul style="list-style-type: none"> <li>Prevention of seawater intrusion.</li> <li>Maintenance of aquifer pressures (abstraction rates to match recharge rates).</li> <li>Maintenance of contribution to river or spring flows.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> <li>Industrial supply.</li> </ul>	<ul style="list-style-type: none"> <li>Protection of water supply needs of stock and domestic users (provided there is full penetration of any alluvial aquifer).</li> <li>Maintenance of water users' security of supply at an acceptable level.</li> </ul>

C26 2/10  
Op 3/14

<b>WATER BODY USES AND VALUES</b>				
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>		
<b>WITH WAIMEA COMMUNITY DAM</b>			<b>C56 9/15</b>	
<sup>1</sup> These values and objectives apply to water bodies (2) to (4) from now until construction of the Waimea Community Dam commences and continue to apply once the dam commences operation.			<b>Op 9/16</b>	
<b>(2) Upper Confined Aquifer</b> <b>(3) Appleby Gravel Aquifer</b> <b>(4) Lower Confined Aquifer</b>	<b>Instream Uses and Values</b>			<b>C47 4/13</b> <b>Op 9/15</b>
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>	
	<ul style="list-style-type: none"> <li>Contribution of flow to the Waimea River.</li> <li>Contribution of flows to Neimann, Pearl and O'Connor Creeks</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of Waimea River flows all year in up to a 50-year drought to maintain aquifer water levels.</li> <li>Improved spring flows in Neimann, Pearl and O'Connor creeks.</li> <li>Avoidance of seawater intrusion into any pumped bore.</li> <li>Improved aquifer pressures such that annual recharge rates meet or exceed annual abstraction rates.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of flow in the Waimea River through water rationing.</li> <li>Maintenance of spring flows in Neimann, Pearl and O'Connor creeks.</li> <li>Avoidance of seawater intrusion into any pumped bore.</li> <li>Maintenance of aquifer water levels.</li> </ul>	
	<b>Other Uses and Values</b>			
	<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>		
	<ul style="list-style-type: none"> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> <li>Industrial supply.</li> </ul>	<ul style="list-style-type: none"> <li>Protection of water supply needs of stock and domestic users.</li> <li>Maintenance of water users' security of supply at 100% in up to a 50-year drought,</li> </ul>	<ul style="list-style-type: none"> <li>Protection of water supply needs of stock and domestic users.</li> <li>Maintenance of water users' existing security of supply</li> </ul>	
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>		
<b>WITHOUT WAIMEA COMMUNITY DAM</b>			<b>C56 9/15 Op 9/16</b>	
These values and objectives apply to water bodies (2) to (4) if substantial progress towards giving effect to the applicable resource consents for construction of the Waimea Community Dam has not been made by November 2020.			<b>C63 9/16 Op 4/18</b>	
<b>(2) Upper Confined Aquifer</b> <b>(3) Aquifers of the Reservoir, Waimea West and Delta zones</b> <b>(4) Lower Confined Aquifer</b>	<b>Instream Uses and Values</b>			<b>C47 4/13</b> <b>Op 9/15</b>
	<ul style="list-style-type: none"> <li>Contribution of flow to the Waimea River.</li> <li>Contribution of flows to Neimann, Pearl and O'Connor creeks.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of Waimea River minimum flow.</li> <li>Maintenance of spring flows in Neimann, Pearl and O'Connor creeks.</li> <li>Prevention of seawater intrusion.</li> <li>Maintenance of aquifer pressures such that annual recharge rates meet or exceed annual abstraction rates.</li> </ul>		
	<b>Other Uses and Values</b>			
	<ul style="list-style-type: none"> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> <li>Industrial supply.</li> </ul>	<ul style="list-style-type: none"> <li>Protection of water supply needs of stock and domestic users.</li> <li>Reduction of water allocations to improve water users' security of supply at an acceptable level.</li> </ul>		

<sup>1</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity
(5) Motueka Plains, Central Plains and King Edward Zones Aquifers	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Contribution to coastal springs' flows.</li> <li>• Contribution of flow to Hau Plains Zone aquifer.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of flows in coastal springs.</li> <li>• Maintenance of flow to Hau Plains Zone aquifer.</li> <li>• Prevention of seawater intrusion.</li> <li>• Maintenance of aquifer pressures (abstraction rates to match recharge rates).</li> </ul>
(6) Hau Plains Zone Aquifer	<b>Instream Uses and Values</b>	
		<ul style="list-style-type: none"> <li>• Maintenance of aquifer pressure (abstraction sources to match recharge rates).</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> <li>• Industrial supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of water supply needs of stock and domestic users (provided there is full penetration of any alluvial aquifer).</li> <li>• Maintenance of water users' security of supply at an acceptable level.</li> </ul>
(7) Karst Terrain Aquifers and Rivers	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Subsurface aquatic habitat.</li> <li>• Contribution to Te Waikoropupu Springs, Motueka River and Riuwaka River flows.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of subsurface aquatic habitats.</li> <li>• Maintenance of Te Waikoropupu Springs' and Riuwaka River flows.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> <li>• Industrial supply.</li> <li>• Hydro-electric power generation.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of water supply needs of stock and domestic users.</li> <li>• Maintenance of water users' security of supply at acceptable level.</li> </ul>
(8) All surface water bodies (All surface water may have any of these uses and values and information may be required to identify existence of values and to assess the impact of proposed activities on these values and uses)	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, wildlife and aquatic plant habitat.</li> <li>• Contact and non-contact recreation activities.</li> <li>• Cultural and spiritual values.</li> <li>• Landscape values.</li> <li>• Contribution to lowland spring flows.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of minimum low flows for instream aquatic values including fisheries values.</li> <li>• Protection of contact and non-contact recreation activities.</li> <li>• Protection of landscape cultural and spiritual values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> <li>• Industrial supply.</li> <li>• Hydro-electric power generation</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of water users' security of supply at an acceptable level.</li> <li>• Protection of supplies for stock and domestic users.</li> </ul>

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WATER BODY USES AND VALUES			
Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity	
<b>WITH WAIMEA COMMUNITY DAM</b>			
<sup>2</sup> These values and objectives apply to water bodies (9) and (10) from now until construction of the Waimea Community Dam commences and continue to apply once the dam commences operation.			
(9) Waimea River	<b>Instream Uses and Values</b>		
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, wildlife and aquatic plant habitat.</li> <li>• Contact and non-contact recreation including swimming, canoeing, angling, jet boating and picnicking.</li> <li>• Cultural and spiritual values.</li> <li>• Landscape values.</li> <li>• Instream native and trout fisheries including native fish diversity and abundance, threatened native fish including torrent fish, brown trout habitat, trout passage and trout spawning.</li> <li>• Contribution to Neimann, Pearl and O'Connor creeks and spring flows.</li> <li>• Native bird habitat including for threatened banded dotterel, NZ Pied Stilt and black-fronted tern.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of flows all year in up to a 50-year drought to: <ul style="list-style-type: none"> <li>• sustain aquatic ecosystems;</li> <li>• provide for recreational activities, including trout fishing;</li> <li>• provide for cultural and spiritual values;</li> <li>• enhance landscape values;</li> <li>• avoid seawater intrusion up river adjacent to any pumped bore;</li> <li>• sustain habitat needs of native fish and trout;</li> <li>• sustain flow in Neimann, Pearl and O'Connor creeks; and</li> <li>• support habitat needs of native birds.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of flows in the Waimea River through water rationing to: <ul style="list-style-type: none"> <li>• sustain habitat needs of native fish and trout;</li> <li>• sustain flow in Neimann, Pearl and O'Connor creeks; and</li> <li>• avoid seawater intrusion.</li> </ul> </li> </ul>
	<b>Other Uses and Values</b>		
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>
<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Stock and farm water supply..</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of water users' security of supply at 100% in up to a 50-year drought.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance water users' existing security of supply.</li> </ul>	
(10) Neimann, Pearl and O'Connor Creeks	<b>Instream Uses and Values</b>		
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>
	<ul style="list-style-type: none"> <li>• Native fish habitat in Neimann, Pearl and O'Connor creeks downstream of 1609565 5428615 NZTM, including the regionally significant native fishery of Neimann and Pearl creeks.</li> <li>• Regionally significant wildlife habitat in Neimann, Pearl and O'Connor creeks.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of flows including improved spring flows during drought to protect native fishery and wildlife habitats.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of spring flows during drought to sustain native fishery and wild life habitats and avoid seawater intrusion.</li> </ul>

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<sup>2</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

WATER BODY USES AND VALUES		
Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity
<b>WITHOUT WAIMEA COMMUNITY DAM</b>		C56 9/15 Op 9/16 C63 9/16 Op 4/18 C67 7/18 Op 6/19
<sup>3</sup> These values and objectives apply to water bodies (9) and (10) if substantial progress towards giving effect to the applicable resource consents for construction of the Waimea Community Dam has not been made by November 2020.		
(9) Waimea River	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, wildlife and aquatic plant habitat.</li> <li>• Contact and non-contact recreation including swimming, canoeing, angling, jet boating and picnicking.</li> <li>• Cultural and spiritual values.</li> <li>• Landscape values.</li> <li>• Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, trout passage and trout spawning.</li> <li>• Contribution to Neimann, Pearl and O'Connor creeks and spring flows.</li> <li>• Native bird habitat including for threatened banded dotterel, NZ Pied Stilt and black-fronted tern.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of Waimea River minimum flow to: <ul style="list-style-type: none"> <li>• support aquatic ecosystems</li> <li>• provide for at least 70% protection of habitat for trout</li> <li>• provide for cultural and spiritual values and landscape values</li> <li>• sustain habitat needs of native fish and trout;</li> <li>• sustain flow in Neimann, Pearl and O'Connor creeks;</li> <li>• avoid seawater intrusion up river adjacent to any pumped bore</li> <li>• support habitat needs or native birds.</li> <li>• provide for recreational activities at flows above minimum flow, in addition to the above objectives.</li> </ul> </li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of water allocations to improve water users' security of supply at an acceptable level.</li> </ul>
(10) Neimann, Pearl and O'Connor Creeks	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Native fish habitat in Neimann, Pearl and O'Connor creeks downstream of 1609565 5428615 NZTM, including the regionally significant native fishery of Neimann and Pearl creeks.</li> <li>• Regionally significant wildlife habitat in Neimann, Pearl and O'Connor creeks.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of spring flows during drought to protect instream and wildlife habitats and avoid seawater intrusion.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of water allocations to improve water users' security of supply to at an acceptable level.</li> </ul>
(11) Wai-iti River	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Trout spawning.</li> <li>• Contribution to Waimea River flows.</li> <li>• Contribution to groundwater levels.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of trout spawning values.</li> <li>• Contribution to minimum flow at Livingston Road and enhancing groundwater levels in the Wai-iti Dam Service Zone.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance or improvement of users' security of supply to an acceptable level.</li> </ul>

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<sup>3</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

<b>WATER BODY USES AND VALUES</b>			
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>	
<b>WITH WAIMEA COMMUNITY DAM</b>			
<i><sup>4</sup>These values and objectives apply to water body (12) from now until construction of the Waimea Community Dam commences and continue to apply once the dam commences operation.</i>			
<b>(12) Wairoa, Roding and Lee Rivers</b>	<b>Instream Uses and Values</b>		
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, wildlife and aquatic plant habitat.</li> <li>• Native fish and trout habitat.</li> <li>• Contribution to Waimea River flows.</li> <li>• Contact and non-contact recreation, including swimming, canoeing, angling, jet boating and picnicking.</li> <li>• Cultural and spiritual values</li> <li>• Landscape values</li> <li>• Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, trout passage and trout spawning.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of residual flow in the Lee River adequate to protect aquatic ecosystems and habitats, contribute sufficient water to maintain Waimea River minimum flows, allow a range of recreation activities,</li> <li>• Provide for landscape, cultural and spiritual values, and provide for instream values including fisheries and natural values.</li> <li>• In the Wairoa and Roding rivers, protection of aquatic ecosystem values (including fisheries and natural values), recreational values, contributions to Waimea River flows, and protection of landscape, cultural and spiritual values</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of aquatic ecosystem values including native fisheries and natural values.</li> <li>• Protection of recreational activities in the Wairoa, Lee and Roding Rivers.</li> <li>• Maintenance of contribution to Waimea River flows.</li> <li>• Protection of landscape, cultural and spiritual values.</li> </ul>
	<b>Other Uses and Values</b>		
		<b>AFTER dam is operating</b>	<b>UNTIL dam is operating</b>
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> <li>• Potential value for hydro-electric power generation in the Lee River.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of users' security of supply to a high level.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of users' security of supply at an acceptable level.</li> </ul>

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<sup>4</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

WATER BODY USES AND VALUES		
Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity
<b>WITHOUT WAIMEA COMMUNITY DAM</b> <sup>5</sup> These values and objectives apply to water body (12) if substantial progress towards giving effect to the applicable resource consents for construction of the Waimea Community Dam has not been made by 1 May 2020.		C56 9/15 Op 9/16 C63 9/16 Op 4/18 C67 7/18 Op 6/19
<b>(12) Wairoa, Roding and Lee Rivers</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, wildlife and aquatic plant habitat.</li> <li>• Native fish and trout habitat.</li> <li>• Contribution to Waimea River flows.</li> <li>• Contact and non-contact recreation, including swimming, canoeing, angling, jet boating and picnicking.</li> <li>• Cultural and spiritual values.</li> <li>• Landscape values</li> <li>• Instream native and trout fisheries including native fish diversity and abundance, brown trout habitat, trout passage and trout spawning.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of instream values including fisheries and natural values.</li> <li>• Protection of recreational activities in the Wairoa, Lee and Roding Rivers.</li> <li>• Maintenance of contribution to Waimea River flows.</li> <li>• Protection of landscape, cultural and spiritual values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> <li>• Potential value for hydro-electric power generation in the Lee River.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of domestic, stock and farm water supplies.</li> </ul>
<b>(13) Moutere Surface Water Resources</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Eel habitat.</li> <li>• Giant kokopu habitat.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of minimum flows to protect instream habitat, particularly for eels.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Human consumption.</li> <li>• Irrigation including for food production.</li> <li>• Community water supply.</li> <li>• Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance and improvement of users' security of supply to acceptable levels.</li> <li>• Maintenance of minimum flows for stock and domestic water supplies.</li> </ul>
<b>(14) Motueka River and its tributaries including the Wangapeka, Motupiko, Baton and Pearse rivers</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Refer to Water Conservation (Motueka River) Order 2004)</li> <li>• Trout fishery of national significance in the Wangapeka and Motueka Rivers below its confluence with the Wangapeka River.</li> <li>• Native fisheries including eel habitat and aquatic ecosystem, including, regionally significant trout spawning habitat in the east bank tributaries of the Motueka River, and regionally significant native fish habitat in Motupiko River.</li> <li>• Whitebait spawning habitat in coastal streams.</li> <li>• Braided river habitat for threatened banded dotterel in the Motueka River.</li> <li>• Contact and non-contact recreation, including kayaking.</li> <li>• Cultural, spiritual and landscape values.</li> <li>• Internationally significant karst values in the Baton River.</li> <li>• Threatened black-fronted tern nesting sites in Motueka River from Tapawera (about E2495080 N5978700) to its confluence with the Wangapeka River.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of instream values particularly trout and native fisheries values.</li> <li>• Protection of cultural, spiritual and landscape values.</li> <li>• Maintenance of water flows consistent with the Water Conservation (Motueka River) Order 2004.</li> </ul>

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<sup>5</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

<b>WATER BODY USES AND VALUES</b>		
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>
	<ul style="list-style-type: none"> <li>Threatened black-billed gull nesting sites between the Wangapeka confluence and Kohatu.</li> <li>Wildlife habitat, including for threatened blue ducks in the Upper Motueka, Baton, Upper Wangapeka and Rolling rivers and tributaries of the Rolling River upstream of E2474980 N5973525.</li> </ul>	
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> <li>Industrial supply.</li> <li>Small scale hydroelectric power generation</li> <li>Alluvial gold resources in parts of the Baton, Ellis, Wangapeka, Sherry and Tadmor Rivers.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance and improvement of users' security of supply to acceptable levels.</li> <li>Maintenance of minimum flows for stock and domestic water supplies.</li> </ul>
<b>(15) Riuwaka River including north and south branches and resurgences</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Trout fishery of regional significance.</li> <li>Native fisheries habitat and aquatic ecosystem.</li> <li>Contact and non-contact recreation, including kayaking.</li> <li>Whitebait habitat in the tidal reaches.</li> <li>Cultural, spiritual and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of minimum flow regime to protect instream values and aquatic habitats.</li> <li>Protection of cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Human consumption</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of users' security of supply at acceptable level.</li> </ul>
<b>(16) Buller River and tributaries including the Gowan/Te Kauparenuui, Mangles, Matakītaki, Matiri, Maruia, Fyfe, Travers, Owen, Glenroy, Tiraumea and Tutaki</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Refer to Water Conservation (Buller River) Order 2001.</li> <li>Trout fisheries and trout spawning areas of regional importance in the Buller River and its tributaries.</li> <li>Water Conservation Order values including for trout fisheries and trout spawning, native fisheries, blue duck and wildlife habitat, canoeing and rafting, and wild and scenic values, in the Buller and its tributary rivers, including the Gowan/Te Kauparenuui, Mangles, Tutaki, Tiraumea, Travers, Owen, Maruia, Fyfe and Matakītaki Rivers.</li> <li>Native fisheries, eel and wildlife habitat, including regionally significant blue duck or water fowl habitat in the Upper Buller, Matiri, Travers, and Owen rivers and nationally significant blue duck habitat in the Fyfe River and native fisheries and wildlife habitat in the Matakītaki River.</li> <li>Nationally significant karst values of the Owen River.</li> <li>Contact and non-contact recreation, including kayaking, rafting and whitewater recreation values on parts of the Buller River and its tributaries.</li> <li>Cultural, spiritual and landscape values including landscape/natural character values at: <ul style="list-style-type: none"> <li>Blue Rock Gorge</li> <li>Maruia Falls</li> </ul> </li> <li>Braided river habitat for threatened banded Dotterel, NZ Pied Oystercatcher and Pied Stilt</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of flows and levels consistent with the National Water Conservation Order (Buller River).</li> <li>Protection of aquatic habitat especially blue duck and, trout spawning habitat.</li> <li>Protection of cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Human consumption</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of users' security of supply at acceptable level.</li> </ul>

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<b>WATER BODY USES AND VALUES</b>		
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>
	<ul style="list-style-type: none"> <li>Threatened black-fronted tern and black-billed gull nesting areas in:               <ul style="list-style-type: none"> <li>Matakitaki River from confluence with Nardoo Creek to the top of Mammoth Flat (E2460830 N5911224)</li> <li>Matakitaki from Horse Terrace Bridge (E2456950 N5910523) to its confluence with the Six Mile</li> <li>Howard River/Hinemoatū downstream from its confluence with Gibbs Creek</li> <li>Buller River from 3 km above its confluence with Howard River/ Hinemoatū to SH63.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of flows and levels consistent with the National Water Conservation Order (Buller River).</li> <li>Protection of aquatic habitat especially blue duck and, trout spawning habitat.</li> <li>Protection of cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Stock and farm water supply.</li> <li>Small scale hydroelectric power generation.</li> <li>Hydro-electric power generation in the Matiri River.</li> <li>Potential value for hydro-electric power generation in the Matakitaki River.</li> <li>Alluvial gold in parts of the Lower Buller, Matakitaki, Maruia, Howard/Hinemoatū, Maude, Maggie and Louis rivers.</li> </ul>	
<b>(16A) Lakes Rotoiti, Rotoroa and Matiri</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Refer to Water Conservation (Buller River) Order 2001.</li> <li>Native fisheries, eel and wildlife habitat, including regionally significant blue duck or water fowl habitat in Lakes Matiri, Rotoiti and Rotoroa.</li> <li>Regionally significant fisheries and wildlife habitats.</li> <li>Nationally significant aquatic vegetation values in Lakes Rotoiti and Rotoroa.</li> <li>Contact and non contact recreation, including kayaking.</li> <li>Cultural, spiritual, landscape values and natural character.</li> <li>Nationally significant native fishery in Lake Matiri.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of levels consistent with the Water Conservation (Buller River) Order 2001.</li> <li>Protection of aquatic habitat.</li> <li>Protection of cultural, spiritual and landscape values.</li> </ul>
<b>(17) Black Valley Stream</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Aquatic habitat especially native fisheries and eels habitat and regionally significant trout spawning habitat.</li> <li>Landscape values.</li> <li>Maintains flows and water quality in Lake Rotoiti.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of flows and water quality in Lake Rotoiti.</li> <li>Protection of aquatic habitat.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> </ul>	
<b>(18) Naturally occurring wetlands including Puponga, Mangarakau, and Rakopi Swamps, and Lakes Otuhie, Kaihoka and Stanley</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Aquatic habitats including native and eel fisheries and plant habitats, including the regionally significant aquatic vegetation, aquatic fishery.</li> <li>Nationally significant native fishery in Mangarakau swamp.</li> <li>Regionally significant water fowl habitat in Kaihoka Lakes.</li> <li>Water quality improvement.</li> <li>Mitigation of flood flows.</li> <li>Cultural, spiritual and landscape values including landscape values at Kaihoka Lakes.</li> <li>Recreational values.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of existing water levels and flows to protect aquatic habitats and water quality.</li> <li>Provision for flood mitigation.</li> <li>Protection of for cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> </ul>	

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<b>WATER BODY USES AND VALUES</b>		
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>
(19) Te Waikoropupu Springs	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Internationally significant wetland values including plant, macroinvertebrate, and fauna habitat and cultural, heritage, spiritual and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of existing water levels and flows to protect aquatic habitats and cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> </ul>	
(20) Motupipi River	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Aquatic habitat including regionally significant native fishery habitat.</li> <li>Recreational values.</li> <li>Cultural, spiritual and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of water flows to protect aquatic habitat, especially native fisheries.</li> <li>Maintenance of flows to protect cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> </ul>	
(21) Takaka, Anatoki, Waingaro, Aorere, Anatori, Wainui, Taupata, Burton Ale, Big, Anaweka, Turimawivi, Cobb, Onekaka, Puramahoa and Pariwhakaoho Rivers	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Native fishery habitat that is nationally significant in the Anatori, Anaweka, Turimawivi, Burton Ale, Wainui and Taupata rivers, and Camp and Lagoon creeks, and regionally significant in Big and Cobb rivers.</li> <li>Regionally significant trout fishery in the Takaka, Cobb and Aorere Rivers and the Cobb Reservoir.</li> <li>Locally significant trout fisheries in the Anatoki, Waingaro, Anatori and Patarau rivers.</li> <li>Regionally significant whitebait habitat in the Aorere River.</li> <li>Eel habitat.</li> <li>Blue duck habitat that is nationally significant in Anatori River and regionally significant in Big, Burgoo, Anatoki and Upper Cobb rivers.</li> <li>Trout spawning values that are regionally significant in the Kaituna River.</li> <li>Contact and non-contact recreation, including kayaking.</li> <li>Habitat for threatened blue duck in the Upper Takaka, Fyfe and Big rivers and the rivers of the west coast south from Cape Farewell.</li> <li>Braided river habitat from threatened banded dotterel and pied stilt.</li> <li>Cultural, spiritual and landscape values including significant landscape values at around Salisbury Bridge and Devils Boots and Wainui Falls.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance of water flows to protect aquatic and wildlife habitat, especially native fisheries.</li> <li>Maintenance of flows to protect cultural, spiritual and landscape values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> <li>Human consumption.</li> <li>Irrigation including for food production.</li> <li>Community water supply.</li> <li>Regionally significant hydro-electric power generation in Cobb River.</li> <li>Hydro-electric power generation in Campbell Creek (Te Waikoropupu River) and Onekaka River.</li> <li>Alluvial gold resources in parts of the Waitui, Aorere, Kaituna and Slate rivers.</li> </ul>	
(22) Wetlands	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Aquatic ecosystems, native fish and eel habitat, water fowl habitat and aquatic plant habitat.</li> <li>Cultural, spiritual, intrinsic and landscape values; water quality improvement function; flood mitigation function; and recreation values.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, restoration and enhancement, where appropriate, of the quality and extent of wetlands.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>Stock and farm water supply.</li> </ul>	

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<b>WATER BODY USES AND VALUES</b>		
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Flows or Levels</b>	<b>Water Management Objectives for Water Quantity</b>
<b>(23) Abel Tasman National Park Rivers</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Native fish habitat, including for short jawed and giant kokopu, koara, dwarf galaxias and long fin eel.</li> <li>• Whitebait spawning habitat.</li> <li>• Water fowl habitat.</li> <li>• Cultural, spiritual and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance, restoration and enhancement, where appropriate, of the quality and extent of wetlands.</li> </ul>
<b>(24) Coastal Water</b>	<b>Instream Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Aquatic ecosystems, marine fauna and aquatic plant habitat.</li> <li>• Recreation value.</li> <li>• Cultural, spiritual and landscape values.</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of aquatic habitat, and cultural, spiritual and landscape values.</li> <li>• Protection of recreational values.</li> </ul>
	<b>Other Uses and Values</b>	
	<ul style="list-style-type: none"> <li>• Use by ships and offshore installations, ballast for ships, fish processing and aquaculture.</li> </ul>	
<b>Notes:</b>		
(1)	The tributaries of each of the rivers listed are also included within the management objectives for that river as appropriate.	
(2)	The Council also maintains a database identifying the particular uses and values and their significance, of water bodies and parts of water bodies in the District. The database which is not yet complete and still under development will complement this schedule by giving the site-specific information at a much more detailed level than the overview provided here.	
(3)	The uses and values listed in the schedule are not ranked in order of value or importance.	

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<b>Schedule 30B: Waimea Water Quality</b>			
<b>WATER BODY USES AND VALUES</b>			
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Water Quality</b>	<b>Water Management Objectives for Water Quality</b>	
<b>WITH WAIMEA COMMUNITY DAM</b>			
<sup>6</sup> These values and objectives apply from now until construction of the Waimea Community Dam commences and continue to apply once the dam commences operation.			
		<b>After dam is operating</b>	<b>Until dam is operating</b>
(2) Upper Confined Aquifer (3) Appleby Gravel Aquifer (4) Lower Confined Aquifer	<ul style="list-style-type: none"> <li>Human consumption</li> <li>Aquatic ecosystems</li> <li>Irrigation and food production</li> <li>Industrial uses</li> <li>Community water supply</li> <li>Stock and farm water supply.</li> </ul>	Water quality that: <ul style="list-style-type: none"> <li>has low risk for drinking water</li> <li>provides for existing aquatic ecosystems in coastal springs</li> <li>meets the needs of abstractive water users</li> </ul>	
(9) Waimea River	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> <li>Human consumption</li> <li>Recreational values</li> <li>Cultural and spiritual</li> <li>Stock and farm water supply</li> <li>Irrigation and food production</li> </ul>	Water quality that meets the needs of: <ul style="list-style-type: none"> <li>aquatic organisms including native fish and trout,</li> <li>recreational water users,</li> <li>abstractive water users including irrigation of food crops and stock water supplies</li> </ul>	Except when step three rationing or water shortage directions are imposed water quality that meets the needs of: <ul style="list-style-type: none"> <li>aquatic organisms including native fish and trout,</li> <li>recreational water users,</li> <li>abstractive water users including irrigation of food crops and stock water supplies</li> </ul>
(10) Neimann, Pearl and O'Connor Creeks	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> </ul>	Water quality that <ul style="list-style-type: none"> <li>provides for existing aquatic ecosystems in coastal springs</li> </ul>	
(12) Wairoa, Roding and Lee Rivers	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> <li>Human consumption</li> <li>Recreation</li> <li>Stock and farm water supply</li> <li>Irrigation</li> </ul>	Water quality that meets the needs of: <ul style="list-style-type: none"> <li>aquatic organisms including native fish and trout,</li> <li>recreational water users,</li> <li>abstractive water users including irrigation of food crops and stock water supplies</li> </ul>	
(13) Coastal Water in the Waimea Inlet	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> <li>Recreation</li> <li>Landscape values</li> <li>Cultural and spiritual values</li> <li>Food gathering</li> </ul>	Water quality that meets the needs of: <ul style="list-style-type: none"> <li>aquatic organisms,</li> <li>recreational water users</li> <li>consumption of shellfish</li> <li>amenity and landscape values</li> </ul>	
<b>WITHOUT WAIMEA COMMUNITY DAM</b>			
These values and objectives apply if substantial progress towards giving effect to the relevant resource consents for construction of the Waimea Community Dam has not been made by 1 November 2020.			
(2) Upper Confined Aquifer (3) Appleby Gravel Aquifer (4) Lower Confined Aquifer	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> <li>Human consumption</li> <li>Irrigation and food production</li> <li>Industrial uses</li> <li>Community water supply</li> <li>Stock and farm water supply</li> </ul>	Water quality that: <ul style="list-style-type: none"> <li>has low risk for drinking water</li> <li>provides for existing aquatic ecosystems in coastal springs</li> <li>meets the needs of abstractive water users</li> </ul>	
(9) Waimea River	<ul style="list-style-type: none"> <li>Aquatic ecosystems</li> <li>Human consumption</li> <li>Recreational values</li> <li>Cultural and spiritual values</li> <li>Stock and farm water supply.</li> <li>Irrigation and food production</li> </ul>	Except when step three rationing or water shortage directions are imposed, water quality that meets the needs of: <ul style="list-style-type: none"> <li>aquatic organisms including native fish and trout,</li> <li>recreational water users,</li> <li>abstractive water users including irrigation of food crops and stock water supplies</li> </ul>	

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<sup>6</sup> These values and objectives for the Waimea River will be reviewed if a water augmentation scheme is commissioned or within 10 years of these provisions becoming operative, whichever is the sooner.

<b>WATER BODY USES AND VALUES</b>		
<b>Water Body</b>	<b>Values/Uses Adversely Affected by Reduced Water Quality</b>	<b>Water Management Objectives for Water Quality</b>
<b>(10) Neimann, Pearl and O'Connor Creeks</b>	<ul style="list-style-type: none"> <li>• Aquatic ecosystems</li> </ul>	Water quality that: <ul style="list-style-type: none"> <li>• provides for existing aquatic ecosystems in coastal springs</li> </ul>
<b>(12) Wairoa, Roding and Lee Rivers</b>	<ul style="list-style-type: none"> <li>• Aquatic ecosystems</li> <li>• Human consumption</li> <li>• Recreation</li> <li>• Stock and farm water supply</li> <li>• Irrigation and food production</li> </ul>	Water quality that meets the needs of: <ul style="list-style-type: none"> <li>• aquatic organisms including native fish and trout,</li> <li>• recreational water users,</li> <li>• abstractive water users including irrigation of food crops and stock water supplies</li> </ul>
<b>(13) Coastal water in the Waimea Inlet</b>	<ul style="list-style-type: none"> <li>• Aquatic ecosystems</li> <li>• Recreation</li> <li>• Landscape values</li> <li>• Cultural and spiritual values</li> <li>• Food gathering</li> </ul>	Water quality that meets the needs of: <ul style="list-style-type: none"> <li>• aquatic organisms,</li> <li>• recreational water users,</li> <li>• consumption of shellfish</li> <li>• amenity and landscape values</li> </ul>



# CHAPTER 31: RULES FOR WATER TAKE, DIVERSION, USE OR DAMMING

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## 31.1 WATER TAKE, DIVERSION, USE OR DAMMING FROM FRESH OR COASTAL WATER

*Refer to Policy sets 27.3.3, 27.5.3, 30.1.3, 30.2.3, 30.3.3.  
 Refer to Rule sections 16.12, 28.2, 28.5, 30.1, 31.2, 36.2, 36.4.*

### 31.1.1 Scope of Section

This section deals with:

- (a) the taking, diversion and use of water;
- (b) diversion of water by structures;
- (c) damming of fresh water;
- (d) damming and diversion of floodwater;
- (e) diversion and take of water from wetlands, including the drainage of wetlands, and the diversion of water by infilling;
- (f) site-to-site transfer of water takes

and includes inshore coastal water.

The water management zones and the soil and surface water yield protection areas are shown on the planning maps. Chapter 28 in Part IV regulates dam structures in the bed of rivers or lakes, Chapter 32 details information required with resource consent applications, and Chapter 36 in Part VI addresses the diversion of stormwater. C26 2/10  
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The provisions of Section 124 A – C of the Act do not apply to the allocation of water subject to rules 31.1.2.1, 31.1.2.2, 31.1.2.3, 31.1.2.3A, 31.1.2.4 and 31.1.2.5. C47 4/13  
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**Advice Notes:**

- 1. 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
- 2. Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 apply to water takes. The regulations may impose additional standards and requirements. Please ensure you have met any requirements in the regulations in addition to those in this plan.

### 31.1.2 Water Take, Diversion and Use

#### 31.1.2.1 Permitted Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water)

The taking, diversion or use of water, including freshwater, coastal water or water stored in a dam, for any purpose, including for domestic water supply, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions: RCP  
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- (a) Except as provided for in condition (n), the amount taken and used for stock drinking water is not limited. C36 3/12  
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- (b) The amount of inshore coastal water taken for ballast is not limited. RCP Op 10/11
- (c) Where water is taken and used for any domestic water supply within any water management zone during periods of water rationing in that zone, there is no watering of lawns or other decorative plants.

- (d) Except as provided for in conditions (a), (b), (e), (f) and (n), the amount of water taken or diverted and used per property is in accordance with Figure 31.1A. C36 3/12  
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- (e) There is no new take occurring after 3 November 2001 from:
- (i) the coastal margin of the Delta Zone;
  - (ii) the coastal margin of the Hau Plains Zone;
  - (iii) the coastal margin of the Marahau Zone.
  - (iv) occurring after 27 April 2013 in the coastal margin of the Lower Confined Aquifer Zone. C47 4/13  
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**Figure 31.1A: Maximum Permitted Water Takes or Diversions in All Zones and of Inshore Coastal Water**

WATER MANAGEMENT ZONE	MAXIMUM PERMITTED QUANTITY OF WATER PER DAY PER POINT OF TAKE PER SITE (ONE TAKE PER SITE) (Cubic Metres per Day)	C23 7/08 Op 8/14
<b>Waimea Zones</b>		
All zones [except as provided in (e)(i)]	5	
<b>Motueka/Riwaka Plains Zones Middle Motueka/Upper Motueka Zones</b>		
All zones [except as provided in (e)(ii)]	10	
<b>Moutere Zones</b>		
All Zones	5	
<b>Abel Tasman Zones</b>		
All zones [except as provided in (e)(iii)]	5	
<b>Takaka Zone</b>		
All	5	
<b>Aorere/West Coast and Upper Buller Zones</b>		
All	20	
<b>All Zones</b>		
Any take lawfully existing before 3 November 2001	10	
<b>Inshore Coastal Water (except where taken from a bore)</b>		RCP Op 10/11
For marine mammal rescue and the normal operation of ships or offshore installations	unlimited	
For all other purposes	1000	
<b>Note:</b> New bores in the Marahau Coastal Margins Zone and in the coastal margins of the Delta and Hau Plains zones are also not permitted.		

- (f) Except as provided for in conditions (a), (b), (e) and (n), the amount of water taken is in accordance with Figure 31.1B. C36 3/12  
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**Figure 31.1B: Maximum Permitted Water Takes or Diversions for Specified Purposes**

	MAXIMUM PERMITTED QUANTITY OF WATER PER PROPERTY
(i) Drilling for resource investigations.	350 cubic metres per week at rates no more than 50 cubic metres per day for no more than seven consecutive days.
(ii) Pump testing	Pumping shall be for no more than seven consecutive days.

	MAXIMUM PERMITTED QUANTITY OF WATER PER PROPERTY
(iii) Hydro-electric power generation, provided: <ul style="list-style-type: none"> <li>◆ Any person taking water for this purpose gives prior written notice to the Environment and Planning Manager of the Tasman District Council; and</li> <li>◆ Any structure does not impede or block fish or eel passage or waterway capacity; and</li> <li>◆ Entrainment of fish and eels is prevented; and</li> <li>◆ Water taken is discharged in compliance with rule 36.2.2.8</li> </ul>	20 litres per second and no more than 25 percent of the total instantaneous flow.
<b>Note:</b> Resource consents may be needed for construction of dams, weirs or other structures in the river.	

- (g) The taking or diversion of water does not cause any stream or river flow to cease.
- (h) Fish and eels are prevented from entering the reticulation system.
- (i) The taking or diversion of water does not prevent any other individual from taking water for their domestic or stock drinking water supply needs.
- (j) For any groundwater take from the Moutere Eastern, Western, Southern or Coastal Groundwater zones occurring:
  - (i) before 3 November 2001, a water meter is installed before 3 November 2004; or
  - (ii) after 3 November 2001, a water meter is installed;
 and information about the amount of water taken is provided to the Council on request.
- (k) Coastal water is taken at a rate less than 12 litres per second. RCP Op 10/11
- (l) The taking, using or diversion of water does not cause erosion of land or the bed or banks of any river.
- (m) The diversion is not a diversion of groundwater or surface water for land drainage. *(Refer to rule 36.4.2.1).* C26 2/10  
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- (n) The taking and use of water from a dam impoundment or a pond or reservoir is not limited, provided: C36 3/12  
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  - (i) the take is from a constructed dam impoundment, pond or reservoir, but not including a take from an impoundment created by a weir;
  - (ii) fish and eels are prevented from entering the reticulation system;
  - (iii) water to a depth of 1 metre is retained over 5 percent of the impoundment area to provide for eel survival.
  - (iv) the dam impoundment, pond or reservoir was existing as at 31 March 2012.
  - (v) the take and use of the water is for irrigation, and information is provided to Council on request to show the area irrigated, and that the application rate is appropriate for the soil type being irrigated including as specified in Figure 31.1D in rule 31.1.2.2.
  - (vi) the person taking and using the water is the legal owner of the dam impoundment, pond or reservoir or has a legal access easement.
  - (vii) where a take from the dam exceeds the quantities specified in Figure 31.1A, there is an applicable permit either to take and use, or to dam the water.

**Notes:**RCP  
Op 10/111. Resource Consents

Resource consents may be needed for coastal structures and discharge of coastal water, under other Plan rules.

2. Means of Compliance to Prevent Fish and Eels Entering a Reticulation System

Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.

<b>31.1.2.2 Controlled Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water subject to Existing Permit due for Renewal)</b>
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Except as provided by rule 31.1.2.3A, the taking, diversion or use of water from surface water, aquifers and inshore coastal water that does not comply with the conditions of rule 31.1.2.1 is a controlled activity, if it complies with the following conditions:

RCP Op 10/11  
C47 4/13 Op 9/15

(a) The applicant for the water taking and use is the holder of a water permit that is due for renewal and section 124 applies, except:

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Op 8/14

- (i) where the permit has been transferred for a limited period from another point of take in the same management zone under the provisions of rule 31.1.7.1 or 31.1.7.2; or
- (ii) the permit has been issued for taking and use of water that has been reserved for the purposes set out in Schedule 31D under the provisions of Policy 30.2.3.6.

(b) Except as provided in condition (c), for any rationing of consumptive water uses required to maintain minimum water flows or levels specified in Schedule 31C, reduction in usage comprises a series of cuts in authorised usage from the maximum weekly authorised, as shown in Figure 31.1C.

**Figure 31.1C: Rationing Steps**

WATER MANAGEMENT ZONE	RATIONING STEPS
All water management zones except for the Riwaka	Step 1 – Allocation less 20% = (quantity) m <sup>3</sup> per week Step 2 – Allocation less 35% = (quantity) m <sup>3</sup> per week Step 3 – Allocation less 50% = (quantity) m <sup>3</sup> per week
Riwaka	Step 1 – Allocation less 10% = (quantity) m <sup>3</sup> per week Step 2 – Allocation less 25% = (quantity) m <sup>3</sup> per week Step 3 – Allocation less 40% = (quantity) m <sup>3</sup> per week Rationing in the Riwaka Zone will be through rostering implemented by the water user committee according to the staged reductions specified in Schedule 31C.
Reservoir, Waimea West, Golden Hills, Delta, Hope, Eastern Hills, Upper Catchments and Upper and Lower Confined Aquifer	Where there is no Waimea Community Dam or until the Waimea Community Dam commences operation for permits not affiliated to the Waimea Community Dam: In addition to Steps 1 to 3: Step 4 – Allocation less 70% = (quantity) m <sup>3</sup> per week  After the Waimea Community Dam commences operation for permits not affiliated to the Waimea Community Dam: Step 1 – Allocation less 20% = (quantity) m <sup>3</sup> per week Step 2 – Allocation less 50% = (quantity) m <sup>3</sup> per week Step 3 – Cease Take

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Op 9/16  
C67 7/18  
Op 6/19

WATER MANAGEMENT ZONE	RATIONING STEPS
Wai-iti	Rationing in the Wai-iti Dam Service Zone will be through rostering implemented by the Wai-iti Zone Water User Committee in accordance with the trigger and low flow specified in Schedule 31C.
<b>Notes:</b>	
(1)	If minimum water flows or levels given in Schedule 31C decrease beyond the provisions of these rationing steps, the Council may issue water shortage directions in accordance with Policy 30.2.3.1.
(2)	Where there is no Waimea Community Dam or until the Waimea Community Dam commences operation for permits not affiliated to the Waimea Community Dam, progression from steps 1 to 4 including cease take may be at the discretion of the Council during times of low water flows or levels, in consultation with current water user committees or as specified in a water permit. Step 1 rationing may be introduced once the specified trigger for rationing (see Schedule 31C) is reached. The need for steps 2, 3 and 4 will be subject to the extent and duration of the low flow period.
(3)	Where there is no Waimea Community Dam or until the Waimea Community Dam commences operation for permits not affiliated to the Waimea Community Dam, rationing beyond Step 4 will be imposed through water shortage directions by Council where it is necessary to avoid saltwater intrusion, or to protect minimum water levels or flows as specified in Schedule 31C and according to the priorities specified in policy 30.2.3.1.

C56 9/13  
Op 9/16

**Community Water Supply Rationing**

C47 4/13 Op 9/15

(c) For any taking and use of water for community water supply, any rationing required to maintain minimum water flows or levels specified in Schedule 31C, comprises the following series of cuts in authorised usage except for that required to provide for maintenance of human health and animal welfare from the maximum weekly authorised:

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(i) Either as listed in Figure 31.1C, but not including any step 4:

or

(ii) As follows:

Step 1: Reduce usage by 10 percent compared with the usage of the equivalent week averaged over the previous eight years.

Step 2: Reduce actual usage after implementing Step 1 by a further 7.5 percent.

Step 3: Reduce actual usage after implementing Step 2 by a further 7.5 percent.

Whichever of (i) or (ii) is the greater reduction in actual water use, provided that after Step 3, water shortage directions as described in policy 30.2.3.1 and as shown in Schedule 31C may further limit amount of water abstracted.

(d) Except as provided for in (e) or (f), the amount taken and used for irrigation of field crops is the least of:

(i) the relevant rate of irrigation for the land that has the soil series in the relevant irrigation rate class as given in Figure 31.1D and as shown on the planning maps; or

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(ii) any lesser rate applied for; or

(iii) the level of bona fide use; or

(iv) the sustainable yield of the bore; or

(v) the quantity specified on the permit being renewed.

**Figure 31.1D: Irrigation Rates**

SOIL SERIES IN IRRIGATION RATE CLASS	RATE (cubic metres/ha/week)	RATE (millimetres/week)
Mapua, Motukarara and Rosedale soils	190	19
Appleby, Braeburn, Brightwater, Lee and Mahana soils	250	25
Cotterell, Richmond and Wakatu soils	270	27
Barnicoat, Dovedale, Riwaka, Sherry and Waimea soils	300	30
Eve, Hau, Motupiko, Ranzau, Redwood and Wantwood soils	350	35

- (e) The amount taken in the Wai-iti Dam Service Zone following commencement of the discharge from the Wai-iti Community Water Augmentation Scheme, and provided the scheme continues to be in operation, is:
- (i) no more than the quantity able to be yielded from the bore where the take is from groundwater; and
  - (ii) no more than the quantity specified on the permit being renewed; or
  - (iii) any lesser rate applied for.
- (f) For the taking and using of water where there is no Water Supply Agreement in the Delta, Golden Hills, Waimea West, Redwood, Reservoir, Hope, Eastern Hills, Upper Catchments and Upper and Lower Confined Aquifer Zones:
- (i) the amount taken and used for irrigation is bona fide use calculated as the least of the maximum weekly water use in any one week within the 10 years preceding 27 April 2013 which will be further reduced according to:
    - (a) the area for which there is an actual record of irrigation during the 10-year period;
    - (b) irrigation equipment for that area continuing to be available;
    - (c) the soil type as specified in Figure 31.1D;
    - (d) crop type as specified in Figure 31.1DA for any irrigation existing at the time of application, while also taking into account crop rotations within the 10-year period;
  - (ii) the amount taken and used for other uses except for community water supply is the least of:
    - (a) the maximum weekly water use in any one week within the 10 years preceding 27 April 2013; or
    - (b) any lesser rate applied for; or
    - (c) the sustainable yield of the bore; or
    - (d) the quantity specified on the permit being renewed;
    - (e) where the use also utilises water supplied from an urban or rural water supply scheme, the combination of the least or (a) to (d) plus the quantity of water supplied by the scheme
  - (iii) the amount taken and used for community water supply is:
    - (a) the sustainable yield of the bore; or
    - (b) the quantity specified on the permit being renewed; or
    - (c) any lesser rate applied for.

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**Figure 31.1DA: Irrigation Rates by Crop Type**

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CROP TYPES	RATE (cubic metres/ha/week)	RATE (millimetres/week)
Apples, Pears, Nashi, Hazelnuts	350	35
Grapes, Olives	140	14
Kiwifruit, Feijoa, Chestnut, Plant Nurseries	350	35
Berryfruit, Tobacco, Hemp, Hops, Peonies, Essential oil crops	290	29
Stonefruit, Almonds, Walnuts	290	29
Gardening, cool and warm season vegetable growing, protected floriculture	350	35
Pasture	350	35
Any other irrigated land use	300	30

(g) Except within the water management zones listed in condition (f), for any taking and use of water for community water supply, the amount taken is the least of:

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- (i) the level of bona fide use; or
  - (ii) any lesser rate applied for; or
  - (iii) the sustainable yield of the bore; or
  - (iv) the amount specified on the permit being renewed;
- or if an increase in the amount specified on the permit being renewed is sought then it is:
- (v) provided for in Schedule 31D and subject to provisions of any waiting list; and
  - (vi) is no more than the amount needed to satisfy the likely water demand for the duration sought for the consent.

(h) For uses other than those provided for in (d) to (g), the amount taken and used is the least of:

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- (i) the level of bona fide use; or
- (ii) any lesser rate applied for; or
- (iii) the sustainable yield of the bore; or
- (iv) the amount specified on the permit being renewed.

(i) Pursuant to Section 68(7) of the Act, conditions (b) – (i) will affect the exercise of existing permits (including those that are deemed permits under Section 386 such as existing permits without expiry dates and existing notices of existing use) to the extent that any such permit may be subject to a review by Council under Sections 129 and 130 of any condition relating to the rate of use of water, including rationing (including the case where there is no such condition) at any date after the operative date of rule 31.1.2.2.

(j) A water meter for consumptive takes is installed as specified in Schedule 31B, including telemetered meter readings for takes of 2000 cubic metres per week or greater for permits not affiliated to the Waimea Community Dam.

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- (k) Fish and eels are prevented from entering the reticulation system. C47 4/13  
Op 9/15
- Note:** Means of Compliance to Prevent Fish and Eels Entering a Reticulation System  
Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.
- A resource consent is required**, and may include conditions on the following matters over which Council has reserved control:
- (1) The quantity, rate and timing of the take not otherwise specified above, including rates of take, rostering or rationing steps required to implement conditions (b), (c) and (d) and (f), and any other requirements to maintain any minimum flow or level given in Schedule 31C. C47 4/13  
Op 9/15
- (2) For applications to take and use for community water supply: C67 7/18  
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- (i) provisions for demand reduction to reasonable and justifiable levels during rationing in drought periods through physical restriction or pricing, or end-use efficiencies via management or technology; and
- (ii) provisions to ensure that restrictions necessary to comply with water shortage directions under policy 30.2.3.1 can be met, or to give effect to clause (b) of policy 30.2.3.13 in respect of the exercise of resource consents for community water supply where under policy 30.2.3.13A there is not substantial progress made towards giving effect to the relevant resource consents for construction of the Waimea Community Dam.
- (3) Requirements for nutrient management as specified in Schedule 31E, and review of conditions to implement requirements for nutrient management plans when Schedule 31E is completed. C47 4/13  
Op 9/15
- (4) The location of the point of take or yield of any bore, including taking into account required spacing between bores (*see Figure 16.12A*) and aquifer characteristics such as depth, permeability, yields required, and yields available in existing adjacent bores.
- (5) The effects of the take on other uses or values of the water body or coastal water, including those given in Schedule 30A.
- (5A) Provision for root stock survival water and glasshouse crop survival water as provided for in policy 30.2.3.12D. C56 9/15  
Op 9/16
- (6) The effects of any water take and use for frost fighting on the natural flow regime of the river. C24 12/08  
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- (7) In relation to water taken for irrigation or frost protection, the method of application necessary to achieve efficient use of the water and avoid adverse effects through ponding and runoff.
- (8) The effects of the take on other water users.

- |      |   |   |
|------|---|---|
| (9)  | The need for backflow prevention.   | C56 9/15 Op 9/16                            |
| (10) | The effects of the take either by itself or in combination with other existing takes on aquatic and riparian ecosystems, including fish and eel habitat and flows in rivers or coastal streams affected by takes from groundwater.  |   |
| (11) | Except in relation to any take in the Wai-iti Dam Service Zone, a reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.   |   |
| (12) | The annual allocation for water takes from the relevant Moutere Groundwater Zone, calculated on the basis of the sustainable 100-day step test pumping rate determined for irrigation uses from a drawdown pumping test (or equivalent), and for other water uses, extended to 181 days of pumping.   | C23 7/08<br>Op 8/14                         |
| (13) | Provision for water measuring for non-consumptive takes as provided for in policy 30.2.3.17.  | C36 3/12<br>Op 4/13                         |
| (14) | Information to be supplied and monitoring requirements, including for takes not affiliated to the Waimea Community Dam, provisions for real time compliance with rationing and cease take triggers, monitoring and reporting.   | C56 9/15<br>Op 9/16                         |
| (15) | Measures to achieve efficient water use or water conservation, including sealing of artesian bores, preparation of property management plans, and measures to monitor water use, particularly in zones where there are Māori perpetual lease lands, a Council-established waiting list, full allocation within a zone, or a zone nearing full allocation. | C47 4/13<br>Op 9/15<br>C24 12/08<br>Op 8/14 |
| (16) | The extent to which the need for water has been demonstrated, including an assessment of the alternative water supply or augmentation options for that property, particularly in zones where there are Māori perpetual lease lands, a Council established waiting list, full allocation within a zone, or a zone nearing full allocation.                 | C23 7/08<br>Op 8/14                         |
| (17) | The duration of the consent (Section 123 of the Act) as provided for in Schedule 31A, timing of reviews and purposes of reviews (Section 128 of the Act).   | C24 12/08<br>Op 8/14                        |
| (18) | Lapsing of the consent (Section 125(1)).  | C23 12/08 Op 8/14                           |
| (19) | Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).   |   |

### Notes

1. This rule does not apply in situations where a resource consent application is made after a permit has expired.
2. The exception given in matter (11) applies only as long as the Wai-iti Community Water Augmentation Scheme is in operation.

**31.1.2.3 Controlled Activities (Take, Diversion or Use within Allocation Limits)**

Except as provided by rule 31.1.2.3A, the taking, diversion or use of water that does not comply with the conditions of rule 31.1.2.1 or 31.1.2.2 is a controlled activity, if it complies with the following conditions:

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Op 9/15

- (a) The water is taken or diverted in a water management zone with an allocation limit specified in Figure 31.1E or target specified in Figure 31.1EA. C47 4/13 Op 9/15  
C67 7/18 Op 6/19
- (b) Subject to condition (c), the amount of water taken or diverted on its own or in combination with other authorised takes does not exceed the relevant allocation limit or target specified in Figure 31.1E or Figure 31.1EA. C47 4/13 Op 9/15
- (c) Where the water was being taken or diverted and used for farm dairy wash-down and milk cooling purposes before 3 November 2001 in any water management zone, the relevant allocation limit specified in Figure 31.1E does not apply.

**Figure 31.1E: Allocation Limits for Freshwater Takes**

WATER MANAGEMENT ZONE	ALLOCATION LIMIT (litres per second)	ALLOCATION LIMIT (m <sup>3</sup> per year)
<b>Wai-iti Zones</b>		
Wai-iti Dam Service Zone following commencement of the discharge from the Wai-iti Community Water Augmentation Scheme, provided the scheme is in operation.	515 l/sec	
Wai-iti Zone (not including the Wai-iti Dam Service Zone)	<i>Subject to condition 31.1.2.3(d)</i>	
<b>Motueka/Riwaka Plains Zones</b>		
Central Plains Zone	795	
Te Matu Zone	344	
King Edwards	135	
Umukuri – Groundwater	133	
– Brooklyn River	62	
Swamp – Groundwater	73	
– Little Sydney River	31	
Hau Plains	228 <i>Subject to condition 31.1.2.3(d)(i)</i>	
Riwaka – Groundwater	30	
– Surface Water	170	
<b>Moutere Zones</b>		
Moutere Coastal Groundwater	41	448,822
Moutere Eastern Groundwater	116	1,269,838
Moutere Southern Groundwater	48	525,450
Moutere Western Groundwater	52	569,238
<b>Upper Motueka Zones</b>		
Baton	54	
Stanley Brook	1.05	
Dovedale - Groundwater (to 8 metres)	13.2	
- Surface water	26.8	
Middle Motueka Zone	550	
Wangapeka	265	
Motupiko	85	
Rainy Zone	25	

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Op 8/14

C23 7/08  
Op 8/14

C24 12/08  
Op 8/14

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WATER MANAGEMENT ZONE	ALLOCATION LIMIT (litres per second)	ALLOCATION LIMIT (m <sup>3</sup> per year)
Tadmor (total augmented flow)	56	
Tapawera	314	
Glen Rae	300	
<b>Abel Tasman Zones</b>		
Marahau Plains	43	
Marahau Coastal	1.6	
Otuwhero	29	
Holyoake	21	
<b>Notes:</b>		
(1) For any zone or water body within a zone not listed here, rule 31.1.2.5 applies.		
(2) Allocation limits in litres per second for takes for consumption use are for the period November to April. They are calculated as the sum of weekly permit allocations, and refer to surface water or groundwater takes, but do not include takes from storage (see rule 31.1.2.4). Annual allocation limits have also been established for the Moutere Groundwater Zones and both limits must be complied with.		
(3) The Tadmor limit includes the 50 litres per second allocated to the Tadmor Valley Irrigation Society from the combined Tadmor/Hope diversion flow.		
(4) The allocation limits do not apply to takes subject to condition (c).		

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C24 12/08  
Op 8/14

**Figure 31.1EA: Allocation Targets for Freshwater Takes (Waimea Zones) where there is no Waimea Community Dam**

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WATER MANAGEMENT ZONE	ALLOCATION TARGETS (litres per second)
<b>Waimea Zones</b>	
Upper Catchments	0
Upper Confined Aquifer	107
Lower Confined Aquifer	205
Delta	420
Golden Hills	67
Waimea West	100
Reservoir	400
Hope and Eastern Hills	70
Redwood	13
<b>Notes:</b>	
(1) The targets in Figure 31.1EA will become limits when at some time in the future the total sum of consented abstractions is equal to or less than the listed quantities (l/s) for each water management zone.	
(2) These zones are shown on the planning map applying where there is no Waimea Community Dam (Map 232A).	

- (d) The water is not taken during November to April (inclusive) from:
- (i) the coastal margin of the Hau Plains Zone;
  - (ii) the coastal margin of the Delta Zone;
  - (iii) the Wai-iti Zone;
  - (iv) the coastal margin of the Lower Confined Aquifer Zone.

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- (e) The amount of water taken on its own or in combination with other authorised takes is available after the quantities specified in column (c) of both Tables 1 and 2 of Schedule 31D remain available for allocation or have been allocated for the purposes specified. This requirement does not apply where the owners of the Māori perpetual lease lands, within the zone to which the application relates, agree in writing to the application.

C23/C24  
Op 8/12

- (f) Conditions (b), (c), (d) [other than (d)(iii)], (e) and (g) in rule 31.1.2.2.
- (g) In any water management zone where Council maintains a waiting list, the taking or use of water is by a person who is on the waiting list and who has been informed by Council that they have priority to make an application, in the order of registrations on that waiting list. C23 7/08  
Op 8/14
- (h) In any water management zone where Council maintains a waiting list, the taking or use of water is by a person who does not have priority under condition (g), but the person wishing to take and use the water has the prior written approval of all other persons with prior registrations on the waiting list.
- (i) Where the water is to be taken and used for the purposes specified in Schedule 31D, the amount of water taken on its own or in combination with other takes reserved for that purpose does not exceed the relevant limit specified in that Schedule. C24 12/08  
Op 8/14
- (j) A water meter for consumptive takes is installed as specified in Schedule 31B, including telemetered meter readings for takes of 2000 cubic metres per week or greater for permits not affiliated to the Waimea Community Dam. C36 3/12  
Op 4/13  
C56 9/15  
Op 9/16
- (k) Fish and eels are prevented from entering the reticulation system. C47 4/13  
Op 9/15  
**Note:** Means of Compliance to Prevent Fish and Eels Entering a Reticulation System  
Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.
- (l) Where the water is to be taken from the Motueka Catchment and used for the Motueka Coastal Tasman Reticulation as provided in Table 2 of Schedule 31D, the amount to be used for non-residential activities serviced by that supply does not exceed 15 percent of the total consented amount. C23/C24  
Op 8/14
- (m) Where the water is to be taken for a community water supply from a water management zone and used in another management zone, the appropriate kawa and tikanga determined in consultation with manawhenua. C23/C24  
Op 8/14
- (n) Any new water take first occurring after 31 January 2015 must be at a location that, in the: C52 1/15  
Op 7/17
- (i) Tapawera and Glen Rae zones, is set back at least 100 metres from the top of the bank of the Motueka River and 50 metres from the Hinetai Stream;
- (ii) Motupiko and Rainy zones, is set back at least 50 metres from the top of the bank of the Motupiko and Rainy rivers.

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

- (1) The quantity, rate and timing of the take not otherwise specified above including rates of take, rostering or rationing steps required to implement condition (f) and any other requirements to maintain any minimum flow given in Schedule 31C.

**31.1.2.3 Controlled Activities (Take, Diversion or Use within Allocation Limits)**

- |      |   |                      |
|------|---|----------------------|
| (2)  | For applications to take and use for community water supply:  | C67 7/18<br>Op 6/19  |
|      | (i) provisions for demand reduction to reasonable and justifiable levels during rationing in drought periods, through physical restriction or pricing, or end-use efficiencies via management or technology; and  |                      |
|      | (ii) provisions to ensure that restrictions necessary to comply with water shortage directions under policies 30.2.3.1 and 30.2.3.2 can be met, or to give effect to clause (b) of policy 30.2.3.13 in respect of the exercise of resource consents for community water supply where, under policy 30.2.3.13A, there is not substantial progress made towards giving effect to the relevant resource consents for construction of the Waimea Community Dam. |                      |
| (3)  | Requirements for nutrient management as specified in Schedule 31E, and review of conditions to implement requirements for nutrient management plans when Schedule 31E is completed.   | C47 4/13<br>Op 9/15  |
| (4)  | The location of the point of take or yield of any bore, including taking into account required spacing between bores ( <i>see Figure 16.12A</i> ) and aquifer characteristics such as depth, permeability, yields required, and yields available in existing adjacent bores.  |                      |
| (5)  | The effects of the take on other uses or values of the water body, including those given in Schedule 30A.   |                      |
| (5A) | Provision for root stock survival water and glasshouse crop survival water as provided for in policy 30.2.3.12D.  | C56 9/15<br>Op 9/16  |
| (6)  | The effects of any water take and use for frost fighting on the natural flow regime of the river.   | C24 12/08<br>Op 8/14 |
| (7)  | The effects of the takes on other water users.  |                      |
| (8)  | The effects of the take, damming, or diversion on allocation limits and rationing provisions.   |                      |
| (9)  | The need for backflow prevention for any take from groundwater.   |                      |
| (10) | The effects of the take either by itself or in combination with other existing takes on aquatic and riparian ecosystems including fish and eel habitat and flows in rivers or coastal streams affected by takes from groundwater.   |                      |
| (11) | Except in relation to any take in the Wai-iti Dam Service Zone, a reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.   |                      |
| (12) | The annual allocation for water takes from the relevant Moutere Groundwater Zone, calculated on the basis of the sustainable 100-day step test pumping rate determined for irrigation uses from a drawdown pumping test (or equivalent), and for other water uses, extended to 181 days of pumping.   | C23 7/08<br>Op 8/14  |
| (13) | Provision for water measuring for non-consumptive takes as provided for in policy 30.2.3.17.  | C36 3/12<br>Op 4/13  |

- (14) Information to be supplied and monitoring requirements.
- (15) Measures to achieve efficient water use or water conservation, including sealing of artesian bores, preparation of property management plans, and measures to monitor water use, particularly in zones where there are Māori perpetual lease lands, a Council-established waiting list, full allocation within a zone, or a zone nearing full allocation. C47 4/13  
Op 9/15  
C23 7/08  
Op 8/14
- (16) The extent to which the need for water has been demonstrated, including an assessment of the alternative water supply or augmentation options for that property, particularly in zones where there are Māori perpetual lease lands, a Council-established waiting list, full allocation within a zone, or a zone nearing full allocation. C23 7/08  
Op 8/14
- (17) The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews and the purposes of reviews (Section 128 of the Act).
- (18) Lapsing of the consent (Section 125(1)). C23 7/08  
Op 8/14
- (19) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

**Note:** The exception given in matter (9) applies only as long as the Wai-iti Community Water Augmentation Scheme is in operation.

**31.1.2.3A Controlled Activities (Take, Diversion or Use if there is a Waimea Community Dam)**

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The taking, diversion or use of water that does not comply with the conditions of rule 31.1.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The permit granted under this rule is affiliated to the Waimea Community Dam. C56 9/15  
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- (aa) The permit granted under this rule is affiliated to the Waimea Community Dam and the applicant for the taking and use is the holder of a water permit in the Waimea Plains Zones that is due for renewal and section 124 applies.
- (b) The amount of water allocated is no more than the equivalent amount which on its own or in combination with other authorised takes would not exceed the sustainable yield of the bore (where it is a take from groundwater) and:
  - (i) does not exceed the relevant allocation limit specified in Figure 31.1FA, Table 2; and
  - (ii) subject to (iii), is used at no more than the relevant rate given in Figure 31.1D, for irrigation use; and C67 7/18  
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  - (iii) until the dam is operational, water use is an amount authorised in an applicable water permit as at 27 April 2013 provided that:
    - (a) the amount of water used does not increase above the maximum amount taken in any one week between 2003 and 2013; and C47 4/13  
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    - (b) any rationing imposed applies to the amount of water allocated in that permit. C56 9/15  
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- (c) The taking, diversion, and use of water for irrigation is the subject of an irrigation management plan that is prepared and maintained by the permit holder, and made available upon request to the Council.
- (d) The amount of water allocated is no more than the equivalent amount described in any relevant water supply agreement or other applicable agreement.

**31.1.2.3A Controlled Activities (Take, Diversion or Use if there is a Waimea Community Dam)**

- |  |   |                     |
|--|---|---------------------|
| (e)  | Any water taken and used in the coastal margin of the Lower Confined Aquifer or Delta Zones is not first occurring after 27 April 2013.   | C47 4/13<br>Op 9/15 |
| (f)  | A water meter is installed as specified in Schedule 31B.  |                     |
| (g)  | Fish and eels are prevented from entering the reticulation system.<br><b>Note:</b> <u>Means of Compliance to Prevent Fish and Eels Entering a Reticulation System</u><br>Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.  | C47 4/13<br>Op 9/15 |
| <br><b>A resource consent is required</b> , and may include conditions on the following matters over which Council has reserved control: |   |                     |
| (1A)   | Affiliation to the Waimea Community Dam and exercise of the permit in relation to the operation of the Waimea Community Dam and release of water from the dam to maintain flows as specified in Schedule 31C Table 1A.  | C56 9/15<br>Op 9/16 |
| (1)  | The quantity, rate and timing of the take not otherwise specified above including rates of take, rostering or rationing steps required to maintain any minimum flow or Waimea Community Dam reservoir storage given in Schedule 31C or to avoid localised depletion of the water resource, including any transitional provisions for water use and rationing that apply until the dam is operational.   | C56 9/15<br>Op 9/16 |
| (1B)   | For applications to take and use for community water supply: <ul style="list-style-type: none"> <li>(i) provisions for demand reduction to reasonable and justifiable levels during rationing in drought periods through physical restriction or pricing, or end-use efficiencies via management or technology; and</li> <li>(ii) provisions to ensure that restrictions necessary to comply with water shortage directions under policies 30.2.3.1 and 30.2.3.2 can be met, or to give effect to clause (b) of policy 30.2.3.13 in respect of the exercise of resource consents for community water supply where under policy 30.2.3.13A there is not substantial progress made towards giving effect to the relevant resource consents for construction of the Waimea Community Dam.</li> </ul> | C67 7/18<br>Op 6/19 |
| (2)  | The provision of an Irrigation Management Plan as specified in Schedule 31E.  | C47 4/13<br>Op 9/15 |
| (3)  | Requirements for nutrient management as specified in Schedule 31E, and review of conditions to implement requirements for nutrient management plans when Schedule 31E is completed.   |                     |
| (4)  | The location of the point of take or yield of any bore, including taking into account required spacing between bores (see Figure 16.12A) and aquifer characteristics such as depth, permeability, yields required, and yields available in existing adjacent bores.   |                     |
| (5)  | The effects of the take on other uses or values of the water body, including those given in Schedule 30A.   |                     |

**31.1.2.4 Controlled Activities (Take from Storage)**

- |      |   |                     |
|------|---|---------------------|
| (5A) | Provision for root stock survival water and glasshouse crop survival water as provided for in policy 30.2.3.12D.  | C56 9/15<br>Op 9/16 |
| (6)  | The effects of any water take and use for frost fighting on the natural flow regime of the river.   | C47 4/13<br>Op 9/15 |
| (7)  | The effects of the takes on other water users.  |                     |
| (8)  | The need for backflow prevention.   |                     |
| (9)  | The effects of the take either by itself or in combination with other existing takes on aquatic and riparian ecosystems including fish and eel habitat and flows in rivers or coastal streams affected by takes from groundwater. |                     |
| (10) | Installation of water meters as provided for in Schedule 31B or in policy 30.2.3.17.  |                     |
| (11) | General or particular requirements in relation to any irrigation management plan.   |                     |
| (12) | Information to be supplied and monitoring requirements.   |                     |
| (13) | The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews and the purposes of reviews (Section 128 of the Act).   |                     |
| (14) | Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).   |                     |

**31.1.2.4 Controlled Activities (Take from Storage)**C36 3/12  
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The taking of water from dam impoundments, ponds or reservoirs that does not comply with the conditions of rule 31.1.2.1 is a controlled activity, if it complies with the following conditions:

- |     |   |  |
|-----|---|--|
| (a) | The take is from a constructed pond, reservoir, or dam existing as at 31 March 2012.  |  |
| (b) | Where the water is being taken and used by a person other than the owner of the dam impoundment, pond or reservoir:<br>either:<br>(i) written consent has been obtained from the owner;<br>or:<br>(ii) there is a legal access agreement. |  |

- |     |  |                     |
|-----|--|---------------------|
| (c) | Fish and eels are prevented from entering the reticulation system. | C47 4/13<br>Op 9/15 |
|-----|--|---------------------|

**Note:** Means of Compliance to Prevent Fish and Eels Entering a Reticulation System  
Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.

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

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- (1) Effects of the take on aquatic and riparian ecosystems, including in the impoundment, and upstream and downstream of the dam.
- (2) Effects of the take on other uses and values, including those given in Schedule 30A of the water body and those of connected water bodies such as groundwater, springs or wetlands.
- (3) Effects on other water users including security of supply for existing water users, and impacts on existing downstream storage.
- (4) Measures to ensure efficient use of stored water, including soil based application rates.
- (5) Effects on fish and eels, including entrainment in pipes.
- (6) Information to be supplied and monitoring, including water meters required.
- (7) The quantity, rate and timing of the take.
- (8) Efficient use of water, including application rates for irrigation appropriate to the soil type.
- (9) The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (10) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 31.1.2.5 Restricted Discretionary Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water, or Storage)

The taking, diversion or use of water that does not comply with the conditions of rule 31.1.2.1, 31.1.2.2, 31.1.2.3, 31.1.2.3A, or 31.1.2.4, is a restricted discretionary activity, if it complies with the following conditions:

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- (a) The total amount taken, either by itself or in combination with other authorised water takes in the relevant water management zone does not exceed the total allocation limit for the relevant zone as shown in Figure 31.1F or in Figure 31.1FA.

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**Figure 31.1F: Allocation Limits for Coastal Water and Freshwater Takes**

WATER MANAGEMENT ZONE	ALLOCATION LIMIT (litres per second)	ALLOCATION LIMIT (m <sup>3</sup> per year)
<b>Wai-iti Zones</b>		
Wai-iti Dam Service Zone following commencement of the discharge from the Wai-iti Community Water Augmentation Scheme, provided the scheme is in operation.	515 l/sec	
Wai-iti Zone (not including the Wai-iti Dam Service Zone.)	<i>Subject to condition 31.1.2.5(c)</i>	
<b>Motueka/Riwaka Plains Zones</b>		
Central Plains Zone	795	
Te Matu Zone	344	
King Edward	135	
Umukuri – Groundwater	133	

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WATER MANAGEMENT ZONE	ALLOCATION LIMIT (litres per second)	ALLOCATION LIMIT (m <sup>3</sup> per year)	
– Brooklyn River	62		
Swamp – Groundwater	73		
– Little Sydney River	31		
Hau Plains	228 <i>Subject to condition 31.1.2.5(c)(ii)</i>		
Riwaka – Groundwater	30		
– Surface Water	170		
<b>Moutere Zones</b>			C23 7/08 Op 8/14
Moutere Coastal Groundwater	41	448,822	
Moutere Eastern Groundwater	116	1,269,838	
Moutere Southern Groundwater	48	525,450	
Moutere Western Groundwater	52	569,238	
<b>Upper Motueka Zones</b>			C24 12/08 Op 8/14
Baton	54		
Stanley Brook	1.05		
Dovedale - Groundwater (to 8 metres)	13.2		
- Surface water	26.8		
Middle Motueka Zone	550		
Wangapeka	265		
Motupiko	85		C24 12/08 Op 8/14
Rainy Zone	25		
Tadmor (total augmented flow)	56		C52 1/15 Op 7/17
Tapawera	314		
Glen Rae	300		
<b>Abel Tasman Zones</b>			C24 12/08 Op 8/14
Marahau Plains	43		
Marahau Coastal	1.6		
Otuwhero	29		
Holyoake	21		
<b>All Other Zones</b>	No limit but refer to policies 30.1.3.12 to 30.1.3.16		
<b>Inshore Coastal Water</b>	No limit		RCP Op 10/11
<b>Notes:</b>			C23 7/08 C24 12/08 Op 8/14
(1) Allocation limits in litres per second for consumptive use are for the period November to April. They are calculated as the sum of weekly permit allocations, and refer to surface water or groundwater takes, but do not include takes from storage (see rule 31.1.2.4). Annual allocation limits have also been established for the Moutere Groundwater Zones and both limits must be complied with.			
(2) The Tadmor limit includes the 50 litres per second allocated to the Tadmor Valley Irrigation Society from the combined Tadmor/Hope diversion flow.			
(3) The allocation limits do not apply to any diversion, including any associated with the generation of hydro-electric power.			

**Figure 31.1FA: Allocation Targets and Limits for Freshwater Takes (Waimea Zones)**

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Table 1	
WATER MANAGEMENT ZONE	ALLOCATION LIMIT OR TARGET <sup>(1)</sup> (litres per second)
<b>EITHER Table 1: Waimea Plains Zones limits or targets applying where the permit granted under this rule is not affiliated to the Waimea Community Dam</b>	
Upper Catchments	0 <i>See Note (6)</i>
Upper Confined Aquifer	107
Lower Confined Aquifer	205
Delta	420
Golden Hills	67
Waimea West	100
Reservoir	400
Hope and Eastern Hills	70
Table 2	
WATER MANAGEMENT ZONE	ALLOCATION LIMIT <sup>(1)</sup> (litres per second)
<b>OR Table 2: Waimea Plains Zones limits applying where the permit granted under this rule is affiliated to the Waimea Community Dam</b>	
Appleby Gravel	3320
Lower Confined Aquifer	250
Upper Confined Aquifer	200
Hope	82
Upper Catchments	<i>See Note (4) and (6)</i>
Eastern Hill	0
<b>Notes (for both tables):</b>	
(1) Allocation targets and limits in litres per second for consumptive use are for the period November to April. They are calculated as the sum of weekly permit allocations and refer to surface water or groundwater takes.	
(2) The zones in Table 1 are shown on the planning map applying where there is the Waimea Community Dam and to permits not affiliated and to affiliated permits before the dam commences operation (Map 232A).	
(3) The zones in Table 2 are shown on the planning map applying where there is the Waimea Community Dam and to affiliated permits after the dam commences operation (Map 232B).	
(4) Allocations for permits granted in the Upper Catchments zone will be subtracted from the total available in the Appleby Gravels Zone.	
(5) The targets in Table 1 of this figure will become limits when at some time in the future the total sum of consented abstractions is equal to or less than the listed quantities (l/s) for each water management zone.	
(6) The target or limit for the Upper Catchments Zone does not apply to any application for water associated with the construction of the Waimea Community Dam.	

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(b) The amount of water taken on its own or in combination with other authorised takes is available after the quantities specified in column (c) of Table 1 of Schedule 31D has been allocated for the purposes specified.

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(c) The water is not taken during November to April (inclusive) from:

- (i) the Moutere Surface Water Zone;
- (ii) the coastal margin of the Hau Plains Zone;
- (iii) the coastal margin of the Marahau Zone;

(iv)	the Wai-iti Zone;	
(v)	the coastal margin of the Lower Confined Aquifer Zone;	C47 4/13 Op 9/15
(vi)	the coastal margin of the Delta Zone.	
(d)	Any water permit application in the Waimea Plains Zones where the permit granted under this rule is not affiliated to the Waimea Community Dam is subject to condition (b) of rule 31.1.2.2 (rationing).	C56 9/15 Op 9/16
(da)	Where Figure 31.1FA Table 2 applies, the permit granted under this rule is affiliated to the Waimea Community Dam and condition (d) of rule 31.1.2.3A also applies.	
(e)	In any water management zone where Council maintains a waiting list, the taking or use of water is by a person who is on the waiting list and who has been informed by Council that they have priority to make an application, in the order of registrations on that waiting list.	C23 7/08 Op 8/14
(f)	In any water management zone where Council maintains a waiting list, the taking or use of water is by a person who does not have priority under condition (e), but the person wishing to take and use the water has the prior written approval of all other persons with prior registrations on the waiting list.	
(g)	Any water diversion, including for hydro-electric-power generation, that returns water to the same water body, does not affect the security of supply of existing water takes subject to allocation limits and rationing provisions within a water management zone.	
(h)	A water meter for consumptive takes is installed as specified in Schedule 31B including telemetered meter readings for takes of 2000 cubic metres per week or greater for permits not affiliated to the Waimea Community Dam.	C36 3/12 Op 4/13 C56 9/15 Op 9/16
(i)	If the take and use of water is from a dam impoundment, pond, or reservoir, a legal easement exists or written consent has been obtained from the owner of the dam impoundment, pond, or reservoir.	C36 3/12 Op 4/13
(j)	Fish and eels are prevented from entering the reticulation system.	C47 4/13 Op 9/15
	<b>Note:</b> <u>Means of Compliance to Prevent Fish and Eels Entering a Reticulation System</u> Installing a screen or screens on the river intake that has a screen mesh size not greater than 5 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times. Other measures to prevent fish entering reticulation systems may also be adopted.	C47 4/13 Op 9/15
(k)	Where the water is to be taken for a community water supply from a water management zone and used in another management zone, the appropriate kawa and tikanga determined in consultation with manawhenua.	C23/C24 Op 8/14
(l)	For an application to take water reserved in Table 2 of Schedule 31D for a purpose other than community water supply, the amount does not exceed the amount specified in Table 2 on its own or in combination with other takes.	C23/C24 Op 8/14

- |      |   |                     |
|------|---|---------------------|
| (m)  | Any new water take first occurring after 31 January 2015 must be at a location that, in the:  | C52 1/15<br>Op 7/17 |
| (i)  | Tapawera and Glen Rae zones, is set back at least 100 metres from the top of the bank of the Motueka River and 50 metres from the Hinetai Stream; |                     |
| (ii) | Motupiko and Rainy zones, is set back at least 50 metres from the top of the bank of the Motupiko and Rainy rivers.                               |                     |

**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)  | The quantity, rate and timing of the take not otherwise specified above, including rates of take, rostering or rationing steps and any other requirements to maintain any minimum flow given in Schedule 31C.   | C56 9/15<br>Op 9/16  |
| (2)  | For applications to take and use for community water supply:  | C47 4/13<br>Op 9/15  |
| (i)  | provisions for demand reduction to reasonable and justifiable levels during rationing in drought periods, through physical restriction or pricing, or end-use efficiencies via management or technology; and  | C56 9/15<br>Op 9/16  |
| (ii) | provisions to ensure that restrictions necessary to comply with water shortage directions under policy 30.2.3.1 can be met, or to give effect to clause (b) of policy 30.2.3.13 in respect of the exercise of resource consents for community water supply where under policy 30.2.3.13A there is not substantial progress made towards giving effect to the relevant resource consents for construction of the Waimea Community Dam. | C67 7/18<br>Op 6/19  |
| (3)  | Requirements for nutrient management as specified in Schedule 31E, and review of conditions to implement requirements for nutrient management plans when Schedule 31E is completed.   | C47 4/13<br>Op 9/15  |
| (3A) | Affiliation to the Waimea Community Dam and exercise of the permit in relation to the operation of the Waimea Community Dam and release of water from the dam to maintain flows as specified in Schedule 31C, including any transitional provisions for water use and rationing that apply until the dam is operational.  | C56 9/15<br>Op 9/16  |
| (4)  | The location of the point of take or yield of any bore, including taking into account required spacing between bores ( <i>see Figure 16.12A</i> ) and aquifer characteristics such as depth, permeability, yields required, and yields available in existing adjacent bores.  |                      |
| (5)  | The effects of the take, use or diversion on other uses or values of the water body or coastal water, including those given in Schedule 30A.  | RCP<br>Op 10/11      |
| (5A) | Provision for root stock survival water and glasshouse crop survival water as provided for in policy 30.2.3.12D.  | C56 9/15<br>Op 9/16  |
| (6)  | The effects of any water take and use for frost fighting on the natural flow regime of the river.   | C24 12/08<br>Op 8/14 |
| (7)  | The need for backflow prevention.   | C56 9/15 Op 9/16     |
| (8)  | Effects on other water users.   |                      |
| (9)  | The effects of the take, use, or divers67ion, including takes from groundwater, either by itself or in combination with other existing takes, on aquatic and riparian ecosystems, fish and eel passage, and flows in rivers, coastal streams or coastal water, including in estuaries.  | RCP<br>Op 10/11      |

(10)	Except in relation to any take in the Wai-iti Dam Service Zone or takes authorised by permits affiliated to the Waimea Community Dam, a reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.	C47 4/13 Op 9/15 C56 9/15 Op 9/16
(11)	The annual allocation for water takes from the relevant Moutere Groundwater Zone, calculated on the basis of the sustainable 100-day step test pumping rate for irrigation and, for other uses, extended to 181 days of pumping.	C23 7/08 Op 8/14
(12)	Provision for water measuring for non-consumptive takes as provided for in policy 30.2.3.17.	C36 3/12 Op 4/13
(13)	Information to be supplied and monitoring requirements, including for takes not affiliated to the Waimea Community Dam, provisions for real time compliance with rationing and cease take triggers, monitoring and reporting.	C56 9/15 Op 9/16
(14)	Measures to achieve efficient water use or water conservation, including sealing of artesian bores, preparation of property management plans, and measures to monitor water use, particularly in zones where there are Māori perpetual lease lands, a Council-established waiting list, full allocation within a zone, or a zone nearing full allocation.	C47 4/13 Op 9/15 C23 7/08 Op 8/14
(15)	The extent to which the need for water has been demonstrated, including an assessment of the alternative water supply or augmentation options for that property, particularly in zones where there are Māori perpetual lease lands, a Council-established waiting list, full allocation within a zone, or a zone nearing full allocation.	C23 7/08 Op 8/14
(16)	For water takes that are not for consumptive use, the extent to which water is returned to the water body, including rate, timing and location.	C24 12/08 Op 8/14
(17)	The duration of the consent as provided for in Schedule 31A (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).	
(18)	Lapsing of the consent (Section 125(1)).	C23 7/08 Op 8/14
(19)	Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).	
(20)	Any effects of coastal water take, use or diversion on water quality, the life-supporting capacity of ecosystems and their intrinsic values, and general sustainability issues relating to natural resources, including fisheries resources.	RCP Op 10/11
(21)	The nature, scale and distribution of beneficial effects resulting from the proposed water take, use or diversion.	
(22)	The application rate, rate of take or use of the water, taking into account the soil type, crop type where applicable, sustainable bore yield, efficient water use, crop rotation, existing investment, level of investment into augmented water supplies and the significance of any augmentation infrastructure.	C47 4/13 Op 9/15

**31.1.2.6 Non-Complying Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water, or Storage)**

- |      |  |  |
|------|--|--|
| (23) | Rationing of consumptive water uses required to maintain minimum water flows or levels specified in Schedule 31C, including as appropriate, reduction in usage as shown in Figure 31.1C of rule 31.1.2.2 or as necessary to maintain Waimea Community Dam reservoir storage. | C47 4/13<br>Op 9/15<br>C56 9/15<br>Op 9/16 |
| (24) | For applications to take water reserved in Table 2 of Schedule 31D for a purpose other than community water supply, the quantity and duration of the permit is subject to the nature and timing of likely future demand for the water for the reserved purpose.              | C23/C24<br>Op 8/14                         |

**Note:** The exception given in matter (10) applies only as long as the Wai-iti Community Water Augmentation Scheme is in operation.

**31.1.2.6 Non-Complying Activities (Take, Diversion or Use from Fresh or Inshore Coastal Water, or Storage)**

Except as provided in rule 31.1.2.7, the taking, diversion or use of water that does not comply with the conditions of rule 31.1.2.5 is a non-complying activity.

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Op 9/16

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

**31.1.2.7 Prohibited Activities (Waiting Lists, Waimea Community Dam)**

- |    |   |  |
|----|---|--|
| 1. | In any Water Management Zone where the Council maintains a waiting list, the taking and use of water by any person in priority to any other person with a prior registration on the waiting list made under the provisions of method 30.2.20.1(d) is a prohibited activity for which no consent can be granted except that this rule does not apply to the following: <ul style="list-style-type: none"> <li>(a) Applications made under rule 31.1.2.2 (applications to take water where the applicant for the take is the holder of a permit due for renewal).</li> <li>(b) Applications to which condition 31.1.2.3(h) and condition 31.1.2.5(f) apply.</li> <li>(c) Applications for non-consumptive takes.</li> </ul> | C23 7/08<br>Op 8/14<br>C56 9/15<br>Op 9/16 |
| 2. | In the Waimea Plains Zones any application that does not comply with condition (a) (in respect of Table 1 of Figure 31.1FA), condition (d) or condition (da) of rule 31.1.2.5 is a prohibited activity for which no consent can be granted.   |  |

**31.1.3 Diversion of Water by Structures****31.1.3.1 Permitted Activities (Diversion of Water by Structures)**

The diversion of water by a structure lawfully existing in or on the bed of a river and the diversion of water required for the maintenance, repair, extension or removal of any structure lawfully existing in or on the bed of a river is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Except for diversion by lawfully existing structures, there is no diversion in a permanently flowing watercourse during the fish spawning period of 1 April to 31 July.
- (b) The diversion does not reduce the capacity for fish and eels to migrate past any structure for periods exceeding five days per any 20-day period.
- (c) All material used in the construction of the diversion that are not part of the structure are removed from the bed of the river.

**31.1.3.2 Discretionary Activities (Diversion of Water by Structures)**

The diversion of water by a structure that does not comply with the conditions of rule 31.1.3.1 is a discretionary activity.

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

**31.1.4 Damming of Fresh Water****31.1.4.1 Permitted Activities (Damming of Fresh Water)**

The damming of fresh water is a permitted activity and may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The area of the catchment contributing to the dam is less than 20 hectares.
- (b) For any dam constructed after 28 February 2004, no part of the dam structure or area of impounded water occupies any neighbouring property.
- (c) Either the taking of water on its own or cumulatively with other takes from the dam impoundment, pond or reservoir (but not including a take from an impoundment created by a weir):
  - (i) does not exceed the quantity specified in Figure 31.1A;
  - or
  - (ii) is authorised by a water permit to take water.

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**Notes (not part of the rule):**

1. The construction of dams greater than 3 metres may also need a Building Consent. Dams smaller than this are exempt from the Building Act provisions. For rules relating to the construction and maintenance of dams, refer to section 28.2 (Dams and Weirs) in Part IV (Rivers and Lakes).
2. Refer also to rule 36.2.2.8, which allows for the discharge of water from a dam back into the downstream water body.
3. Easements may be required where impounded water may cover neighbouring property.
4. The requirements of the Freshwater Fisheries Regulations 1983 for the provision of fish passage may also apply. These regulations are administered by the Department of Conservation.

**31.1.4.2 Controlled Activities (Damming of Fresh Water)**

The damming of fresh water that does not comply with the conditions of rule 31.1.4.1 is a controlled activity, if it complies with the following conditions:

- (a) The water damming is authorised by a water permit that is due for renewal.

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

- |      |   |                     |
|------|---|---------------------|
| (1)  | The rate, manner and timing of the discharge of water from the dam, including provision of a residual flow or any steps necessary to maintain any flow specified in Schedule 31C. |                     |
| (2)  | Effects on aquatic and riparian ecosystems, including of the impoundment, and upstream and downstream of the dam.   | C36 3/12<br>Op 4/13 |
| (3)  | Maintenance of aquatic habitat within the impoundment, including management of pest plant and animal species.   |                     |
| (4)  | Effects on other uses and values of the water body and those of connected water bodies such as groundwater, springs or wetlands, including those given in Schedule 30A.           |                     |
| (5)  | Effects on other water users, downstream landowners and landowners affected by the dam structure or impounded water.  |                     |
| (6)  | Information to be supplied and monitoring, including water meters required.   |                     |
| (7)  | Monitoring the effects of the damming.  |                     |
| (8)  | Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).                                     |                     |
| (9)  | Effects on other water users, including security of supply for existing water users and impacts on existing downstream storage.   | C36 3/12<br>Op 4/13 |
| (10) | Measures to ensure maintenance of downstream flows, especially where downstream users' security of supply or rates of supply to existing dams may be affected.                    |                     |
| (11) | The management of variable flows, including flows that simulate freshes.  | C47 4/13<br>Op 9/15 |
| (12) | Relevant conditions on the applicable water permit to dam.  |                     |

**Notes** (not part of the rule):

1. The construction of dams greater than 3 metres may also need a Building Consent. Dams smaller than this are exempt from the Building Act provisions. For rules relating to the construction and maintenance of dams, refer to section 28.2 (Dams and Weirs) in Part IV (Rivers and Lakes).
2. Refer also to rule 36.2.2.8, which allows for the discharge of water from a dam back into the downstream water body.
3. Easements may be required where impounded water may cover neighbouring property.
4. The requirements of the Freshwater Fisheries Regulations 1983 for the provision of fish passage may also apply. These regulations are administered by the Department of Conservation.
5. Where appropriate, the duration of a consent to dam water will normally be granted for a period of 10 years. Consents to renew applications to dam water will generally be granted for a term of 20 years.

**31.1.4.3 Restricted Discretionary Activities (Damming of Fresh Water)**

Except as provided by rule 31.1.4.4, the damming of fresh water that does not comply with the conditions of rule 31.1.4.1 or the conditions of rule 31.1.4.2 is a restricted discretionary activity.

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**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) The rate, manner and timing of the discharge of water from the dam, including provision of a residual flow or any steps necessary to maintain any flow specified in Schedule 31C.
- (2) Effects on aquatic and riparian ecosystems, including of the impoundment, and upstream and downstream of the dam. C36 3/12  
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- (3) Maintenance of aquatic habitat within the impoundment, including management of pest plant and animal species.
- (4) Effects on other uses and values of the water body and those of connected water bodies such as groundwater, springs or wetlands, including those given in Schedule 30A.
- (5) Effects on other water users, downstream landowners and landowners affected by the dam structure or impounded water.
- (6) Information to be supplied and monitoring, including water meters required.
- (7) Monitoring the effects of the damming.
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).
- (9) Effects on other water users, including security of supply for existing water users and impacts on existing downstream storage. C36 3/12  
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- (10) The management of variable flows including flows that simulate freshes. C47 4/13 Op 9/15

**Notes** (not part of the rule):

1. The construction of dams greater than 3 metres may also need a Building Consent. Dams smaller than this are exempt from the Building Act provisions. For rules relating to the construction and maintenance of dams, refer to section 28.2 (Dams and Weirs) in Part IV (Rivers and Lakes).
2. Refer also to rule 36.2.2.8, which allows for the discharge of water from a dam back into the downstream water body.
3. Easements may be required where impounded water may cover neighbouring property.
4. The requirements of the Freshwater Fisheries Regulations 1983 for the provision of fish passage may also apply. These regulations are administered by the Department of Conservation.
5. Where appropriate, the duration of a consent to dam water will normally be granted for a period of 10 years. Consents to renew applications to dam water will generally be granted for a term of 20 years.

**31.1.4.4 Non-Complying Activities (Damming of Fresh Water)**

The damming of water (other than as a result of any intake or deflection structure) on:

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- (i) the main stem of the Wairoa (including the Left or Right Branches) above its confluence with the Lee River;

- (ii) the Lee River from its confluence with the Wairoa River to the boundary of the Water Augmentation Infrastructure Area (Waimea Community Dam) other than for damming that operates in association with the Waimea Community Dam; and
  - (iii) the Roding River, from its confluence with the Lee River to the District boundary;
- is a non-complying activity unless the applicable resource consents for the Waimea Community Dam lapse.

### **31.1.5 Damming and Diversion of Flood Waters**

#### **31.1.5.1 Permitted Activities (Damming and Diversion of Flood Waters)**

The damming and diversion of flood waters by any structure is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The structure lawfully existed as at 3 November 2001.
- (b) The structure is located in the Richmond Intensive Development Area and any damming or diversion of flood waters complies with condition (k) of rule 17.1.3.4C.

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#### **31.1.5.2 Restricted Discretionary Activities (Damming and Diversion of Flood Waters)**

The damming and diversion of flood waters by any structure that does not comply with the conditions of rule 31.1.5.1 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 effects of any structure by itself or in combination with other structures on aquatic and riparian ecosystems, plant or animal habitat, flow regime or erosion of the river, and public access to and along the river.
- (2) The effects of any structure by itself or in combination with other structures on other landowners.
- (3) The design, location, construction and maintenance of any structure.
- (4) The severity and probability of the flood hazard.
- (5) The effects on the community, including physical, economic and cumulative effects.
- (6) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (7) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### **31.1.6 Diversion and Take of Water from Naturally Occurring Wetlands**

#### **31.1.6.1 Discretionary Activities (Diversion and Take of Water (including by infilling) from Naturally Occurring Wetlands)**

The diversion and take of water from a naturally occurring wetland including the diversion of water by the infilling of a wetland, is a discretionary activity.

A wetland subject to this rule includes permanently or intermittently wet areas, shallow water and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions, and:

- (a) wetlands which are part of river, stream and lake margins;
- (b) natural ponds, swamps, marshes, fens, bogs, seeps, brackish areas, mountain wetlands, and other naturally wet areas that support vegetation adapted to living in wet conditions, and provide a habitat for wildlife;
- (c) coastal wetlands;

but excludes:

- (d) wet pasture or where water temporarily ponds after rain, or pasture containing patches of rushes (juncus species);
- (e) oxidation ponds;
- (f) artificial wetlands used for wastewater or stormwater treatment;
- (g) artificial farm dams and detention dams;
- (h) land drainage ditches and farm drains;
- (i) reservoirs for firefighting, domestic or community water supply;
- (j) temporarily ponded rainfall.

**Note:** The edge of a wetland (i.e. where a wetland becomes land) is where terrestrial plant species become dominant and where the substrate changes from being permanently or intermittently wet to 'dry land'. Where plants can be used as an indicator, a wetland becomes dry land where the plant species are those typical of terrestrial environments over more than 80 percent of the area.

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

## 31.1.7 Site-to-Site Transfer of Water Take

### 31.1.7.1A Permitted Activities (Site-to-Site Transfer of Water Take – Waimea Community Dam)

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The transfer, including a transfer for a limited period (being a period less than the duration of the water permit in question) to another site of all or part of the interest in any water permit to take or use water that is affiliated to the Waimea Community Dam, is a permitted activity, if it complies with the following conditions:

- (a) The transfer is only in the Appleby Gravel, Lower Confined Aquifer, or Upper Confined Aquifer Zones and
  - (i) the permit being transferred is affiliated to the Waimea Community Dam;
  - (ii) there is no increase in bona fide water use until after the Waimea Community Dam commences operation.
- (b) Both the point of take to be transferred and the new point of take are within the same zone.

- (c) The transfer is either where:
- (i) both points of take are from bores for which there is an applicable:
    - bore land use consent; and
    - irrigation management plan for each point of take;
 or
  - (ii) the transfer is a surface water take to a new point downstream of the original point of take and:
    - there is an applicable irrigation management plan for both points of take;
    - the new take is not in a coastal margin for the zone; and
    - the take is not in the Upper Catchments Zone.
- (d) The sum of any new quantities authorised as a result of the transfer does not exceed the original amount authorised to be taken.
- (e) There is no more than 0.25 metre additional drawdown in groundwater level for any adjacent authorised groundwater take. This requirement need not apply provided the owner of any affected bore agrees in writing to some other drawdown effect.
- (f) The relevant conditions relating to:
- (i) water metering,
  - (ii) rationing and rostering,
  - (iii) water supply agreements,
  - (iv) river flow and ecosystem effects (including fish screening at the intake);
  - (v) irrigation and nutrient management;
- on the original water permit continue to apply.
- (g) The rate of take at the new point of take does not exceed the sustainable yield of the bore.
- (h) The transferred permit is subject to the same duration as the original permit.
- (i) The prescribed form for transferring all or part of a water permit is completed by the holder of the permit jointly with the person to whom the interest in the permit will transfer, and lodged with Council, before commencing to exercise the consent.

<b>31.1.7.1</b>	<b>Controlled Activities (Site-to-Site Transfer of Water Take)</b>
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The transfer, including a transfer for a limited period (being a period less than the duration of the water permit in question) to another site of all or part of the interest in any water permit to take or use water, that does not comply with the conditions of 31.1.7.1A is a controlled activity, if it complies with the following conditions:

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- (a) The transfer is within the Wai-iti Dam Service Zone, Waimea Plains Zones, or in the Tapawera or Glen Rae zones.
- (aa) Where the permit for the take to be transferred is in the Tapawera or Glen Rae Zone:
- (i) it is granted, or replaced by a permit after May 2019;
  - (ii) the relevant points of take are bores for which there are relevant bore land use consents;
  - (iii) there is a relevant irrigation management plan for the use of water from both points of take.

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- |     |   |                                      |
|-----|---|--------------------------------------|
| (b) | Both the point of take to be transferred and the new point of take are within the same Zone.  | C47 4/13 Op 9/15<br>C56 9/15 Op 9/16 |
| (c) | The sum of any new quantities authorised as a result of the transfer does not exceed the original amount authorised to be taken.  |                                      |
| (d) | There is no more than 0.25 metre additional drawdown in groundwater level for any adjacent authorised groundwater take. This requirement need not apply provided the owner of any affected bore agrees in writing to some other drawdown effect.  |                                      |
| (e) | For permits not affiliated to the Waimea Community Dam or where there is no Waimea Community Dam, the transfer is where both points of take are from bores and are authorised by consents issued after May 2016 and there is an applicable: <ul style="list-style-type: none"> <li>(i) bore land use consent; and</li> <li>(ii) irrigation management plan for each point of take;</li> </ul> | C56 9/15<br>Op 9/16                  |
| (f) | The relevant conditions relating to: <ul style="list-style-type: none"> <li>(i) water metering,</li> <li>(ii) rationing and rostering,</li> <li>(iii) water supply agreements,</li> <li>(iv) river flow and ecosystem effects (including fish screening at the intake);</li> <li>(v) irrigation and nutrient management;</li> </ul> on the original water permit continue to apply.           | C56 9/15<br>Op 9/16                  |

**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) | Compliance with relevant rules concerning the setback requirements between bores and the quantity, rate and timing of the take not otherwise specified above, including provisions for rostering, and rationing. |                      |
| (2) | Any relevant conditions on the original permit.  |                      |
| (3) | The effects of the take either by itself or in combination with other existing takes on flows and water body values of the connected rivers and effects on other users.  | C47 4/13<br>Op 9/15  |
| (4) | Installation of water meters.  |                      |
| (5) | Information to be supplied, and monitoring requirements.   |                      |
| (6) | Measures to achieve efficient water use or water conservation, including sealing of artesian bores, preparation of water management plans, and measures to monitor water use.                                    |                      |
| (7) | Limitations on the exercise of all or part of each water permit that is subject to a site-to-site transfer for a limited period of time.   | C23 12/08<br>Op 8/14 |
| (8) | The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).   |                      |
| (9) | Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).  |                      |

**Note:** Rules 16.12.2.1 and 16.12.2.2 apply to construction of any new bores.

### 31.1.7.2 Restricted Discretionary Activities (Site-to-Site Transfer of Water Take)

The transfer, including a transfer for a limited period (being a period less than the duration of the water permit in question) to another site of all or part of the interest in any water permit to take or use water is a restricted discretionary activity, if it complies with the following conditions:

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- (a) Where water is to be transferred to an area where rules specify different rates of use, then the different rate will apply to the transfer, provided that the sum of any new quantities authorised does not exceed the original amount authorised to be taken.
- (b) The transfer is not in the Moutere Surface Water Zone, except where the total water use before and after the transfer does not increase.
- (c) The transfer is not out of a water management zone.
- (d) The transfer is not water taken and used to irrigate Maori perpetual lease land that is reserved under Table 1 of Schedule 31D.

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**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) Compliance with relevant rules concerning the setback requirements between bores and quantity, rate and timing of the take, including provisions for rostering, rationing and rates of take.
- (2) The need or appropriateness for the transfer, including any changes of use.
- (3) Other water supply options for water users in the affected zones.
- (4) Whether the water body from which the water is to be taken is changed.
- (5) Whether water has been reserved for specified purposes in the zone.
- (6) Any relevant conditions on the original permit.
- (7) The effects of the take on other users or values of the water body.
- (8) The effects of the take either by itself or in combination with other existing takes, on aquatic and riparian ecosystems, including fish and eel habitat, and flows in rivers, wetlands or coastal springs affected by takes from groundwater.
- (9) A reduction in allocation where a bona fide review shows that water use is less than the amount of water allocated.
- (10) Installation of water meters as required in the relevant zone and shown in Schedule 31B.
- (11) Information to be supplied, and monitoring requirements.
- (12) Measures to achieve efficient water use or water conservation, including sealing of artesian bores, preparation of water management plans, and measures to monitor water use.
- (13) Limitations on the exercise of all or part of each water permit that is subject to a site-to-site transfer for a limited period of time.
- (14) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).

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- (15) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 31.1.7.3 Non-Complying Activities (Site-to-Site Transfer of Water Take)

The site-to-site transfer of a water take that does not comply with the conditions of rule 31.1.7.2 is a non-complying activity.

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

## 31.1.20 Principal Reasons for Rules

### Water Take, Diversion or Use

The permitted activity rule allows for small abstractions of water from any water body, to be taken for any purpose without the need for a resource consent. The rule also allows for the “reasonable domestic needs of an individual or the reasonable needs of an individual's animals for drinking water” as described by the Act. It is reasonable not to limit the drinking water needs of stock, and the quantities specified describe the reasonable needs of domestic users. Small coastal water takes are also permitted because adverse effects of these takes are not significant. Takes of coastal water from bores and takes of freshwater from bores seaward of mean high water springs will need a consent because of the potential significance of pumping on other water bodies, and seawater contamination of freshwater resources.

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The limited quantities able to be taken ensure that adverse effects of such takes, either by themselves or in combination with other takes, can be avoided. In areas such as the Aorere or Upper Buller, more water can be taken without resource consent than in the remainder of the District. Water is also permitted to be taken for some specified activities as the effects of these sorts of takes are unlikely to be significant. Water metering for takes from the deep Moutere aquifers is now required for all new and existing takes, including takes for domestic and stock water. The Moutere aquifers are subject to high demand and it is important that Council monitors these takes and their effect on the aquifer, effects on other users through drawdowns, and the allocation limit. A staged process to enable compliance for existing users has been adopted.

An unlimited take of coastal water is considered appropriate for marine mammal rescue, and the normal operations of ships and offshore installations. (Normal operations are defined in the Resource Management (Marine Pollution) Regulations 1998). For takes of coastal water for other purposes, 1000 cubic metres is an arbitrary but appropriate threshold for requiring assessment of potential adverse effects through the consent process.

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Op 10/11

Rule 31.1.2.2 recognises that water is often taken for purposes that are ongoing or continuous, including horticultural production systems and industry. There is an expectation that permits to take water will continue to be renewed subject to specified conditions, and provided that Council can review conditions where necessary to ensure compliance with Plan rules or other specified purposes.

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The Council recognises in rule 31.1.2.3 that new water takes that are within any established allocation limit will have potentially less significant adverse effects on the environment than other new takes and these takes will now be controlled activities. This is because the allocation limits take into account the water quantity needs of the identified uses and values of the water body, as well as the desirable security of supply for water users. The Council also recognises the contribution by water users in the Wai-iti Dam Service Zone to improving their security of supply and through investment into a more secure water supply through the Wai-iti Community Water Augmentation Scheme.

Water takes from constructed storage ponds, dams or reservoirs are also likely to have less significant adverse effects on the environment and these activities will be controlled activities provided for in rule 31.1.2.4.

All other water takes will be discretionary activities (rule 31.1.2.5) and this allows Council to consider the effects of each take on a case-by-case basis and to ensure that potential adverse effects of the water take can be taken into account. The conditions also ensure that the various water management provisions, such as low flow requirements and allocation limits, are taken into account. Applications to take water in cases where the allocation limit will be exceeded, will become non-complying.

RCP  
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Where relevant, rules have conditions that relate to the reservation of water, requirements for rationing and water meters, expiry dates of the consent, bona fide reviews, and efficient water use.

Water meters are required by national regulations for all consented takes greater than 5 litres per second. The Council will continue to require water meters for consented takes less than 5 litres per second as the effects of taking this amount of water can be significant on its own or in combination with other takes. Exceptions for this are where the water is taken at times of high flow during winter months and stored for use in seasonally dry areas, and for takes from dam impoundments and reservoirs or ponds.

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Water meters allow monitoring for compliance and for collection of water use data to assist in decision-making and add to understanding about the water resources of the District and the cumulative impacts of water takes.

Water takes from dam impoundments will be permitted activities, subject to some conditions, to reflect the policy direction to promote water augmentation and to allow dam owners to make decisions about security of supply. Permitting these takes also ensures the water measuring requirements of the national regulations will not apply to takes from an impoundment. This provision does not apply to weirs built to enhance access to water during low-flow periods.

However, in order that the Council can continue to manage residual flows from dams and the cumulative impacts of dams, the permitted activity for damming water is subject to a condition related to the amount of water taken from the impoundment. Adverse effects of dams, including cumulative effects and effects on downstream water users, will be managed through conditions on consents to dam water. Transitional arrangements allow for water permits to take from storage to continue applying without the need to apply for new or amended damming consents.

Taking water from reservoirs or ponds which are filled by pumping from surface water or groundwater sources is also a permitted activity. This reflects that the takes to fill storage are already controlled by water permits to take water and subject to water meter requirements.

Rationing may be imposed through consent conditions and apply once a rationing trigger has been reached. When deciding on whether to impose or continue rationing in the absence of relevant flow triggers or consent conditions, the Council will consult with water user committees and Dry Weather Task Forces. It will take into account the rate at which the river flow or groundwater levels are decreasing, rate of seawater intrusion, flows in coastal springs and climatic conditions, patterns of water use, and soil moisture levels. Progression from Step 1 will generally not exceed two-weekly intervals. After Step 3 or 4 rationing has been imposed, Council may then implement water shortage directions under Section 329 of the Act, taking into account policy 30.2.3.1. In addition, for permits not affiliated to the Waimea Community Dam, rationing and reporting will be based on a 'real time' approach to minimise potential for permits not affiliated to gain advantage from dam flows and this may include provision of water use data through telemetered systems for larger takes while those taking less than 3.3 litres per second may read meters daily and report weekly.

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The amount of water allocated in the Waimea Plains Water Management Zones exceeds the amount available to meet flows needed to sustain instream values and uses and to meet the demand by water users at the stated security of supply standard.

Council has now identified the proposed Waimea Community Dam as its preferred solution to managing the existing and potential future demand for water in the Waimea Plains. It has provided a water management regime that takes into account the effect of such an augmentation scheme on available water resources, including transitional provisions that apply until the dam is operational. The construction of this scheme enables the needs of a wide range of water uses and values to be met. In order to protect existing investment into water use, and to maintain a status quo for water use by affiliated permit holders until the dam is operational, the Council is adopting a transitional allocation regime that reallocates water to affiliated permits in a way that avoids additional adverse impact through any reduction in allocation or rationing. A bona fide review will determine the status quo level of water use and this amount will not be further reduced according to crop or soil type as the unaffiliated permits will be.

Schedule 31C, Table 1A, provides that in the rare event of a severe (more than 24-year return period) drought and low water storage in the dam, the required minimum flow for the Waimea River reduces from 1100 to 800 litres per second. Some form of water restrictions may be implemented by the Council in consultation with the Waimea Community Dam operator in an endeavour to maintain a minimum flow of 800 litres per second in the Waimea River. When total reservoir storage in the Waimea Community Dam falls to 2.7 million cubic metres (equivalent to a 40-year drought), Council will begin consultation with the operator about rationing water. This storage level is the trigger for consultation. The first rationing step for users of the augmented water flows is 2 million cubic metres. A storage volume of 1 million cubic metres is required for residual storage.

Council has also developed a water management regime that it will adopt if the dam is not constructed. It seeks to maintain a minimum flow in the Waimea River that protects in-stream values and the recreational values of the river as well as prevents damage to ecosystems and water supplies through sea water intrusion.

Tables 1B - 1D of Schedule 31C specify the rationing requirements in the absence of the Waimea Community Dam or for permits not affiliated to the Dam. Without water augmentation, significant rationing can be expected in the Waimea basin during an average summer with cease take directions occurring for significant periods in many years.

No new water permits can be granted in the absence of water augmentation until total abstractions are less than the limits in Figure 31.1FA, Table 1.

In zones where amounts allocated are collectively more than the stated allocation limit, ongoing reviews of permits, particularly where actual bore yields are less than the face value on the permit, will help reduce levels of over-allocation. In the Waimea Zones, Council will also reduce allocations to reflect bona fide water use and water will be allocated according to both soil type and crop water needs. In any zones that are fully or over-allocated, further permits to take water will not normally be granted.

### **Sustainable Bore Yield**

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The water level in a pumped bore is dependent on the static water level, lowering of the water level in the bore due to pumping, lowering of the surrounding water table due to interference as a result of pumping from the bore itself and neighbouring bores and aquifer recharge. These factors are in turn dependent on bore depth, bore construction and aquifer hydraulic characteristics.

The sustainable bore yield may vary between bores and from aquifer to aquifer. Accounting for acceptable water level lowering so as not to adversely affect pumping rates for other neighbouring bores is an important consideration in determining sustainable bore yields and in establishing the minimum set back distances for bores (in chapter 16.12).

### **Water Quality**

The Council has signalled that it will manage potential adverse effects on water quality arising from intensive land uses enabled by irrigation through consent conditions on water permits to take and use water.

However, the Council and affected landowners and industry groups do not have a good understanding about the range of mitigation measures possible or necessary to meet water quality objectives specified in Schedule 30B. A further plan change that introduces both the water quality limits and the necessary nutrient management measures as part of water take and use consents will be introduced following further investigation into this issue. See also Chapter 33.

New information shows that more water can be sustainably taken from the Central Plains aquifer, although the additional water can only be taken from within a high yield area adjacent to the river. This means maximum advantage can be taken of recharge of the aquifers from the Motueka River. Seawater intrusion in the nearby Hau Plains Zone is still an important trigger for rationing during times of drought. It is possible that seawater intrusion in this zone is a localised effect and takes from the Central Plains Zone may not have a significant effect on this trigger. Further monitoring and investigation will determine the extent to which further water might be made available from the Central Plains Zone without causing seawater intrusion, either along the coast generally or in the Hau Plains Zone in particular.

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### Upper Motueka Zones

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Allocation limits have been established for Upper Motueka zones — Tadmor, Motupiko, Rainy, Tapawera, Glen Rae, and Wangapeka zones. These limits are consistent with the streamflow depletion limits specified in the Motueka Water Conservation Order (WCO) of 12 percent of the natural flow for the Motueka River at Woodstock and 6 percent for the Wangapeka River at Walter Peak. The allocation limits are also consistent with the security of supply policy (30.2.3.21) and where evidence of flow needs of instream values is lacking, are consistent with overall allocation policies (30.1.3.15 to 30.1.3.16).

Separate allocation limits have been introduced for the Dove and Stanley Brook catchments. They were previously considered part of the Upper Motueka Zone, however only the lower Dove River (granite reach) reliably contributes flow to the Motueka River in summer. Allocation limits for both these zones reflect the summer dry nature of the catchments and the security of supply is likely to be less than the stated objective. Water meter information will help the Council and the water users to understand more about patterns of water use and security of supply.

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In the upper Motueka, a precautionary approach to streamflow depletion has been adopted by including all river and groundwater takes in assessing compliance with the allocation limit, until more recent groundwater modelling was completed in conjunction with the Integrated Catchment Management (ICM) research programme. This modelling has now been carried out and results provide more accurate information about the extent to which groundwater takes deplete river flows and the interaction between groundwater and the losses and gains to the Motueka River.

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The Tapawera Plains Zone has been amended to create two zones, the upper section is now the Tapawera Zone where the amount of water remains at the current (fully allocated) limit of 314 litres per second. The lower section, called the Glen Rae Zone, has an allocation limit of 300 litres per second. The combined total for these two zones is 90 litres per second more than previously specified for the Tapawera Plains Zone and reflects that the Motueka River is gaining water from groundwater in this lower reach. The additional allocation allows new users, and security of supply will meet the desired standard. The effect of water abstraction in the new zones on the Motueka River will be managed by a new river-flow trigger.

The water resources of the Rainy River are fully allocated and in order to reflect this accurately, the Rainy River catchment is now separately defined as a new zone rather than being included in the Motupiko Zone.

The management of the Motupiko River is improved by specification of rationing triggers that apply to water users in the Motupiko and Rainy Zones.

An allocation limit has now been established for between Woodstock and Woodmans Bend. The allocation limit is set in relation to flows and allocation limits above Woodstock for the Upper Motueka zones and below Woodmans Bend for the Motueka Plains zones. Allocation limits for the Motueka Plains zones, especially the Central Plains Zone, take into account existing and likely future water demand for the irrigation of irrigable land in the Motueka Valley.

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Allocation limits have now been included for some of the smaller coastal catchments near the Abel Tasman National Park. Although the Council does not have a good knowledge of the uses and values of those water bodies, it has introduced a provisional water allocation limit to help manage reservation of water for potential future water needs of the community and to provide some guidance for potential water users. These allocation limits are calculated from hydrological flow data at 10 percent of the 5-year, 7-day low flow for the rivers, plus calculated recharge from groundwater where it is relevant. (For the Marahau River, this low flow is 365.8 litres per second and there is 6 litres per second groundwater recharge over 50 hectares of river flats; for the Otuwhero River, 292 litres per second; and for the Holyoake River, 213 litres per second.) None of these rivers are mentioned specifically in Schedule 30A as having significant values, however, values have not been examined or assessed for these rivers in any detail and very little is known about their significance. Each allocation limit reflects a precautionary approach in light of this uncertainty and is based on the possibility that the rivers have significant values. Each is consistent with Policy 30.1.3.12. The allocation limit may be reviewed if there is more information about the significance of uses and values in those water bodies.

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Effects of takes from rivers with no allocation limit will be assessed on a case-by-case basis and decisions will be directed by Policy 30.1.3.12.

The waiting list provisions clearly identify the process to be followed in order to establish priority for new water that might become available in a fully allocated zone. It is complemented by a prohibition on any application by anyone not in priority order on a waiting list. There is an exception where an applicant can obtain the written approval of all persons with a prior registration. The method and rule regime protect potential water users' rights to water and provide a transparent and clear approach to the management of waiting lists.

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When Council is considering any application for water, and any registration on a waiting list, it will require the applicant to demonstrate that a need for water actually exists. Council will ensure that potential water users, particularly in water short areas, consider actual water need and also adequately account for alternatives. In zones where Council maintains a waiting list, a condition that the consent lapses if it has not been exercised within two years will also be imposed to ensure water available for abstraction is actually used.

The amounts of water reserved for potential future irrigation of Māori Perpetual Lease Land and for future community use are specified in Schedule 31D. The quantities are reserved within any allocation limit for each of the water management zones and, for irrigation uses, are calculated for land that can be sustainably irrigated. Future community water supply needs take into account predicted growth in urban areas.

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The rules help ensure future access to water for this specified class of iwi land by preventing site-to-site transfer of water away from any Māori Perpetual Lease Land that is currently being irrigated. New applications for water can only continue to be granted if the amounts reserved in the schedule are still available for the reserved purpose.

In considering allocation limits and applications to take water for irrigation, Council will take into account the area of land that is irrigable using soil type, slope, aspect, elevation and rainfall suitability criteria in the Tasman Regional Water Study 2003: Technical Report 44487/1. In calculating the amount to be allocated when a water permit application is made, headlands, areas covered by roads, rivers and tracks, buildings and structures, and the like, will not be included.

In calculating the amount reserved for the irrigation of Māori Perpetual Lease Land, any land meeting both suitable and marginal criteria for soil type, slope and elevation will be considered irrigable. The reservation amounts for the irrigable land will include the total land area of the land title but will exclude land zoned for urban use, titles less than 1 hectare in area, and land within stopbanks or estuary. Māori Perpetual Lease Land for which iwi already hold a water permit will also be excluded from the reservation calculation.

### **Diversion of Water by Structures**

Minor diversions such as those caused by existing structures in the beds of rivers have minor effects and should be permitted. Maintenance and repair of such structures also has limited adverse effect because of the temporary nature of such activities. For other diversions, a range of circumstances exist where water diversions may be required, including alluvial mining operations, hydro-electric power generation and water supply schemes. It is appropriate for the activity to be discretionary, with Council retaining unlimited discretion because of the range of potential diversion activities having a wide range of effects.

### **Damming of Fresh Water**

The damming of small amounts of fresh water behind a small structure is a permitted activity because the adverse effects of such activities are likely to be small and, in most cases, effects are more likely to be beneficial.

Damming that is already occurring and is authorised by a permit will be a controlled activity as there is little scope for the Council to refuse consent, but it can consider conditions to avoid, remedy or mitigate adverse effects from such dams. It also enables Council to review the consent and ensure structural stability of the dam over time.

The impact of large-scale damming on stream hydrology and ecology as well as on other uses and values, including recreation and abstractive uses, can be significant. For this reason, Council will require any consent application for large-scale damming.

These damming activities will be discretionary activities to allow the Council to assess their potential adverse effects and measures to avoid, remedy or mitigate them. The Council recognises that dams will often have beneficial effects, and will have regard to these when seeking to avoid, remedy or mitigate the adverse effects of dams.

### **Damming and Diversion of Flood Waters**

The construction of a stopbank to divert floodwater is generally to protect land or buildings from damage by flooding. However, stopbanks also have considerable potential to adversely affect river hydrology and erosion of the river, and they may affect flood flows on neighbouring properties. The rules allow for diversion of floodwater from existing stopbanks as the effects of these structures are already existing and accounted for. Any diversion of water by a new stopbank will be a discretionary activity because of the potential for significant adverse effects.

There are also land use rules regulating the construction of stopbanks in section 16.10 (Flood Hazards) of the Plan.

### **Diversion and Take of Water from Naturally Occurring Wetlands**

This rule regulates the drainage and infilling of naturally occurring wetlands. It is necessary to recognise and provide for the protection of the high ecological and natural values, and the processes and functions of wetlands. A discretionary activity for wetland drainage or infilling is necessary until the Council has collected sufficient information to establish the extent and significance of naturally occurring wetlands. It provides a precautionary approach and is more consistent with the sustainable management of wetlands. Once information about significance is available, Council has signalled its intent to review these provisions and indicate whether it may be appropriate to permit some drainage or modification of wetlands in some circumstances.

Council has adopted other methods to help ensure that landowners are aware of the importance of these ecosystems and ways of protecting them. Council's range of methods includes advocacy, education and incentives in an effort to recognise landowners' expectations as well as the need to protect such vulnerable ecosystems.

The rule also recognises that landowners may need greater control over constructed wetlands such as dams and reservoirs. The rule does not apply to manmade wetlands.

A consent requirement for the drainage of wetlands will ensure that the Council can consider all the adverse effects of draining any particular wetland on a site-by-site basis.

### Site-to-Site Transfer of Water Takes

Site-to-site transfer of all or part of a permit to take water has the potential to encourage efficient use of water and provide for greater access to water than currently occurs. Council has adopted an approach that allows for and encourages transfer of permits as an alternative to reducing the allocated amount in a permit through bona fide reviews. However, because of uncertainties about the effects of a transferable permit system that permits site-to-site transfer, the Council will continue with a regulatory regime for permit transfer as provided for in the Act.

The rule clearly specifies conditions that will apply to transfers as well as the matters that the Council will take into account when considering applications for transferring permits. The Council has also undertaken to provide information about temporary or permanent transfer of water permits to permit holders who may otherwise lose unused portions of their permit through bona fide reviews.

Transfer of water takes away from land subject to Maori perpetual leases is a non-complying activity to ensure Maori landowners will retain access to water for irrigation in the future when they regain control of their lands.

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Site-to-site transfer of water takes in over-allocated zones would normally be a non-complying activity because of the possible increase in total water used through an increase in area irrigated, even if the total quantities authorised on the combined permits does not change. This is usually because a permit holder may have more water allocated than is actually being used and the excess water could be transferred to another site. However, in some circumstances, a site-to-site transfer may enable more efficient use of water during a drought. Site-to-site transfers like this would be considered more favourably because an increase in area irrigated or total water use is not likely.

A controlled activity status for site-to-site transfers will enable better and more flexible management of the allocatable water in fully allocated zones during periods of low flow.

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### Community Water Supply

Calculation of the amount of water reserved for community water supply shall be based on a long term planning view that seeks to provide for the foreseeable future water supply needs of communities. Demand calculations shall take into account population growth projections which are updated periodically. This may result in amendments to plan provisions (by change or variation) if significant differences occur between actual and projected growth.

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Community demand shall be based on known water usage where that information is available. Where no existing use information is available, demand shall be calculated in general accordance with the New Zealand Standard for Subdivision NZS4404 and will take into account the security of supply for the relevant water management zone. Water demand for non-residential (schools, hospitals, commercial and industrial) supply will be based on known water use where information exists, rational estimates of expected needs and forecasts of potential future developments.

For larger urban areas, the reserved quantity is for existing and likely future large water uses including industries, schools, camp grounds, hospitals, and rest homes, taking into account relevant population and economic growth and commercial and industrial zoning.

Not all of the reserved water will necessarily be allocated via a water permit for community use at any time. The unallocated water remains available for the identified use in the future and, in the meantime, can be used on a temporary or interim basis by other users.

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(C23/C24)**

Applications to take water for community supplies will be considered on the basis of the relevant projections for population and business growth and the resulting increase in water demand within the term of the permit for the applicable supply area. Water allocation will be staged during the term of the consent so that the amount allocated closely reflects this growth in demand. Applications for water for community supply will need to address measures to ensure efficient use of water within the reticulated area.

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## **31.2 FINANCIAL CONTRIBUTIONS FOR WATER TAKE, DIVERSION, USE OR DAMMING**

*Refer to Policy sets*  
*Refer to Rule sections*

### **31.2.1 Scope of Section**

This section states the circumstances, purposes and manner for requiring financial contributions for water (including inshore coastal water) take, use, diversion and damming that require resource consent.

### **31.2.2 Terms for Taking, Using, Damming or Diverting Water**

The taking, using, damming or diverting of water that requires a resource consent is subject to the following terms:

Council may require a financial contribution:

- (a) in the circumstances; and
- (b) for the purposes; and
- (c) to the level determined in the manner as follows:

#### **31.2.2.1 Circumstances**

- (a) Where any ecosystem, habitat, or plant or animal life is or is likely to be adversely affected by any water take, damming or diversion.
- (b) Where any water take, use, damming or diversion is likely to have any adverse effect on the quantity or quality of water for any use or value.

#### **31.2.2.2 Purposes**

- (a) To attain any positive effect on the environment to offset any adverse effects.
- (b) To offset or otherwise avoid, remedy or mitigate any adverse effect of a water take, use, damming or diversion by providing:
  - (i) a contribution to the cost of works or other actions, including water augmentation, or riparian or wetland land management; or
  - (ii) a contribution to the cost of measures to protect or restore any habitat, plant or animal community, or the condition of any water body or coastal water; or
  - (iii) land in connection with (i) or (ii).

#### **31.2.2.3 Manner for Determining Level of Contribution**

- (a) Council will assess, firstly, the effects management measures to be undertaken by the consent holder, as incorporated in the particular application or imposed by other conditions of consent. Council will then assess whether it needs to undertake any residual measures to achieve the environmental outcomes required by the consent, and whether the consent holder should contribute to the cost of those measures.
- (b) In determining the level of any financial contribution, Council may take into account:
  - (i) the effectiveness of a financial contribution to offset adverse effects, particularly cumulative effects;

- (ii) effectiveness of a financial contribution to offset adverse effects on other water users, or uses and values of a water body or coastal water;
- (iii) the need for a direct relationship between the size and significance of any adverse effect of the take, use, damming or diversion, and the level of any financial contribution.

**SCHEDULES****Schedule 31A: Duration of Resource Consents**

*Refer to Rules 31.1.2.2, 31.1.2.3, 31.1.2.4 and 31.1.2.5.*

The Council will consider the following schedule when determining the duration of any permit to take or divert water. Where appropriate, the duration of the consent will be consistent with the next common expiry date for the relevant water management as shown in this schedule.

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EXPIRY DATES	
Water Management Zones	Expiry Dates
<b>Motueka/Riwaka Plains</b>	
Central Plains	31 May 2015 31 May 2033
King Edward	31 May 2015 31 May 2030
Hau Plains	31 May 2015 31 May 2030
Riwaka	31 May 2014 31 May 2029
Swamp/Umukuri	31 May 2014 31 May 2029
<b>Moutere</b>	
Moutere Coastal, Eastern, Southern and Western Groundwater	31 May 2013 31 May 2027
Moutere Surface Water	31 May 2013 31 May 2028
<b>EITHER</b>	
<b>(i) Waimea Plains</b>	
These dates apply to any permit not affiliated to the Waimea Community Dam or to any permit where there is no Waimea Community Dam	
Upper Catchments (Wairoa, Lee and Roding rivers)	30 November 2039
Hope and Eastern Hills	30 November 2039
Lower Confined Aquifer	30 November 2039
Delta and Redwood	30 November 2039
Golden Hills	30 November 2039
Waimea West	30 November 2039
Upper Confined Aquifer	30 November 2039
Reservoir	30 November 2039
<b>EXPIRY DATES</b>	
Water Management Zones	Expiry Dates
<b>OR</b>	
<b>(ii) Waimea Plains</b>	
These provisions apply to any permit affiliated to the Waimea Community Dam	
Appleby Gravels	Refer Schedule 31AA(3)
Lower Confined Aquifer	
Upper Confined Aquifer	
Hope	
Eastern Hills	
Redwood	
Upper Catchments	

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EXPIRY DATES		
Water Management Zones	Expiry Dates	
<b>Wai-iti</b>		
Wai-iti Dam Service	Refer Schedule 31AA(3)	
Wai-iti	31 May 2016	31 May 2031
<b>Marahau/Abel Tasman</b>	31 May 2015	31 May 2033
<b>Takaka/Aorere/West Coast</b>	31 May 2019	31 May 2034
<b>Middle Motueka</b>	31 May 2018	31 May 2033
<b>Upper Motueka (all zones)</b>	31 May 2019	31 May 2034
<b>Upper Buller</b>	31 May 2020	31 May 2035
<b>Hope Aquifer</b>	31 May 2011	31 May 2028

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If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date.

**Note:**

Where no expiry date is specified, the duration of the consent will be a matter for Council's discretion.

**Schedule 31AA: Duration of Resource Consents – Assessment Matters**

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*Refer to rules 31.1.2.2, 31.1.2.3, 31.1.2.3A, 31.1.2.4, 31.1.2.5, 31.1.2.6, 31.1.3.2, 31.1.4.2, 31.1.4.3, 31.1.5.2, 31.1.6.1, 31.1.7.1, 31.1.7.2, 31.1.7.3.*

The duration for water permits to take water is given in Schedule 31A.

Where Schedule 31A is not applicable, the period for which a resource consent to carry out an activity regulated by Part V is granted is the period (not exceeding 35 years from the date of granting) specified in the consent, and if no such period is specified, is five years from the date of commencement of the consent under the Act.

The list of matters in this Schedule provides guidance in determining the appropriate duration of any resource consent to be granted. It does not restrict the consent authority's discretion in each case to grant a resource consent for a duration based on the particulars of the individual consent applications. If after consideration of the matters, no significant concerns are identified then Council may apply a 35-year duration. However, if significant concerns are identified, then Council may restrict the duration of the resource consent to a shorter duration.

The matters will also be relevant in determining any review conditions that may be imposed with the consent. When considering the duration of any resource consent to be granted, the Council will grant the resource consent for as long as is consistent with sustainable resource management, having particular regard to the following matters:

- (1) The nature and sensitivity of the affected environment, including:
  - (a) the risk of unforeseen adverse effects arising from the consented activity;
  - (b) the level of knowledge about the affected environment.
  
- (2) The nature of the activity, including:
  - (a) the degree to which the methods used to control, avoid, remedy, or mitigate the adverse effects of the consented activity are of a temporary nature or inconsistent with the requirements of the Act and the time that is practicable for the consent holder to implement other options;
  - (b) the level of compliance monitoring, environmental impact monitoring, reporting and action required by the conditions on the resource consent;
  - (c) the significance of the activity relative to the existing situation and the capacity of the affected environment;
  - (d) the duration of consent sought by the applicant;
  - (e) the rate of change in technology that may mitigate adverse effects resulting from the activity;
  - (f) the permanence and economic life of the activity;
  - (g) the costs and benefits of the activity to the community;
  - (h) the consent holder's capital investment in a pre-existing activity;
  - (i) any documented and proven history of non-compliance with the requirements of the Act, and the response to that non-compliance by the consent authority and those undertaking the activity;
  - (j) guidance from resource management case law;
  - (k) any resource management work committed to by the consent holder which will have positive or beneficial environmental effects and is dependent on consent duration.

- 
- (3) For applications to take, use or divert water made available as a result of a significant, large scale augmentation scheme that increases the natural flows or levels of ground and surface water, the duration may:
- (a) be consistent with and dependent on the duration of consents associated with the construction and operation of the augmentation scheme, in particular, consents for damming and discharge of water from dams;
  - (b) take into account the level of dependence on the operation of the scheme and the permanence and economic life of the augmentation scheme; **C63 9/16  
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  - (c) be consistent with the duration of consents that are not affiliated to the Waimea Community Dam, in the event of the Waimea Community Dam.
- (4) Any other relevant matters. **C47 4/13  
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**Schedule 31B: Water Meter Requirements**

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*Refer to Rules 31.1.2.2, 31.1.2.3, and 31.1.2.5.*

The Council will impose conditions for water meters on water permits to take and use water as follows:

RATE OF TAKE FOR CONSUMPTIVE USE IN LITRES PER SECOND (ALL ZONES)	ZONES WHERE WATER METERS ARE REQUIRED
>20	10 November 2012
10 - 20	10 November 2014
5 - 10	10 November 2016
<5	<p style="text-align: center;">10 November 2018</p> <p><b>Exceptions:</b>                      (a) Water meters may not be required where the take is during times of high flow during winter months to augment water supplies in seasonally water short areas.                      (b) Any take from a dam impoundment, pond or reservoir authorised by a water take permit.</p>
<p><b>Notes:</b></p> <p>(1) Water meters on takes at a rate less than 5 litres per second may not be required to install pulse output capability.</p> <p>(2) Where water meters already exist, these dates specify the date by which verification must be completed.</p> <p>(3) For takes from storage authorised by a water permit, the regulations will apply, however the permit can be relinquished if there is compliance with rule 31.1.2.1. This provides a transitional arrangement where a take from storage consent currently applies.</p> <p>(4) Takes from surface water in the Moutere Surface Water Zone will be required to install water meters before regulation dates apply.</p>	

**Schedule 31C: Triggers for Rationing and Minimum Flows***Refer to rules 31.1.2.2, 31.1.2.3, 31.1.2.3A, 31.1.2.5, 31.1.4.2, 31.1.4.3.*

The Council will apply the following schedule when determining conditions on resource consents for rationing and rostering.

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<b>Table 1 MINIMUM FLOWS AND TRIGGERS FOR RATIONING</b>				
<b>Water Management Zone</b>	<b>Location</b>	<b>Minimum Flow (l/sec)</b>	<b>Trigger for First Rationing Step (l/sec)</b>	<b>Trigger for Consultation (l/sec)</b>
<b>Wai-iti Zones</b>				
Wai-iti and Wai-iti Dam Service	At Livingstone Road	None (Nov – Apr) 400 (May – Oct)	100 l/sec	
<i>[Triggers for Waimea zones deleted]</i>				
<b>Motueka/Riwaka Plains Zones</b>				
Te Matu	Coastal monitoring bores WWD 2510 E2512203 N6010300 and WWD 2629 E2510407 N6014058			0.4 millisiemens per centimetre
	Motueka River flow at Woodmans Bend			5650
Riwaka	Hickmotts	615 (May – Oct) 400 (Nov – Apr)	615	1015
Umukuri (Brooklyn River takes only)	Andersons Bridge	30	120	120
Swamp (Little Sydney River takes only)	SH 60 bridge north of Riwaka	15	60	60
Hau Plains	Any used bore in the zone		0.4 millisiemens per centimetre in any used bore	
<b>Middle Motueka Zone</b>				
Between Woodmans Bend and Woodstock	Woodmans Bend	Subject to WCO		
<b>Upper Motueka Zone</b>				
Motupiko, Rainy, Tapawera, Glen Rae, Baton, Wangapeka	Woodstock	Subject to WCO	7000	7500
Tadmor River	Mudstone Weir	Subject to WCO	128	
Hope River	Downstream of diversion weir	20	None	
Rainy	Christies	203	250	400
Motupiko	Christies		250	400
Tapawera, Glen Rae	Motueka River, above the Wangapeka Confluence		1400	
<b>Moutere Zones</b>				
Moutere Surface Water	None	A visible residual flow	-	
Moutere Coastal Groundwater	Bore No. WWD 8110 Weka Rd, E2512161.92 N6002268.77	N/A	12 metres above mean sea level (NVD55)	
Moutere Eastern Groundwater	None	N/A	None	
Moutere Southern Groundwater	Bore No. WWD 8109 Stringer Rd, E2516096.79 N5992128.65	N/A	10 metres above mean sea level (NVD55)	
Moutere Western Groundwater	Palmer's Bore No. WWD 8435	-	Groundwater level - 0 metres above mean sea level (NVD55)	
Powley Creek	Map ref N27:0680-0633	2	2	

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**Notes on Table 1:**

- (1) Water user committees will be consulted when rationing triggers are reached. Committees may adopt rostering or other measures to maintain minimum river flows in order to avoid rationing, particularly for the Little Sydney, Riuwaka, Brooklyn and Tadmor rivers.
- (2) The saltwater intrusion trigger for rationing in the Hau Plains Zone is any used domestic bore where there is no alternative water supply provided.
- (3) The minimum flows for Middle and Upper Motueka zones will be consistent with the Water Conservation Order for the Motueka River.
- (4) Rationing triggers for the Eastern Groundwater Zone are to be reviewed within three years.
- (5) The Council will implement rationing to comply with the Motueka WCO flow extraction limits of 12% above Woodstock, and 6% for Wangapeka above Walter Peak. It will also implement rationing to protect river flows in contributing tributaries.
- (6) In the Rainy and Motupiko zones, Step 2 rationing will commence at 200 litres per second and Step 3 at 180 litres per second.
- (7) If water flows or levels decrease below the minimum flows or levels specified in this schedule and the provisions of the rationing steps given in Figure 31.1C are exceeded, the Council may issue water shortage directions in accordance with Policy 30.2.3.1.
- (8) The May to October minimum flow for the Riuwaka River only applies to the management of water takes for frost protection.

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Flows specified in all tables in this schedule refer to unmodified flows except for the Tadmor River at Mudstone, the Wai-iti River at Livingston Rd in Table 1 and the Waimea River in Table 1A.

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Table 1A				
MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES – WAIMEA COMMUNITY DAM AFFILIATED PERMITS AFTER DAM COMMENCES OPERATION				
This rationing and flow regime applies to any water permits affiliated to the Waimea Community Dam from the time that the Dam commences operation				
Zone	Location	Trigger Flow (litres per second)		
		Minimum Flow	Trigger for First Rationing Step	Trigger for Consultation (l/sec)
Lee River	Below dam at Meads bridge NZMS 260:N27 NZTM 1613293, 5415954	510		
Roding River	NZMS 260:N27 NZTM 1619901, 5419952	100		
Appleby Gravel Lower Confined Upper Confined Hope and Eastern Hills Upper Catchments	Waimea River anywhere	1100 Or 800 if a drought exceeds 1-in-40 year return period	Reservoir storage is less than 2 million cubic metres	Reservoir storage is less than 2.7 million cubic metres
<b>Note:</b>				
(1) Flows from the dam to augment Waimea River flows are managed by resource consent conditions on the water and discharge permits for the Waimea Community Dam. However, rationing use of water during extreme droughts (beyond a 40-year drought) will enable more efficient use of the stored water over a longer period.				

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Table 1B			
MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES – AFFILIATED PERMITS UNTIL OPERATION OF THE WAIMEA COMMUNITY DAM COMMENCES			
This rationing and flow regime applies to any water permits affiliated to the Waimea Community Dam before the Waimea Community Dam commences operation			
Zone	Minimum Flow	Trigger for First Rationing Step	Trigger for Consultation
Delta	None	1.0 millisiemens per centimetre In WWD50 (E1611825N5427949NZTM) 2500 l/sec in Wairoa River at Irvines	2800 l/sec in Wairoa River at Irvines
Reservoir Upper Catchments Waimea West Upper Confined Aquifer (UCA) Golden Hills			2800 l/sec in Wairoa River at Irvines
Lower Confined Aquifer (LCA) Hope and Eastern Hills		Step 1 rationing introduced when Step 2 introduced for Reservoir Zone	
<b>Notes:</b>			
(1) The values for all triggers are derived from the flow record of the Wairoa River at the Irvines site that is corrected to remove any modification of those flows by the influence of the Waimea Community Dam on Lee and Wairoa River flows. Following operation of the Waimea Community Dam, all effects on flows and timing of storage and releasing from the Dam are computed and smoothed to represent the flow record at Irvines as unmodified or as if the Dam did not exist. All other influences on flows at Irvines such as the Roding dam are disregarded.			
(2) All triggers are based on the unmodified flow of the Wairoa River at Irvines.			

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<b>Table 1C</b> <b>MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES –</b> <b>NO WAIMEA COMMUNITY DAM OR UNAFFILIATED PERMITS UNTIL OPERATION OF THE WAIMEA</b> <b>COMMUNITY DAM COMMENCES</b>					
This rationing and flow regime applies if there is no Waimea Community Dam or if substantial progress towards giving effect to the applicable resource consents for construction of the Waimea Community Dam has not been made by 1 November 2020 or if the Waimea Community Dam has not commenced operation by 1 November 2023 and also applies to permits not affiliated until the dam commences operation					
Zone	Trigger Flow (litres per second)				
	Step 4 Rationing Trigger	Minimum Flow	Trigger for Third Rationing Step	Trigger for First Rationing Step	Trigger for Consultation
Delta Reservoir Upper Catchments Waimea West Upper Confined Aquifer (UCA) Golden Hills	800 l/sec in the Waimea River at the TDC Nursery recorder	800	2300 l/sec in Wairoa at Irvines	1.0 millisiemens per centimetre in any used bore 2750 l/sec in Wairoa River at Irvines	3000 l/sec in Wairoa River at Irvines
Lower Confined Aquifer (LCA) Hope and Eastern Hills			Step 2 rationing introduced when Step 3 introduced for Reservoir Zone	Step 1 rationing introduced when Step 2 introduced for Reservoir Zone	
<b>Notes:</b> (1) The 800 litres per second minimum flow measurements are carried out within 500m of the TDC Nursery Site depending on the river morphology at that time. (2) The values for all triggers are derived from the flow record of the Wairoa River at the Irvines site that is corrected to remove any modification of those flows by the influence of the Waimea Community Dam on Lee and Wairoa River flows. Following operation of the Waimea Community Dam, all effects on flows and timing of storage and releasing from the Dam are computed and smoothed to represent the flow record at Irvines as unmodified or as if the Dam did not exist. All other influences on flows at Irvines such as the Roding dam are disregarded. (3) All triggers are based on the unmodified flow of the Wairoa River at Irvines. (4) Lower Confined Aquifer and Hope and Eastern Hills progress from Step 2 to Step 4 when all other zones are at Step 4.					

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<b>Table 1D</b> <b>MINIMUM FLOWS AND TRIGGERS FOR RATIONING: WAIMEA PLAINS ZONES –</b> <b>NO AFFILIATION TO THE WAIMEA COMMUNITY DAM AFTER DAM COMMENCES</b>					
This rationing and flow regime applies to water permits not affiliated to the Waimea Community Dam and will apply once operation of the Waimea Community Dam commences					
Zone	Trigger Flow (litres per second)				
	Step 3 Cease Take Flow Trigger	Trigger for Second Rationing Step	Trigger for First Rationing Step	Trigger for Consultation	Trigger for resuming abstraction after any rationing imposed
Delta Reservoir Upper Catchments Waimea West Upper Confined Aquifer (UCA) Golden Hills with Waimea Community Dam	All zones cease take at 2050 l/sec flow in Wairoa River at Irvines	2300 l/sec in Wairoa at Irvines	1.0 millisiemens per centimetre in WWD50 (E1611825N5427949 NZTM) 2750 l/sec in Wairoa River at Irvines	3000 l/sec in Wairoa River at Irvines	Takes in all zones recommence when 7 day moving mean reaches 6,000 l/sec in Wairoa River at Irvines
Lower Confined Aquifer (LCA) Hope and Eastern Hills		No Step 2 applies	Step 1 rationing introduced when Step 2 introduced for Reservoir Zone		
<b>Note:</b> The values for all triggers are derived from the flow record of the Wairoa River at the Irvines site that is corrected to remove any modification of those flows by the influence of the Waimea Community Dam on Lee and Wairoa River flows. Following operation of the Waimea Community Dam, all effects on flows and timing of storage and releasing from the Dam are computed and smoothed to represent the flow record at Irvines as unmodified or as if the Dam did not exist. All other influences on flows at Irvines such as the Roding dam are disregarded.					

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<b>Table 2</b> <b>RATIONING STEPS (VIA ROSTERING) TO ACHIEVE STAGED REDUCTIONS</b> <b>FOR THE RIUWAKA RIVER</b>			
<b>Trigger Flows (l/sec)</b> <b>(combined flows at North</b> <b>and South Branch</b> <b>recorder sites)</b>	<b>Low Flow</b> <b>Probability</b>	<b>Total Instantaneous</b> <b>Extraction Rate</b> <b>(litres per second)</b>	<b>Percentage Reduction</b>
615	1-in-10 year	200	
540	1-in-25 year	180	10%
500	1-in-40 year	153	15%
485	1-in-50 year	130	15%

**The next page starts on 31/58**





**Schedule 31D: Reservation of Water****Refer to Rules 31.1.2.2, 31.1.2.3, and 31.1.2.5.**

The following tables specify the amount of water reserved for the irrigation of Maori perpetual lease lands, for community water supply and for irrigation in the Central Plains Zone when considering any application to take water. For water reserved for Māori perpetual lease lands, uses other than irrigation may be considered subject to consideration of effects not associated with use for irrigation purposes. These effects are considered at the time the application for a water permit is made.

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Any allocation of water for a reserved purpose is subject to the allocation limit for the relevant zone.

The quantities specified in the tables are to apply until allocations are made by grants of water permits for the reserved purposes, and thereafter the relevant quantities are to be deemed to be reduced accordingly.

Notwithstanding the expiry of any lease over Maori perpetual lease lands, the reservation of water in Table 1 applies to the irrigation of land that is subject to the first application for a water permit by the iwi landowner to take and use water following that expiry.

Once land that was previously subject to a Māori perpetual lease reverts to the freehold owner's control, the reservation of water continues to apply until the owner makes the first water permit application in respect of that land. In the event that the first water permit granted to the owner is for an amount less than the reserved amount, the unallocated balance remains reserved to the block of former Māori perpetual lease land in question. The unallocated balance remains as a reserved amount able to be applied for by the owner up to and including the date of any renewal of the first water permit under rule 31.1.2.2 or rule 31.1.2.3 (as the case may be), provided the duration of the first water permit is for a period of at least 10 years, but thereafter the reservation ceases. Any consequential reductions or deletions of the reserved amounts to give effect to decisions made in granting the first water permit and in granting a renewal of the first water permit will be made without further formality.

<b>Table 1 RESERVATION OF WATER: MAORI PERPETUAL LEASE LAND</b>		
<b>(A) Water Management Zone</b>	<b>(B) Irrigable Area (ha)</b>	<b>(C) Amount Reserved (l/sec)</b>
<b>Motueka Riwaka Plains Zones</b>		
Central Plains Zone (@30mm) incl. 39.46ha (in MWGZ)	440.82	223.62
Hau Plains Zone (including former Transition Zone) (@35mm) (less 8.38 irrigated from King Edwards Zone)	29.06	16.53
Swamp Zone (@30mm)	8.1	4.02
Umukuri Zone (@30mm)	13.66	6.77
Riwaka Zone (@30mm)	21.47	10.65
King Edward Zone (@35mm) plus 8.3 irrigated in Hau Zone	76.45	44.24
<b>Motueka Zone</b>		
Middle Motueka (@35mm)	22.22	12.86
<b>Marahau Zone</b>		
Marahau Zone (@35mm)	27.85	9.43
<b>Moutere Zones</b>		
Moutere Surface Water Zone (@19mm)	11.3	4.6
Moutere Coastal Groundwater Zone (@19mm)	28	11.7
Moutere Eastern Groundwater Zone (@19mm)	11	4.5
Moutere Southern Groundwater Zone	0	0
Moutere Western Groundwater Zone (@19mm and 30mm)	39	12
[Note deleted]		

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(C23/C24)C24 12/08  
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(C23/C24)

<b>Table 2</b>					
<b>RESERVATION OF WATER: COMMUNITY SUPPLY</b>					
<b>Water Reticulation Scheme/Supply</b>	<b>(A)</b>	<b>(B)</b>		<b>(C)</b>	
	<b>Amount Currently Allocated</b>	<b>Total Required (Calculated) in 2026</b>		<b>Amount Reserved</b>	
	<b>(l/sec)</b>	<b>(l/sec)</b>	<b>m<sup>3</sup>/day</b>	<b>(l/sec)</b>	<b>m<sup>3</sup>/day</b>
<b>Central Plains Zones</b>					
Groundwater – Motueka Recreation Centre	40.5	55.54			
Groundwater – Fearons Bush, Motueka	11.57				
Groundwater – Motueka Memorial Park	3.47				
Motueka Coastal Tasman reticulation (from the Te Matu Zone)	185	231	20,000	231	20,000
Braeburn/Hau Plains/Lower Moutere reticulation		6.25	540	6.25	540
<b>Abel Tasman Zone</b>					
Marahau Plains Zone	0	15	1296	15	1296
<b>Wai-iti Dam Services Zone</b>					
Groundwater – Wakefield reticulation	15	19.3	1670	4.3	370
<b>Upper Buller Zones</b>					
Groundwater – Murchison	13.3	18.3	1580	5.0	432
St Arnaud				20	
<b>Middle Motueka Zone</b>					
Dovedale Rural Reticulation	12.5 (from Humphries Creek)	20 (from new take in MMZ)	1645	20 (new point of take)	1645
<b>Upper Motueka Zone</b>					
Groundwater – Tapawera	10.4	15.1	1205	4.7	406

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Op 8/14

<b>Table 3</b>		
<b>PROPORTION OF TOTAL ALLOCATABLE WATER RESERVED FOR IRRIGATION END USES</b>		
<b>Zone</b>	<b>Proportion Reserved</b>	<b>Quantity Reserved</b>
<b>Motueka Riwaka Plains Zones</b>		
Central Plains Zone	35%	278 l/sec.

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## Schedule 31E: Requirements for Irrigation and Nutrient Management Plans

C47 4/13  
Op 9/15

This schedule is currently incomplete in relation to nutrient management and its likely content is given below.

It will be developed to include the detail under the following subject headings in consultation with landowners and industry groups.

The Plan will be changed to include nutrient management detail in this Schedule 31E and the associated Schedule 31F as the relevant information is developed both in Tasman and elsewhere in NZ and will be applied through conditions on resource consents to take water for irrigation (imposed at the time the consent is granted or implemented through reviews of conditions).

The Plan change to complete these schedules will be made before 1 November 2020.

### Part A: Introduction and Scope of the Plan

An Irrigation Management Plan developed in accordance with industry best practice and including maps and descriptions identifying:

1. Property information (if not already included with the resource consent):
  - a) Physical address and legal description
  - b) A map showing boundaries of the property
  - c) Ownership and contact details
  - d) Climate information relevant to the area to be irrigated
  - e) Identifying any flowing stream or water body, wetland, protected tree or other relevant feature
  - f) Slope, aspect and elevation
  - g) Area to be irrigated (excluding non-irrigable land, such as stock raceways, stock-excluded (fenced) areas, headlands, land immediately adjacent to flowing streams, roads, any sheds and houses, wetlands, etc).
2. Soil types being irrigated:
  - a) Nature and scale of soil variability over the area to be irrigated
  - b) Soil type, depth of soil, stoniness, etc
  - c) Soil's water-holding capacity
3. Land use or crop types to be irrigated:
  - a) Rooting depth and cover
4. Application rates:
  - a) Describe the proposed irrigation rotation and application rates that account for the soil type(s) and their individual water-holding capacities
  - b) Maximum quantities required per hour, day and week.
5. Type of application system detailing:
  - a) The pipe configuration, irrigation equipment, paddock shifting points, rotation and application rates
  - b) Photographs (digital format) of features including, but not limited to, the intake location, intake screen(s), the data-logger and water meter, staff gauge, pump

shed and pump

6. Measures used to avoid subsurface drainage to below the pasture crop rooting zone or surface ponding or any surface run-off to protect water quality.
7. Measures taken to ensure efficient use or conservation of water including:
  - a) Soil moisture monitoring
  - b) Metering of usage
  - c) Leak detection programmes
  - d) Repairs and maintenance
8. Method used to measure and record abstraction and application rates:
  - a) Including accuracy levels and calibration of equipment or evidence showing compliance with verification requirements for water meters.

#### **Part B: Nutrient Management Plan**

Nutrient management plans are currently not required for consents but will likely be required in the future following Plan changes for water quality. In anticipation of this, landowners are required to keep annual records on which a nutrient budget could be based and the information used in nutrient models.

##### **Property Information**

- Identification of land area of the property
- Description of farming/horticultural operation

##### **Farm Management**

- Farm composition, paddock history
- Stock management – number and type of stock, winter management, effluent management
- Supplementary feed – quantity, feed type, nutrient content
- Crop management – crops sown and dates of sowing/planting, rotation, harvest – dates, record of quantity/yield
- Fertiliser – fertiliser recommendations, quantities, composition, rates of application, locations, and dates of application
- Irrigation – areas irrigated, rates and timing, and depth of application
- Having an Overseer Nutrient budget would meet these requirements.

#### **Part C: Auditing**

Auditing requirements. These will include quality and effectiveness of the Irrigation and Nutrient Plan, who can audit and frequency of auditing. (Council will consider industry auditing programmes that provide independent auditing.)

**Schedule 31F: Nutrient Allowances**

C47 4/13  
Op 9/15

Council will develop this schedule in consultation with industry groups and landowners to include the nutrient allowances for land use activities based on industry good practice that will allow water quality objectives and limits to be met.

It requires further information about good agricultural practices that mitigate leaching of nutrients and the likely leaching rates under good practice for the range of land use activities and soil types in the district.

The Plan will be changed to establish this Schedule 31F and the associated Schedule 31E as the relevant information is developed both in Tasman and elsewhere in NZ.

This Schedule will not apply until completed by further Plan changes.

## CHAPTER 32: INFORMATION REQUIRED WITH PERMIT APPLICATIONS FOR TAKING, USING, DAMMING OR DIVERTING WATER

### 32.1 SCOPE OF CHAPTER 32

This chapter gives guidelines for the information that may be required to accompany applications to take, use, dam or divert water. The matters listed may not be relevant to every application, nor are they an exhaustive list. The obligation remains with the applicant to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act. In all cases, Council may request further information under Section 92 of the Act.

#### Advice Notes:

1. 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.
2. Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 apply to water takes. The regulations may impose additional standards and requirements. Please ensure you have met any requirements in the regulations in addition to those in this plan.

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12/20

### 32.2 GENERAL INFORMATION REQUIRED FOR TAKING, USING, DAMMING OR DIVERTING WATER

Applicants must submit the following information when seeking consent:

- 32.2.1 Location of proposed take, use, dam or divert activity, including legal description and address.
- 32.2.2 Name and address of the owner and occupier (other than the applicant) of any site to which the application relates.
- 32.2.3 A site plan showing, where appropriate, details of:
  - (a) property boundaries and ownership of adjoining land or sites
  - (b) public roads
  - (c) drains
  - (d) water courses
  - (e) bores
  - (f) wetlands, lakes and other water bodies
  - (g) position of other existing water takes
  - (h) topography.
- 32.2.4 Details of any other resource consent that may be required, whether such a consent has been applied for or obtained.
- 32.2.5 An assessment of any actual or potential effects on other uses and values of the water body or coastal water, such as:
  - (a) aquatic ecosystems, including aquatic plants, eels and other indigenous fisheries, trout fisheries and other wildlife;

- (b) landscape, cultural, social, recreational and amenity values;
- (c) human health, etc.;
- (d) riparian margins.

**32.2.6** Details of any measures taken to avoid, remedy or mitigate adverse effects.

**32.2.7** Details of any consultation undertaken with any person or body likely to be affected.

**32.2.8** Any other information that is necessary to understand the application.

**Note:** Section 32.2 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

### **32.3 ADDITIONAL INFORMATION REQUIRED FOR TAKING OR USING WATER**

**32.3.1** Name of water body from which water is to be taken.

**32.3.2** For groundwater takes state:

- (a) depth (from ground level) to bottom of bore;
- (b) depth (from ground level) to top and bottom of screen;
- (c) bore's reference number;
- (d) bore's permit number;
- (e) distance to any adjacent bore;
- (f) results of pump tests, including step drawdown test to assess well performance and well yield, constant discharge pump test and results for any monitoring piezometers necessary to assess localised drawdown and long-term effects on nearby bores. C24 12/08  
Op 8/14

**32.3.3** For take and use of water especially where natural ground or surface water supplies are augmented or where use of water may adversely affect water quality: C47 4/13  
Op 9/15

- (a) a map or description of the intended uses of water including, for irrigation uses, a description of the areas and types of crops or land uses to be irrigated;
- (b) an irrigation management plan relevant to the property where the water is to be taken and used demonstrating how water will be taken and used efficiently; and
- (c) in the zones augmented by the Lee Dam, evidence that the rate of use applied for does not exceed the rate of take represented by the equivalent amount:
  - (i) for which the property is rated; or
  - (ii) for which a relevant water supply agreement is held with the Waimea Community Dam Limited.

**32.3.4** The proposed use of water and information to demonstrate the need for water. C23 7/08  
Op 8/14

**32.3.5** For irrigation and frost protection state: C24 12/08  
Op 8/14

- (a) area to be irrigated;
- (b) soil types being irrigated;
- (c) maximum quantities required;
- (d) whether there are alternative sources of water available;
- (e) type of application system; C24 12/08 Op 8/14

- (f) measures taken to ensure efficient use of water;
- (g) method used to measure and record abstraction rate;
- (h) measures taken to conserve water use;
- (i) measures used to prevent adverse effects, such as ponding and runoff when using water for frost protection. **C24 12/08  
Op 8/14**
- 32.3.6** For applications to take water for community water supply information about: **C23/C24  
Op 8/14**
- (a) the likely increase in demand as a result of projected population growth during the term of the permit being sought;
- (b) how the projected demand for water is to be provided over time;
- (c) measures to manage demand including water metres, water saving technology and processes for both domestic and any industrial or commercial end uses, restricted supplies and pressure control;
- (d) provisions to manage reduced availability during periods of drought or low flow;
- (e) provisions for leakage control.
- 32.3.7** For other uses state:
- (i) maximum quantities required;
- (ii) whether there are alternative sources of water available;
- (iii) measures taken to ensure efficient use of water;
- (iv) method used to measure and record abstraction rate;
- (v) measures taken to conserve water use.
- 32.3.8** For any water take where the water resource has been augmented by a dam or other augmentation scheme, information about the nature and extent of any water supply agreement or similar agreement in relation to the dam or any other contribution to the construction, operation and maintenance of an augmentation scheme or affiliation to a scheme that enables access to the augmented water flows. **C56 9/15  
Op 9/16**

**Note:** Section 32.3 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

## **32.4 ADDITIONAL INFORMATION REQUIRED FOR DAMMING OR DIVERTING WATER**

- 32.4.1** A plan of any structure to be constructed or earthworks to be carried out.
- 32.4.2** A description of the water body being dammed or diverted, including existing surface and groundwater levels and flow paths.
- 32.4.3** The effects of the damming or diverting on water levels of any affected water body or any actual or potential risks of flooding, erosion or damage to adjoining property.
- 32.4.4** Details about degree of compliance with the current NZ Society of Large Dams (NZSOLD) Guidelines.
- 32.4.5** Any effect of diversion of inshore coastal water. **RCP Op 10/11**

**Note:** Requirements 32.4.1 to 32.4.4 are applicable to the coastal marine area but are not part of the Regional Coastal Plan.

## **32.5 ADDITIONAL INFORMATION REQUIRED FOR WETLAND DRAINAGE OR INFILLING**

- 32.5.1** The degree of modification from its natural state.
- 32.5.2** The biological diversity or uniqueness of species or habitats.
- 32.5.3** The presence and quality of indigenous vegetation.
- 32.5.4** Its hydrological connectivity with other water bodies.
- 32.5.5** Any significant scientific, educational, recreational, aesthetic or intrinsic value.
- 32.5.6** Any cultural or spiritual values.
- 32.5.7** Any measures to mitigate or remedy adverse effects.

## PART VI: DISCHARGES

### INTRODUCTION

Part VI applies to all discharges of contaminants to the environment.

**Chapters 33 to 35** deal with contaminant discharge issues, objectives and policies. It covers discharges to land, fresh water, air, and the coastal marine area.

**Chapter 36** states the rules applying to the discharge of contaminants, and Chapter 37 gives guidelines for the information that may be required to accompany discharge permit or coastal permit applications.

Part V constitutes regional plan provisions controlling the taking, using, damming and diverting of water and coastal water.

Part VI constitutes regional plan provisions controlling the discharge of contaminants and management of air, land and water quality. The effect of regional objectives, policies and rules on discharge activities is described in Chapter 1.8.2 of the Plan.

Elements of Part VI including Chapter 35 and relevant rules in Chapter 36, along with Part III (Coastal Marine Area), together constitute the Regional Coastal Plan.

RCP  
Op 10/11

The quality of water in the coastal marine area is affected by land uses or discharges to fresh water, as well as by discharges direct to the coastal marine area. Part VI makes appropriate connections between activities on land and their downstream effects on the coastal marine area.

**Note:** Other parts of this introduction are applicable to the coastal marine area but are not part of the Regional Coastal Plan.



## CHAPTER 33: DISCHARGES TO LAND AND FRESH WATER

### 33.0 INTRODUCTION

Discharges of substances that change the physical, chemical or biological condition of land or water result in contamination of the environment. The changes caused by the discharge of contaminants may have adverse effects on ecosystems and their animal, plant or human communities. The District's surface and subsurface freshwater bodies have a wide range of uses and values including public uses and values such as recreation, the harvesting and consumption of fish and aquatic plants, commercial activities, economic and health uses and values, as well as important aesthetic, ecological, cultural and natural values. Land in the District also has a variety of uses and values, both public and private, including recreation, residential, economic and productive activities and ecological cultural and natural values. Contamination may degrade the quality of soil and water for these values and uses. Discharges of water may have adverse effects on instream values and hydrological functioning water bodies.

The Act requires that all discharges of water or contaminants to water, or to land where contaminants from the discharge may ultimately enter water, be authorised either by resource consent or a rule in a plan. Discharges to land are permitted (except on industrial and trade premises) unless a rule in this Plan states otherwise.

There is a wide range of activities that may result in contamination of land and water resources that are carried out regularly or routinely throughout the District.

Discharges of contaminants may be from defined point sources or from diffuse sources that are associated with a range of urban, industrial or rural activities.

#### 33.0.1 Water Quality

Surface water quality in the District is generally high, particularly in the upper catchment areas. Water quality tends to be lower during periods of low flow and flooding and is usually more degraded in the lower reaches of rivers. Groundwater quality is mostly high except in some areas of the Waimea Plains and Motupipi where elevated levels of nitrates are recorded. Localised areas of contamination may occur in association with some discharge activities.

There are relatively few large polluting discharges and a large number of smaller discharges into fresh and coastal waters and onto land in Tasman District. There are also few discharges of water to water with the most significant of these being discharges from dams.

The State of the Environment monitoring indicates a few situations where water quality is being degraded over time and further guidance is required about water quality objectives and priority for action where water quality is degraded.

C27 2/10  
Op 4/13

The State of the Environment 2010 report has water quality data for several rivers and streams where water quality can be considered to be degraded. High nutrient levels will degrade aquatic habitats and contribute to excessive periphyton growth, while high levels of disease-causing organisms will affect contact recreation and stock-drinking water values.

Many surface water bodies are used for the supply of stock water. They are also used for contact recreation; whether as a recognised swimming area with regional significance or as a place where local children might play.

### **33.0.2 Point Source Contaminant Discharges**

Point source discharges can be readily managed and their effects controlled and monitored through conditions on resource consents or rules in this Plan.

The community needs to be able to dispose of contaminants into the environment and it also needs to be able to carry out a variety of land use activities that may affect the quality of land, air or water resources. However, such discharge or land use activities must be carried out in such a way that avoids, remedies or mitigates any adverse effects. In most situations, land-based disposal of wastes is preferred over discharge to water because contamination risks are likely to be lower. Discharge to land can provide better opportunities for recycling nutrients and improving vegetation growth and soil condition and reducing numbers of harmful micro-organisms. The geological characteristics of karst, however, mean contaminants discharged on or into karst terrain may rapidly enter subsurface streams in karst and degrade subterranean water. This includes sediment movement into open sinkholes, and this may lead to flooding, erosion and sedimentation within karst features. Effects of run-off and percolation to groundwater must also be accounted for to prevent contamination of water.

In some instances improved discharge treatment or land management methods may be needed to meet water quality standards which the community finds acceptable. In the absence of classified waters, which may aim for higher water quality than currently exists, present water quality may be maintained or enhanced where appropriate.

Discharges may be of waste materials, or of contaminants that are derived from wastes (for example, by biochemical decomposition and leaching). The generation and disposal of waste, therefore, has a strong connection with activities and processes that result in contamination.

There is a need to advocate appropriate waste minimisation and treatment processes and cleaner production or treatment technologies.

There is also a need to regulate discharges to avoid, remedy or mitigate adverse effects. Performance standards for these discharge activities can be specified either through resource consents or rules in the Plan.

Water classification is a method of managing the receiving water quality that complements the management of point source and non-point source contamination. Water classification involves identifying the actual and potential uses and values of a water body and the water quality standards required to maintain them. It is a process of requiring both information about the water body (existing condition, uses and values, etc.) and community involvement. Contaminant discharges would then be subject to performance standards either through permitted activity conditions in the Plan or resource consent conditions to maintain these water quality standards.

The Council has classified water bodies in the Motueka/Riwaka plains and the Waimea catchment areas and will be progressively addressing water classification of all of the District's water bodies.

The management of contaminant discharges and the process of water classification requires that the Council has good databases to enable good decision-making. Point source discharges can be regulated and monitored.

### **33.0.3 Non-Point Source Contaminant Discharges**

Diffuse discharges from rural land and urban run-off are a more insidious problem being difficult to control and contributing to lower water quality. Water quality in the coastal marine area will also be affected, and management of both diffuse and point sources must reflect this.

Non-point source contamination results from diffuse movement of contaminants into groundwater and surface water. Contaminants arise from a variety of activities and processes and include bacterial, sediment, chemical and nutrient contaminants.

Contaminants arise from land use activities such as fertiliser and pesticide use, land disturbance, composting or allowing stock to have uncontrolled access to watercourses. Contaminants may enter the environment directly while the activity is being carried out, or diffusely as a result of natural processes such as leaching, run-off or through wind action.

Unlike contaminants from point sources, which enter the environment at well-defined locations in relatively predictable ways, contaminants from non-point sources find their way into water in an uncontrolled and poorly defined manner. Non-point source contamination of surface water is particularly associated with run-off following rain events. Entrained sediments in stormwater and their associated contaminants can have significant adverse effects on water quality. Percolation to groundwater or subsurface flows to surface water are also pathways for non-point source contamination.

There are some discharge activities for which the cause and effect relationship between the activity and the receiving environment is less distinct. For example, septic tanks, some land disturbance activities and the application of fertiliser, have point source discharges, but their individual contribution in some areas and in some circumstances can be difficult to quantify, and the natural processes and pathways that move contaminants from these activities are sometimes difficult to establish. There is, however, sufficient information to link the cumulative impacts of such activities with degradation of water quality.

Activities on land and discharges to surface water will obviously also have significant potential to impact on coastal water quality. Lower river water quality in times of high flow is a significant cause of degraded coastal water quality. River water quality is itself significantly affected by non-point source contamination, and measures to control this source of contamination will have beneficial flow-on effects in managing coastal water quality.

Some land use and discharge activities also result in contamination of groundwater. For example, nitrates from a variety of land uses have caused elevated nitrate levels in parts of the Waimea and Motueka plains aquifers. There is a risk to water quality as a result of nutrient leaching or run-off caused by poor land management practices and as land use intensifies, including through inefficient irrigation or high stocking rates. Managing water quality impacts from land use activities can be complex and is affected by the type of farming system, fertiliser regime including application rate, stock or plant management system and local soil and geological influences. Some on-site disposal systems for domestic wastewater may also be a source of nutrient contamination in unconfined gravel aquifers such as those in the Waimea Plains.

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Micro-organisms from on-site domestic effluent disposal systems in some of the more densely populated areas without sewerage reticulation also enter groundwater. Initiatives taken to limit contamination from these land-based activities will reduce such non-point source contamination of groundwater.

Advocacy for appropriate land management methods and practices that reduce the level of non-point source contamination of the District's water resources is required, including the need to address activities such as land disturbance activities, stock management, use of fertiliser or other chemicals and riparian land management.

There is also a need to better understand the processes and pathways of non-point source contamination in the environment.

### **33.0.4 Accidental and Emergency Discharges**

Contaminants, especially hazardous substances, can, if accidentally released into the environment, cause significant adverse effects.

Management of contaminant discharge systems and the management of hazardous substances should include an assessment of the risks and hazards associated with an accidental or emergency release of that contaminant.

Such management includes consideration of structures and management systems that will avoid, where possible, or mitigate or remedy the adverse effects of such a discharge.

There is a need to ensure appropriate levels of planning for accidental or emergency discharges are implemented, particularly where there are hazardous substances.

### **33.0.5 Stormwater Discharges**

The diversion and discharge of stormwater is an unavoidable consequence of urban and rural development. The effects of these discharges must be considered and it must be recognised that stormwater contains a variety of contaminants such as sediments, oil, heavy metals and nutrients that accumulate on hard surfaces. When it rains these contaminants are carried into streams and, ultimately, the sea. In most cases it is difficult and costly to treat stormwater. There are, however, a number of solutions that can reduce the amount of contaminants within stormwater. Council has little local information about the degree of contamination of stormwater or effects of stormwater discharges, but there is sufficient evidence from other New Zealand cities that cumulative adverse effects are being caused by urban stormwater in the Coastal Marine Area.

Council also holds inadequate information about the capacity and condition of existing urban stormwater systems. There is increasing concern that some stormwater systems are at or near full capacity. Continued incremental urban development is adding to the risk of system failure or increased unmanaged flooding in some areas.

### **33.0.6 On-Site Wastewater Disposal**

Many small communities and individual properties depend on on-site disposal of domestic wastewater.

A variety of adverse effects from on-site wastewater disposal systems in the District arise through inappropriate design, poor installation practices, inadequate system maintenance and increasing density of septic tank/disposal field systems. The direct or indirect discharge of human effluent to surface or ground water has adverse effects on a number of values and uses of water and also constitutes a significant health hazard. Public health risks caused by elevated pathogen levels in ground and surface water and by effluent reaching the ground surface occur in some parts of the District. Nuisance effects (noxious odours) are frequent causes of complaints. Domestic wastewaters are also implicated in contributing to elevated nutrient levels in some of the District's ground and surface waters.

There is a need to control the use of on-site disposal systems for domestic waste water to avoid, remedy or mitigate adverse effects, particularly in those parts of the District where there are limitations to their use. Where such systems are in use, there is also a need to ensure that householders have sufficient information to carry out on-site disposal of domestic effluent sustainably.

### **33.0.7 Contaminated Sites**

There are contaminated sites in the District and many of these are sites that have had an historical association with hazardous substances that has resulted in site contamination. Types of sites of particular concern in the District include industrial sites where pesticides were manufactured; timber treatment plants, landfill sites, and underground petroleum storage tanks.

Contaminated sites may continue to discharge contaminants into land, air or water, and they may have adverse effects on human health and the environment by contaminating soil or water or by contaminants being taken up by plants or animals. Contaminants can continue to be spread through the environment by leaching, surface run-off, wind action and through crops or animals growing on the contaminated soil. Without good information, the Council cannot manage these risks effectively. The Council will gather information about contaminated sites and options for management or remediation, and will ensure that landowners are advised about the contamination status of their land. Liability for contamination may not always be clear and the Council will adopt a case-by-case approach for assessing responsibility and options for remediation. The creation of new contaminated sites will be avoided through policies and rules controlling the use, storage and disposal of hazardous substances.

In addition to the provisions of this Plan, the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may apply to specific activities involving contaminated sites. The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health.

### **33.0.8 Activities in the Beds of Rivers and Lakes**

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Policies 33.1.3.14 and 33.1.3.15 are in support of the policies in Part IV seeking to avoid, remedy or mitigate adverse effects of stock and vehicle access to waterways and other disturbances of the bed.

They also help establish a priority for action to improve water quality that may have degraded water quality for the identified uses and values.

## **33.1 CONTAMINANT DISCHARGES**

### **33.1.1 Issues**

**33.1.1.1** Discharges of contaminants, including diffuse discharges from some land use activities:

- (a) can cause significant adverse effects either on their own or cumulatively;
- (b) degrade the suitability of some of the District's water bodies for some of their natural and human values;
- (c) cause elevated nutrient, pathogen, chemical or sediment levels in some of the District's water bodies, particularly nitrate levels in some of the Waimea plains, Motupipi and Motueka aquifers.

**33.1.1.2** While the community expects that some discharges of contaminants will be provided for, there is also an expectation that adverse effects of contaminant discharges to land and water are avoided, remedied or mitigated.

### **33.1.2 Objectives**

**33.1.2.1** The discharge of contaminants in such a way that avoids, remedies or mitigates adverse effects while:

- (a) maintaining existing water quality; and
- (b) enhancing water quality where existing quality is degraded for natural and human uses or values.

**33.1.2.2** The management of land and water use in the Waimea Water Management Zones to maintain, and where it is degraded to improve, water quality to meet the management objectives specified in Schedule 30B.

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### **33.1.3 Policies**

*Refer to Policy sets 27.1, 27.4, 27.7, 30.1, 33.1, 33.4, 33.5.  
Refer to Rule sections 28.3, 36.1 - 36.8.*

**33.1.3.1** To recognise and provide for the uses and values of water through a system of classification that establishes the water quality standards required to protect the water quality needs of those uses and values.

- 33.1.3.2** To avoid, remedy or mitigate the adverse effects of discharges of contaminants so that both individually and cumulatively with the effects of other contaminant discharges, they enable the relevant water quality classification standards to be complied with.
- 33.1.3.3** To seek to improve water quality where existing water quality is lower than the requirements of any water classification or water conservation order.
- 33.1.3.4** To ensure that water quality is not degraded where the existing water quality is the same or higher than the relevant water classification or any water conservation order.
- 33.1.3.5** To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:
- (a) The depth, width and flow characteristics of the receiving water body, including the nature and extent of mixing which may occur and the assimilative capacity of the water.
  - (b) The extent of the mixing zone and the likely adverse effects on aquatic life or ecosystems within the mixing zone.
  - (c) The characteristics of the discharge, including the presence of toxic constituents.
  - (d) The community (public) uses and values of the water or any mixing zone, including those specified in the Plan, any water conservation order or water classification for any water body.
- 33.1.3.6** To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:
- (a) Any water classification given in any schedule to Chapter 36 or water conservation order.
  - (b) Existing water quality of the receiving water.
  - (c) The significance or sensitivity of the aquatic life or ecosystem.
  - (d) The extent of the water body adversely affected.
  - (e) The magnitude, time of year, frequency and duration of the adverse effect, including any cumulative effects as a result of the discharge.
  - (f) The range and intensity of uses and values of the water body.
  - (g) The conflicts between uses and values of the water body.
  - (h) The nature of the risks of the adverse effect.
  - (i) Any relevant national or international water quality guidelines or standards, or water conservation order.
- 33.1.3.7** To ensure the loss of nutrients and sediment to water is minimised through: C48 4/13  
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- (a) working with industry and landowners to develop good industry practices that maximise nutrient use efficiency and minimise nutrient run-off and leaching;
  - (b) requiring through conditions on consent or plan rules that activities that discharge nutrients, or take and use water for irrigation, or are land disturbances, are carried out with good industry practice.
- 33.1.3.8** To reduce the risks of existing land use and land use intensification in the Waimea Plains having adverse effects on water quality, especially the effects of nitrate leaching and losses on groundwater quality for drinking, and on the aquatic ecosystems in Neimann, Pearl and O'Connor creeks by: C48 4/13  
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- (a) developing water quality limits in accordance with Policy 33.1.3.10 to meet the objectives in Schedule 30B for water quality while recognising that existing water quality does not enable the achievement of some of those management objectives.

(b)	developing Irrigation and Nutrient Management Plans to be specified in Schedule 31E with appropriate leaching limits as necessary and adoption of good industry practice where this is available in consultation with industry groups and landowners;	C48 4/13 Op 9/15
(c)	<p>recognising that further land use intensification will not increase until the Lee Valley Community Dam is in operation and therefore:</p> <p>(i) recognising that further details about nutrient leaching limits and industry good practice are in development and will be added to the Plan through a subsequent Plan change;</p> <p>(ii) carrying out further investigation to provide more clarity about historic land use effects and the likely impact of nutrient losses on the coastal springs and groundwater under existing land use and land use intensification;</p> <p>(iii) carrying out further investigation to determine the necessary water quality limits, and measures required to meet them;</p> <p>(iv) working with the primary industry sector to:</p> <ul style="list-style-type: none"> <li>• develop acceptable management practices including, as necessary, nitrogen leaching rates for land use activities in the Waimea plains and to review the Plan to include them as discharge or land use conditions via a Plan change prior to 1 November 2020</li> <li>• develop industry good practice that mitigates nitrogen leaching for different land uses, land management regimes and soil types</li> <li>• provide support to farmers to prepare on-farm Irrigation and Nutrient Management Plans;</li> </ul>	
(d)	amending the Plan prior to 1 November 2020 to develop Schedule 31E and Schedule 31F as necessary and to include water quality limits and nutrient limits or allowances that reflect the outcomes of (a), (b) and (c).	
<b>33.1.3.9</b>	In setting water quality limits and adopting management methods under policy 33.1.3.8, to consider economic, social and cultural implications of those limits or other methods, including any implications for the ongoing production of food on the high productive value land of the Waimea Plains and for the ongoing achievement of objectives 7.1.2.1 to 17.1.2.3.	C48 4/13 Op 9/15
<b>33.1.3.10</b>	<p>In establishing water quality limits to safeguard the critical values and achieve the management objectives set out in Schedule 30B, to consider for future inclusion in the Plan in accordance with Policy 33.1.3.8(d) the following parameters (together with any additional parameters agreed between the Waimea Plains Freshwater and Land Advisory Group and Tasman District Council):</p> <p>(a) Ammonia</p> <p>(b) Cyanobacteria (Phormidium)</p> <p>(c) Deposited sediment</p> <p>(d) Dissolved inorganic nitrogen</p> <p>(e) Dissolved oxygen</p> <p>(f) Dissolved reactive phosphorus</p> <p>(g) Macro-invertebrates</p> <p>(h) Macrophyte coverage</p> <p>(i) Microbial levels</p> <p>(j) Nitrogen toxicity</p> <p>(k) Periphyton coverage and biomass</p> <p>(l) pH</p> <p>(m) Suspended sediment</p>	C48 4/13 Op 9/15

- |     |                                 |          |
|-----|---------------------------------|----------|
| (n) | Temperature                     | C48 4/13 |
| (o) | Nitrate-nitrogen and phosphorus | Op 9/15  |
- 33.1.3.11** To avoid, remedy or mitigate the adverse effects of non-point source contamination arising from land use and discharge activities by a mixture of methods, including regulation of discharge activities, particularly through advocacy of best management practices, and to review the mixture of methods used if environmental monitoring shows that water quality standards are not being maintained.
- 33.1.3.12** To seek to improve water quality by appropriate riparian and coastal land management.
- 33.1.3.13** To promote and encourage discharge of wastes to land or constructed wetlands in preference to discharge to water where:
- (a) discharge to land or constructed wetlands has less actual or potential adverse environmental effects than discharge to water;
  - (b) land disposal system design and operation is such that adverse effects on the environment, including soil and surface and groundwater quality are avoided, remedied or mitigated; and
  - (c) the discharge to land is the best practicable option.
- 33.1.3.14** To improve water quality where disease-causing organisms, dissolved oxygen, fine sediment or nutrient levels degrade water quality:
- (a) below water quality standards specified in a water conservation order;
  - (b) below microbiological standards for stock-drinking water;
  - (c) below the action level microbiological standard for contact recreation in rivers and lakes having value for contact recreation;
  - (d) causing nuisance algal growth.
- 33.1.3.15** To help guide decisions for priority where action (including enforcement action or other action by Council) is needed under Policy 33.1.3.14, the Council will take into account:
- (a) the relative significance of instream values of a water body to the community, particularly in relation to the uses and values given in Schedule 30A, and opportunities for contact recreation;
  - (b) the extent and severity of the adverse effects of contaminant discharges on a water body, especially if it is likely to lead to long-term changes to the water quality, bed substrate or aquatic ecosystems of the water body;
  - (c) the extent to which amenity values, stock water supplies, edible fish, shellfish or aquatic plants and other mahinga kai, and indigenous species are being adversely affected by contaminant discharges;
  - (d) the extent to which the Clean Streams Accord target date of 2012 is relevant and appropriate;
  - (e) the risks for water quality arising from intensive farm management systems.
- 33.1.3.16** 1. When considering any application for a discharge, the consent authority must have regard to the following matters:
- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and
  - (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

- |    |   |                      |
|----|---|----------------------|
| 2. | When considering any application for a discharge, the consent authority must have regards to the following matters:   | NPS<br>FWM<br>2/8/14 |
|    | (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water; and   |                      |
|    | (b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge would be avoided.          |                      |
| 3. | This policy applies to the following discharges (including a diffuse discharge by any person or animal):  | NPS<br>FWM<br>1/7/11 |
|    | (a) a new discharge; or   |                      |
|    | (b) a change or increase in any discharge –   |                      |
|    | of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water. |                      |
| 4. | Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.   | NPS<br>FWM<br>2/8/14 |
| 5. | Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.   |                      |

### **33.1.20 Methods of Implementation**

#### **33.1.20.1 Regulatory**

- (a) Rules relating to:
  - (i) the discharge of contaminants directly or indirectly into water;
  - (ii) land use activities and the discharge of contaminants onto land;
  - (iii) the location of discharge activities.
- (b) Enforcement or abatement action as necessary.
- (c) Classification of the District's water bodies, through consultation with affected parties, that:
  - (i) identifies uses and values that are being or likely to be adversely affected by degraded water quality;
  - (ii) identifies priorities for classification according to the risks to uses and values of the water that are, or may be, adversely affected by the existing water quality;
  - (iii) classifies the water bodies to protect the uses and values that may be adversely affected by degraded water quality.

#### **33.1.20.2 Education and Advocacy**

- (a) Liaison with resource user groups and interest groups and other statutory bodies.
- (b) Provision of information and advice concerning sustainable practices, including best practicable options for contaminant discharges and riparian and coastal land management to improve or maintain water quality.

- (c) Promotion or support of industry codes of practice, such as the code of practice for fertiliser use, and individual management practices that avoid, remedy or mitigate adverse effects of contaminant discharges or land uses on all receiving environments. *(Refer to Method 12.1.20.3(b))*
- (d) Promotion of appropriate waste management practices, including cleaner production initiatives.
- (e) To work closely with landowners and with industry representatives, as appropriate, to improve water quality degraded by stock access and crossings, particularly where this is caused by intensive stocking systems, especially through the Regional Action Plan to implement the Clean Streams Accord in Tasman District. C27 2/10  
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- (f) To work with or support landowners, industry groups, iwi, other statutory bodies such as the Fish and Game Council, the Department of Conservation, community groups, and agencies such as Landcare Trust to improve water quality that is degraded as a result of the cumulative impacts of adjacent land uses, especially where they include intensive stocking systems, including by supporting applications for funding the preparation of farm management plans from schemes such as the Sustainable Farming Fund.
- (g) To consult with iwi and the community in conjunction with the Long Term Plan planning process in identifying priority rivers for addressing water quality degradation with education, advocacy, monitoring and compliance action by Council.
- (h) To develop techniques and procedures to assist farmers in predicting the extent to which their stock management activities adversely impact on water quality.

### 33.1.20.3 Works and Services

- (a) Provision of a 24-hour environmental complaints service.
- (b) Provision of waste collection and storage services.

### 33.1.20.4 Financial Incentives

- (a) Council funding to support riparian land management works agreed to between the Council and the landowner, in accordance with the following criteria:
  - (i) the works provide or assist in providing improved downstream water quality;
  - (ii) the works are carried out only on properties where adverse water quality effects arising from land use practices on adjacent land are identified and, where necessary, are avoided, remedied or mitigated by the property owner or manager;
  - (iii) the property manager or owner carries out any maintenance, pest control or repair works.

### 33.1.20.5 Investigations and Monitoring

- (a) Investigation of the relationships between land use activities and environmental processes to better understand causes and effects of non-point source contamination of surface and groundwater, including nitrate levels in the confined aquifers of the Waimea Plains and sediment levels in karst aquifers.
- (b) Maintenance of base-line monitoring of surface and groundwater quality.
- (c) Monitoring the effects of discharges and land use activities on existing water quality and on the standards of any water classification.
- (d) Research and investigation that improves the knowledge of the effects of different stock management systems on river and lake beds. C27 2/10  
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- (e) Further investigation for the water resources of the Waimea plains to develop:
- (i) numeric objectives to achieve the narrative water quality objectives in Schedule 30B;
  - (ii) appropriate surface water and groundwater quality limits required to meet the numeric objectives;
  - (iii) good and best industry practices that will assist with achieving the narrative and numeric water quality objectives;
  - (iv) other appropriate measures that will enable the narrative and numeric water quality objectives to be met.

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### 33.1.30 Principal Reasons and Explanation

The suitability of a water body to support particular uses and values must be maintained. These uses and values must be identified for the District's water bodies so that clear management objectives can be defined. Contaminant discharges can then be managed according to the limitations of any water quality standards.

Existing water quality in some water bodies may be higher than required for the purposes given in any water classification. The Council will ensure that the existing water quality is unchanged as a result of any activity, including water abstractions, contaminant discharges and land disturbance activities. Water classification for identified uses and values may also require that water quality is improved to allow for those uses and values.

Riparian zones provide a buffer between land use activities and surface water quality. There are some land uses that may have an adverse effect on water quality. The policies recognise that management of riparian zones and appropriate changes to land management practices can be a very effective means of reducing the impacts of catchment development on watercourses.

Nitrate levels in the confined aquifers of the Waimea Plains at times exceed the drinking water standards. Some of the District's aquifers are vulnerable to contamination from some land uses, particularly contaminant discharges in recharge areas or in karst terrain. Land use management to avoid nutrient losses to groundwater is critical in sensitive areas such as the Waimea Plains Aquifer Protection Area.

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There is a risk to the quality of groundwater through poor land management practices and inefficient irrigation, resulting in nutrient leaching, and to surface waters through runoff and groundwater contributions in the Waimea Plains. Council intends to address these issues through requiring irrigation and nutrient management planning based on industry good practice. The risks to water quality with increased land use intensity may be aggravated following the possible construction of the Lee Valley Community Dam.

There are some gaps in knowledge of existing farm practices and the extent to which they relate to 'good practice'. In addition, not all farming systems have had industry good practice performance standards developed for them.

Some modelling has been carried out at a catchment scale for the Waimea Plains which indicates increased nitrate losses to groundwater. In the meantime, despite elevated nitrate concentrations in some groundwater, water quality monitoring indicates a trend towards improving groundwater quality in most of the Plains groundwater.

Increased land use intensity will not occur until after the dam is operating and the lag time as nitrate travels through the system may delay appearance of effects.

So, while existing nitrate issues have been identified, current indications are that nitrate levels are generally reducing and that they can be further improved through application of good industry practice, as well as careful management of point source discharges and stock management. Further, the Council intends the management of nutrient losses as a result of land use intensification through the preparation irrigation and nutrient management plans which are specified in Part V of the Plan.

The Council will maintain a close watch on how industry and other regional council initiatives progress and will further develop its nutrient management to give effect to the requirements of the National Policy Statement for Freshwater Management 2011 for water quality objectives and limits as appropriate.

A further consideration is the likely need by landowners for competent advice about nutrient and water management. New Zealand is in a capacity building phase at this time so the requirement for nutrient budgets needs to be appropriately targeted and timed. Further investigation by the Council and primary production industries and support services into how information needs can be met is required.

In most situations, land-based disposal of wastes is a preferred option over the discharge of wastes to water. Water contamination risks can be significantly less with land disposal systems and land-based systems can provide better opportunities for nutrient recycling and soil improvement. However, land disposal systems must also account for any actual or potential adverse effects on the environment and there may be sites or situations where land disposal is not desirable.

These policies provide a framework to implement the Council's objective of maintaining existing water quality and enhancing it where appropriate. They take into account existing water quality and provide opportunities for enhancing water quality where there may be significant adverse effects on receiving water arising from discharge or land use activities. The policies apply to applications for new discharges and renewal applications for existing discharges. Existing dischargers may be required to improve quality of a discharge to meet a water classification standard when discharge permit conditions are reviewed or permits are renewed, or when rules in the Plan require higher performance standards for permitted activities. Council will also address the need for advocating and promoting sustainable land use practices as well as ensuring the establishment and maintenance of suitable resource monitoring databases. The Council recognises the value of appropriate industry codes of practice in achieving sustainable land use in relation to contaminant management and in complementing the regulatory regime for discharges.

Managing stock access to rivers falls both under the scope of activities under Section 13 of the Act relating to disturbance of the beds of rivers, as well as discharge activities under Section 15 affecting water quality and aquatic habitat.

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The Plan already contains a water quality objective aimed at maintaining or enhancing water quality. For rivers and streams that currently have degraded water quality, new policy addresses when or how degraded water quality should be enhanced and the quality standards that must be maintained in all rivers.

Most of the degradation is due to non-point sources, including run-off from farm land and stock access in some areas. There is also degradation of water quality in urban areas, mostly because of the effects of urban stormwater run-off.

The Council currently manages most direct discharges to water through discharge permit conditions and monitoring.

The policy direction in relation to already degraded water bodies means that goals for improving water quality are more certain, and deciding on priorities becomes a clearer and more open process. Council's State of the Environment Monitoring will identify where there are concerns with water quality, and local communities will be involved in identifying priorities for action.

The management of freshwater quality is also an issue being addressed nationally, including through the development of a National Policy Statement on management of freshwater. The Council's policies provide a means to address water quality issues in a proactive way.

A stock water quality standard for bacterial contamination is a lower hurdle than a contact recreation water standard. However, both standards will require funding and effort by Council and landowners to improve water quality in some areas.

Costs to landowners include fencing and bridging costs, alternative stock water supply options, weed and pest control in some areas, and changes to farm practices. However, there are a range of benefits for landowners, including better stock health (better water quality, as well as reduced foot injury), faster travel times to and from milking platforms, fewer losses from stock falling into watercourses and less cost relating to managing river bank erosion.

Costs to Council include staff time and effort, education and advocacy programmes, and compliance effort. Additional costs will be associated with any incentive or subsidy schemes that may be adopted. These policies give some assurance to communities that the Council is managing water quality issues arising from non-point sources, especially in relation to Part IV activities.

A policy that states the desired water quality standards will give some certainty to communities and stakeholders. The water conservation orders for Motueka and Buller provide some management direction in relation to point source discharges, but Council is also obliged to ensure the cumulative effects of other activities are also addressed.

There is a strong community feeling that water should be left in a state fit for future generations to enjoy, including in relation to opportunities for children to play in water.

While water in small farm drainage ditches is unlikely to be used for contact recreation, nearly all drainage water flows into larger watercourses and can contribute to poor water nutrient and biological water quality in downstream receiving waters, especially because of cumulative effects. However, elevated levels of contaminants at the farm level may not always have adverse effects in downstream rivers because of the effects of dilution.

The level at which the policy is implemented will be dependent on local conditions, local water quality and uses of the affected water bodies. Council will continue to work with community groups to find effective solutions for improving water quality where necessary.

#### **33.1.40 Performance Monitoring Indicators**

- (a) The surveyed quality of water in water bodies affected by contaminant discharges and changes in the quality over time.
- (b) The numbers of resource consents issued for discharges of contaminants to water.
- (c) The level of compliance with conditions of resource consents.

## **33.2 ACCIDENTAL OR EMERGENCY DISCHARGES**

### **33.2.1 Issue**

Emergency or accidental discharges of contaminants, especially hazardous substances, have the potential to cause significant adverse effects on the environment.

### **33.2.3 Objective**

The avoidance, remediation or mitigation of the adverse effects resulting from emergency discharges or accidental spills.

### **33.2.3 Policies**

*Refer to Policy sets 5.5.3, 30.1.3.*

*Refer to Rule sections 16.17.2, 36.1 – 36.3, 36.5 – 36.8.*

**33.2.3.1** To promote and advocate development of site contingency plans to avoid, remedy or mitigate the likely adverse effects of any emergency discharges or other accidental spills.

**33.2.3.2** To ensure that land use and discharge activities are carried out, having regard to contingency planning measures appropriate to the nature and scale of any discharge and risk to the environment for any accidental discharge of any contaminant that may result in connection with the activity.

### **33.2.20 Methods of Implementation**

#### **33.2.20.1 Regulatory**

- (a) Rules relating to site management systems and the preparation of contingency plans.

#### **33.2.20.2 Education and Advocacy**

- (a) Promotion of contingency planning to avoid, remedy or mitigate adverse effects of emergency or accidental discharges.

### **33.2.30 Principal Reasons and Explanation**

The adverse effects of an emergency or accidental discharge can be avoided, remedied or mitigated more successfully if there is an appropriate strategy in place which considers the possibility of such events and ensures the correct management or structural responses are implemented. Types of contingency plans are dependent on the nature and scale of the discharge, the level of risk to the environment and level of risk of emergency or accidental discharge.

## **33.3 STORMWATER DISCHARGES**

### **33.3.1 Issues**

- 33.3.1.1** Urban stormwater networks in some areas of the District are at or near full capacity, or in some cases exceeded.
- 33.3.1.2** Contaminants in urban and rural run-off can have significant adverse effects on receiving environments, particularly cumulative adverse effects from urban run-off.
- 33.3.1.3** There is a significant inadequacy in the information held by Council about:
- (a) the capacity, condition and, in some places, location of existing urban stormwater networks;
  - (b) the local degree of contamination of stormwater and the effects of stormwater discharges in the District's receiving environments.

### **33.3.2 Objective**

Stormwater discharges that avoid, remedy or mitigate the actual and potential adverse effects of downstream stormwater inundation, erosion and water contamination.

### **33.3.3 Policies**

*Refer to Policy sets 5.1.3, 6.3.3, 30.1.3.*

*Refer to Rule sections 16.3, 16.7, 36.4.*

- 33.3.3.1** To require all owners, particularly the Council as stormwater asset manager, of all or part of any stormwater network to avoid, remedy or mitigate adverse effects of stormwater discharges.
- 33.3.3.2** To advocate works to restore and protect stream or coastal habitats and improve and protect water quality affected by stormwater and drainage water discharges.
- 33.3.3.3** To manage the adverse effects of stormwater flow, including primary and secondary flowpaths, and the potential for flooding and inundation.
- 33.3.3.4** To avoid, remedy or mitigate the potential for flooding, erosion and sedimentation arising from stormwater run-off.
- 33.3.3.5** To avoid, remedy or mitigate the adverse effects of stormwater on water quality and the potential for contamination.
- 33.3.3.6** To maintain or enhance stormwater infiltration to enhance groundwater recharge.
- 33.3.3.7** To require owners of all or part of any stormwater drainage network to avoid, remedy or mitigate any adverse effects of stormwater discharges.
- 33.3.3.8** To encourage an integrated whole-catchment approach to the management and discharge of stormwater.
- 33.3.3.9** To require the use of low impact design in the management of stormwater discharges in any new development, where practicable.
- 33.3.3.10** To encourage the restoration and rehabilitation of stormwater drainage networks where natural drainage networks have been significantly modified.

- 33.3.3.11** To take into account the long-term management of stormwater drainage in consideration of land development, including subdivision and land-use changes.

### **33.3.20 Methods of Implementation**

#### **33.3.20.1 Regulatory**

- (a) Rules relating to:
- (i) the discharge of stormwater;
  - (ii) stormwater planning for development, including urban and residential development.

#### **33.3.20.2 Education and Advocacy**

- (a) Advocacy for works to restore and protect stream or coastal habitats.
- (b) Education and advocacy of methods to improve stormwater quality.
- (c) Promotion or support of industry codes of practice and individual management practices that avoid, remedy or mitigate adverse effects of stormwater discharges on all receiving environments. (*Refer to methods 12.1.20.3(b) and 33.1.20.2(c)*)

#### **33.3.20.3 Works and Services**

- (a) Provision of stormwater infrastructure to defined levels of service and performance.

#### **33.3.20.4 Investigations and Monitoring**

- (a) Investigation into and monitoring of the levels of contaminants in river, wetland and estuary sediments and sediment levels in caves formed in karst affected by stormwater discharges.
- (b) Inspections of industrial sites in Richmond, Motueka and elsewhere to assess potential for contaminants to enter stormwater.
- (c) Investigation into the range of methods available for stormwater treatment.
- (d) Investigation into the natural drainage characteristics of catchments for the purpose of determining and designing appropriate whole-catchment stormwater management.

### **33.3.30 Principal Reasons and Explanation**

Stormwater can contain a range of contaminants that will have adverse effects on receiving water environments, including cumulative adverse effects on the Coastal Marine Area. Stormwater can also have adverse effects on the hydrological functioning of waterways, particularly through flooding and erosion effects. There is therefore a need for Council to control stormwater discharges.

A greater level of community awareness about stormwater quality and methods of improving water quality by site management and discharge practices will promote more sustainable resource use.

There are many urban streams that have been substantially modified by their function in urban stormwater drainage networks in Richmond, Motueka and other urban centres. Some of these could benefit from a range of restoration or protection activities to improve or protect aesthetic or natural values.

Managing stormwater discharges can be a complex issue, and this affects environmental resource management as well as infrastructure services functions and responsibilities of Council. Water flow management, water quality, habitat protection and environmental sustainability are all important stormwater management objectives which must be achieved when addressing the effects of activities on stormwater drainage.

Where possible, a low impact stormwater design approach to management is considered to be the best approach to managing stormwater run-off. This approach minimises modification to the natural environment, or makes use of management approaches that mimic natural drainage networks. The retention of vegetation, natural drainage contours and existing waterways (including riparian buffer strips) within catchments will reduce the rate of stormwater run-off, increase infiltration and groundwater recharge, encourage healthy aquatic ecosystems and improve water quality.

In many cases, a combination of Low Impact Design and ‘conventional’ management solutions will be needed to ensure that the effects of stormwater run-off are no more than minor.

#### **33.3.40 Performance Monitoring Indicators**

- 33.3.40.1** Stormwater drainage networks that retain natural stream habitats while providing efficient drainage of stormwater.
- 33.3.40.2** Surveyed condition of receiving water environments.
- 33.3.40.3** Levels of contaminants in sediments.

## 33.4 ON-SITE DISPOSAL OF DOMESTIC WASTEWATER

### 33.4.1 Issue

Inappropriate design, poor installation practices, inadequate system maintenance and increasing density of on-site domestic wastewater disposal systems cause a variety of adverse effects in parts of the District.

### 33.4.2 Objective

On-site disposal of domestic wastewater, which avoids, remedies or mitigates adverse effects on groundwater or surface water quality, habitats, human health and amenity values.

### 33.4.3 Policies

*Refer to Policy sets 5.1.3, 33.1, 35.1.*

*Refer to Rule sections 16.3, 17.1, 17.5, 17.6, 17.7, 17.8, 36.1, 36.2.*

**33.4.3.1** To ensure householders are aware of the potential adverse effects that may be created by discharges from on-site wastewater disposal systems, and of methods of avoiding, remedying or mitigating them.

**33.4.3.2** To ensure that the adverse effects, particularly the cumulative adverse effects, of on-site disposal of domestic wastewater on water quality and aquatic habitats, including coastal water, and on human health or amenity in the Wastewater Management Area are avoided, remedied or mitigated by:

- (a) controlling the use of on-site systems in areas where there are significant limitations to sustainable on-site disposal of domestic wastewater including:
  - (i) low or very low permeability clay soils;
  - (ii) rapidly draining coastal soils;
  - (iii) areas of high groundwater tables;
  - (iv) steeply sloping sites, especially on south-facing slopes;
  - (v) unstable terrain;
  - (vi) proximity to surface water bodies;
  - (vii) high density of existing and new on-site systems and the cumulative impact of such discharges in terrain that has significant limitations to on-site disposal;
- (b) requiring comprehensive site and soil assessments to identify any site limitations;
- (c) requiring a high level of performance for design, construction, installation, operation and maintenance for new on-site disposal systems;
- (d) ensuring adequate buffers between disposal fields, water bodies, and the coast, especially Waimea and Mapua Inlets;
- (e) reducing the risk to human health arising from pathogens in the wastewater entering into water;
- (f) ensuring the net nitrogen losses from land in the Wastewater Management Area to be subdivided do not result in adverse effects on aquatic habitats as a result of discharges of domestic wastewater;
- (g) ensuring stormwater management accounts for potential effects on on-site disposal fields;

- (h) ensuring that the potential adverse effects, especially cumulative effects of further residential development, are taken into account in considering any application to subdivide land in the Wastewater Management Area.

**33.4.3.3** To require regular programmed maintenance of on-site wastewater treatment and disposal systems to minimise risk of system failure and reduce risk of adverse environmental effects.

**33.4.3.4** To encourage consideration of wastewater treatment systems that service a cluster of households (subject to any site limitations) to:

- (a) take advantage of opportunities for high technology advanced wastewater treatment solutions at cluster scales;
- (b) reduce risks of system failure and cumulative adverse effects of single on-site systems;
- (c) enable Council to develop effective and cost-efficient systems for monitoring on-site wastewater systems.

**33.4.3.5** To ensure that legal, practical, financial and enforceable responsibility is established for the operation and maintenance of any on-site wastewater treatment and disposal system, especially where such systems service a cluster of dwellings, taking into account both day-to-day operation and maintenance of such systems as well as provision for depreciation and replacement of equipment and of systems.

**33.4.3.6** To avoid, remedy or mitigate the adverse effects of discharges of domestic wastewater, including cumulative effects, particularly those in the Special Domestic Wastewater Disposal Areas.

## **33.4.20 Methods of Implementation**

### **33.4.20.1 Regulatory**

- (a) Rules relating to the discharge of wastewater from on-site domestic wastewater disposal systems.
- (b) Identification on planning maps of Special Domestic Wastewater Disposal Areas and Wastewater Management Areas where there will be specific regulatory requirements for discharge from on-site treatment and disposal systems for domestic wastewater.

### **33.4.20.2 Education and Advocacy**

- (a) Promotion of public awareness about the maintenance of on-site domestic wastewater treatment systems in order to reduce contamination risks to all receiving environments, including karst water bodies.
- (b) Promoting and facilitating the uptake of methods to avoid, remedy or mitigate adverse effects of on-site disposal of domestic wastewater for the local domestic wastewater disposal industry, including the use of cluster systems within the Wastewater Management Area.
- (c) Advice and information to householders relating to the design, installation and management of on-site disposal systems for domestic wastewater.

### **33.4.20.3 Provision of Services**

- (a) Regular workshops for the local domestic wastewater industry to ensure there are high levels of awareness about design and installation requirements for on-site disposal systems.
- (b) Provision of sewerage reticulation.

**33.4.20.4 Investigations and Monitoring**

- (a) Monitoring on-site domestic wastewater systems, particularly in the Special Domestic Wastewater Disposal Areas and Wastewater Management Areas, to ensure systems are being adequately maintained and meeting required performance standards.
- (b) Monitoring of ground and surface water quality.
- (c) Investigation of the effects of the discharge of domestic wastewater on water quality, particularly in the 'at risk' areas, including karst terrain.

**33.4.30 Principal Reasons and Explanation**

The Council wishes to provide for sustainable on-site domestic wastewater treatment. It wishes to take into account site-specific limitations that may affect the type of on-site disposal system that is installed. There are some areas of the District where existing problems or the presence of particular site characteristics limit the extent of on-site treatment systems possible, and some control over further on-site disposal is necessary. This includes the Rural 3 Zone, which is expected to experience considerable residential growth over the two decades to 2024.

Lack of maintenance is a major reason for system failure and environmental contamination. Householders need to be aware of the maintenance requirements for such systems. As well as carrying out appropriate education and advocacy programmes, the Council also needs to monitor system management to ensure that risks of contamination are minimised.

**33.4.40 Performance Monitoring Indicators**

- 33.4.40.1** Surveyed water quality.
- 33.4.40.2** Incidence of cross-boundary conflicts in relation to domestic wastewater.
- 33.4.40.3** Incidence of public health risk events.
- 33.4.40.4** Level of compliance with performance standards.

## 33.5 CONTAMINATED SITE MANAGEMENT

### 33.5.1 Issue

Contaminated sites may continue to discharge contaminants into the environment and they may:

- (a) contaminate soils;
- (b) pollute surface and ground water;
- (c) discharge contaminants to air;
- (d) result in the uptake and bioaccumulation of contaminants by plants and animals;
- (e) have adverse effects on the environment and human health.

There is limited information on the number and location of contaminated sites and the nature of risk they pose to human or natural values.

### 33.5.2 Objective

To avoid, remedy or mitigate the adverse effects of contaminated sites on human health and the environment.

### 33.5.3 Policies

*Refer to Policy sets 5.5, 33.1, 33.2.*

*Refer to Rule sections 16.7, 18.10, 36.1 – 36.8.*

**33.5.3.1** To avoid, remedy or mitigate the adverse effects of contaminated sites by investigating or encouraging landowners to investigate sites on the site contamination register, particularly where:

- (a) there is a risk of a high level of contamination; or
- (b) there is a high level of risk to human health; or
- (c) there is a high level of risk of contamination of water resources;

in order to:

- (i) confirm whether any site is a contaminated site; and
- (ii) define its location and extent; and
- (iii) assess the contaminant effects and risks; and
- (iv) assess the options for remediation, enforcement of liable parties or other actions, including adding the site to the Chemical Hazard Area.

**33.5.3.2** To maintain accurate and timely information about the contamination status of land, in order to:

- (a) assist in decisions regarding the monitoring, investigation and remediation options for such land; and
- (b) respond to queries about contamination status of specific locations; and
- (c) encourage landowners of sites with a history of using, storing or manufacturing hazardous substances to advise the Council so that the site can be included on the site contamination register and investigated and assessed for the presence or absence of contaminants on the site.

**33.5.3.3** To facilitate the assessment and remediation of contaminated sites by providing appropriate incentives or other resources.

**33.5.3.4** To require liable parties to undertake such assessments and remediation.

*[Policy 33.5.3.5 deleted]*

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Op 4/13

**33.5.3.6** To avoid, remedy or mitigate the adverse effects of the discharge of contaminants from contaminated sites.

**33.5.3.7** To avoid, remedy or mitigate the adverse effects of the use of contaminated sites where the level of hazardous substances poses or is likely to pose a risk to human health or the environment.

*[Policy 33.5.3.8 deleted]*

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Op 4/13

**33.5.3.9** To have regard to Ministry for the Environment guidelines for collecting and managing contaminated site information.

## **33.5.20 Methods of Implementation**

### **33.5.20.1 Regulatory**

- (a) Rules relating to:
  - (i) the discharge of contaminants from contaminated sites;
  - (ii) the management of hazardous substances (*see Method 5.5.20.1*);
  - (iii) contingency planning (*see Method 33.2.201*).
- (b) Rules to restrict land use and remediation activities on land in the Chemical Hazard Area.
- (c) Implement and enforce the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

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### **33.5.20.2 Investigation and Monitoring**

- (a) Development and maintenance of a Site Contamination Register that:
  - (i) identifies sites that have an historical association with the use, storage, or disposal of hazardous substances; and
  - (ii) identifies sites that are known to be contaminated following an assessment of each site; and
  - (iii) is prepared in consultation with landowners and provides information about the contamination status of their land; and
  - (iv) provides information about the contamination status of land in response to specific inquiries about a site.
- (b) Inclusion of site contamination register details on any Land or Property Information Memorandum for these sites.
- (c) Assessment of responsibility and options for remediation on a case-by-case basis taking into account:
  - (i) identification of site owners;
  - (ii) person or organisation responsible for contamination;
  - (iii) history of land ownership and management;

- (iv) scale of contamination.
- (d) Provision of advice and financial assistance for investigation, assessment and remediation of contaminated sites and sites with an historical association with hazardous substances.

### **33.5.20.3 Education and Advocacy**

- (a) Advocacy for the investigation, assessment and remediation of contaminated sites and sites with an historical association with hazardous substances.
- (b) Promotion of public awareness about contaminated sites, and the Council's Site Contamination Register.

## **33.5.30 Principal Reasons and Explanation**

The policies address the current lack of information about the location and risks of contaminated sites and sites that have an historical association with the use, storage or disposal of hazardous substances. The Council's site contamination register will assist in monitoring adverse effects arising from such sites, assessing priorities for investigation and remediation and in avoiding, remedying or mitigating the adverse effects of the use of such sites. Landowners will be informed about the contamination status of their land, and Property and Land Information Memoranda will help ensure that future landowners and the Council are aware of any information about the land that is contained on the register.

The introduction of the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations in 2011 have created additional standards that may apply to specified activities on contaminated sites, and introduce new processes for assessing and managing contaminants.

Responsibility for managing contaminated sites (including remedial action or responsibility for resource consents) may be unclear in some situations such as where occupiers rather than owners may be responsible for the contamination, where site owners cannot be identified, where the current landowner may be innocent of the contamination, or where the scale of the contamination may be beyond the resources of the person responsible. The Council will take these issues into account when assessing responsibility and options for remediation.

The Council will ensure that land uses are appropriate to the level of contamination and the potential hazards of any existing contaminated site. If a site is so contaminated as to make it unsuitable for any land use, the land will be added to the Chemical Hazard Area.

The Council will also ensure that land uses involving the use, storage and disposal of hazardous substances will be in such a way so as to avoid the creation of future contaminated sites.

## **33.5.40 Performance Monitoring Indicators**

- 33.5.40.1** The number of contaminated sites.
- 33.5.40.2** The number of remediated sites.
- 33.5.40.3** Quality of discharges from contaminated sites.

## **33.50 ENVIRONMENTAL RESULTS ANTICIPATED**

- 33.50.1** Discharges of contaminants that avoid, remedy or mitigate adverse effects.
- 33.50.2** Water quality maintained or enhanced for all water bodies of the District.



## CHAPTER 34: DISCHARGES TO AIR

### 34.0 INTRODUCTION

The quality of air contributes to an area's amenity values and to the quality of the environment. Emission of contaminants to air may cause nuisance and, at worst case, affect human, animal and plant health.

The air resource is frequently the receiving environment for by-products or waste from industrial processes, transport activities, waste management and agricultural practices. It is also the receiving environment for natural contaminants and may be used as a convenient means of distribution or dispersal of contaminants such as agricultural sprays, which may be appropriate at or near to the point of discharge, but may become a nuisance elsewhere.

Many discharges of contaminants to air are temporary or intermittent, while others are continuous. The adverse effects may vary depending on the nature of the contaminant, the means of discharge, localised climate effects, and the nature and activity of nearby land uses.

The monitoring that has taken place to date in Tasman District indicates that air quality is not a significant issue in either urban or rural areas at present, but that there are some localised areas of concern and some particular types of activities that require managing so that potential future adverse effects are avoided or mitigated.

### 34.1 AMBIENT AIR QUALITY

#### 34.1.1 Issues

**34.1.1.1** Actual and potential adverse health, safety and amenity effects from discharge of contaminants to air.

**34.1.1.2** Maintenance and enhancement of air quality, in both rural and urban areas.

#### 34.1.2 Objective

The discharge of contaminants to air in such a way that avoids, remedies or mitigates adverse effects while:

- (a) maintaining existing air quality; and
- (b) enhancing air quality where existing quality is degraded for natural or human uses or values.

#### 34.1.3 Policies

*Refer to Policy sets 5.1.3, 34.2.3.  
Refer to Rule sections 17.1 – 17.14, 36.3.*

**34.1.3.1** To ensure that any discharges of contaminants to air are undertaken in a way that avoids, remedies or mitigates any adverse effects on the receiving environment or surrounding activities.

**34.1.3.2** To allow or regulate contaminant discharges to air in relation to their actual or potential contamination effects, including:

- (a) adverse effects on human health;
- (b) adverse effects on amenity values;
- (c) contamination of adjacent sites;

- (d) degradation of water quality;
  - (e) the production of objectionable, noxious or offensive odours.
- 34.1.3.3** To provide for contaminant discharges to air while maintaining or enhancing the ambient air quality.
- 34.1.3.4** To provide for management of some actual and potential adverse effects of discharges to air - particularly odour and dust effects - as ancillary to land use activities, and to take them into account when resource consent applications are being considered.
- 34.1.3.5** To avoid adverse effects of discharges to air from outdoor burning in parts of Motueka and Richmond urban areas by banning the activity in those areas.
- 34.1.3.6** To mitigate the adverse effects of discharges to air from outdoor burning in rural areas and rural settlements and to ensure best practice is adopted when burning to mitigate adverse cross-boundary effects of fires.
- 34.1.3.7** To consider other resource management techniques such as buffer areas, separation distances, landscaping or planting requirements, or covenants over the land's title as an alternative means of protecting sensitive areas or activities from the adverse effects of discharges to air.
- 34.1.3.8** To adopt the best practicable option for discharge of contaminants to air associated with activities which are temporary or informal in nature.
- 34.1.3.9** To discourage the introduction of new discharges to air in the Coastal Marine Area.
- 34.1.3.10** To work with other agencies with responsibility for managing air quality, to recognise other statutes regulating discharges to air, and to support nationally co-ordinated policies for the management of motor vehicle emissions, ozone layer depleting substances and substances contributing to global warming.
- 34.1.3.11** To manage air quality to meet National Environment Standards for ambient air quality, especially in relation to concentrations of PM<sub>10</sub>.
- 34.1.3.12** To improve air quality in urban settlements, especially in the Richmond Airshed, where ambient air quality is degraded because of PM<sub>10</sub> concentrations by:
- (a) preventing new solid fuel burners, except pellet fires, from being installed in the Richmond Airshed;
  - (b) enforcing performance standards for levels of smoke, odour and particulate emissions from chimneys in urban areas, especially the Richmond Airshed;
  - (c) enforcing standards for small-scale, solid fuel-burning appliances when a property changes ownership in the Richmond Airshed;
  - (d) ensuring a high level of public awareness about effects of PM<sub>10</sub> on human health;
  - (e) advocating and encouraging a reduction in the number of houses using solid fuel, except for pellet fires, for home heating in the Richmond Airshed;
  - (f) advocating and encouraging improved operation of existing solid fuel appliances to reduce nuisances and levels of PM<sub>10</sub> being discharged;
  - (g) advocating and encouraging use of sustainable housing design, including those that take advantage of solar energy and insulation technology;
  - (h) taking into account effects of vehicle emission on ambient air quality in road transport, cycle and pedestrian strategies.
- 34.1.3.13** To mitigate the adverse effects of PM<sub>10</sub> and other contaminant discharges from industries in the Richmond Airshed by regulating discharges according to whether they are likely to be a significant source of PM<sub>10</sub> in the Airshed, and:

- (a) requiring adoption of best practice methods to reduce emissions of PM<sub>10</sub> and other contaminants;
- (b) requiring emissions testing and dispersion modelling for any discharge likely to have a significant effect on ambient air quality, including ambient concentration of PM<sub>10</sub>;
- (c) where an existing discharge is likely to be a significant source of PM<sub>10</sub> in the Airshed, taking into account:
  - (i) social and economic benefits of allowing the activity to continue;
  - (ii) level of investment into the activity;
  - (iii) opportunities to reduce PM<sub>10</sub> emissions by at least 10 percent.

**34.1.3.14** To take into account national guidelines for air quality when considering applications to discharge contaminants into the air.

**34.1.3.15** To work closely with Nelson City Council to manage adverse effects of discharges to air that may cross into any airshed in Richmond or Nelson City especially where the airshed exceeds ambient air quality standards for PM<sub>10</sub>.

**34.1.3.16** To take into account potential adverse effects on ambient winter-time PM<sub>10</sub> concentrations in the Richmond Airshed of discharges to air that may enter the Richmond Airshed.

## **34.1.20 Methods of Implementation**

### **34.1.20.1 Regulatory**

- (a) Rules which:
  - (i) provide for some discharges as permitted activities, and determine activities and/or processes which require resource consents;
  - (ii) take into account national and international standards in determining rules and conditions on resource consents;
  - (iii) provide for a range of types of conditions, including adoption of the best practicable option, standards for emissions or, in the receiving environment, financial contributions to offset effects on a resource consent and other conditions appropriate to the circumstances of the application;
  - (iv) provide for bonds, monitoring and review of conditions;
  - (v) regulate the discharge of contaminants to air from outdoor burning.
- (b) Enforcement and abatement procedures.
- (c) The preparation of protocols which describe how complaints or adverse effects of odour or emissions from outdoor burning will be managed.
- (d) Rules that establish compliant heating standards and standards of performance for solid fuel appliances.
- (e) Enforcement of compliant heating standards at the time a property changes ownership.
- (f) Capping the number of solid fuel appliances in the Richmond Airshed.
- (g) Rules for industrial sources of PM<sub>10</sub>.

### **34.1.20.2 Education and Advocacy**

- (a) Encouraging producer and user groups to promote energy efficiency, clean production technology, “best practicable option” techniques and other means of minimising discharges and the adverse effects of discharges to air.

- (b) Implementation of a public awareness programme to address widespread but minor sources of discharges to air.
- (c) Advocating to central government for the formulation of a national approach to improving vehicle standards for emissions, ozone depletion and substances contributing to global warming.
- (d) Liaison with rural fire authorities to ensure that all holders of permits to burn are aware of potential adverse effects of smoke discharges to air and methods to avoid creating such effects.
- (e) Ensuring good and timely information about air quality is available, including information about operation of solid fuel appliances.
- (f) Provision of information about, and encouraging adoption of, insulation and home heating methods that are sustainable and result in reduced emissions to air.
- (g) Encouragement and support for wood retailers to establish high standards of performance and be “Good Wood” suppliers, in consultation with Nelson City.
- (h) Provision of information about sustainable waste management methods, including about the Agrecovery programme for managing plastic agricultural containers.

#### **34.1.20.3 Investigations and Monitoring**

- (a) Establishing and undertaking, in conjunction with Nelson City Council, an integrated air quality monitoring programme, which will include baseline monitoring of winter smog levels in Richmond and monitoring of compliance with Plan rules and resource consents.
- (b) Preparation of a waste management plan which, amongst other matters, addresses management of wastes which, but for the provisions of this Plan, may have been burnt. Examples are disposal of garden waste by composting and disposal of rural plastic wastes.
- (c) Evaluation of alternative dust control measures to avoid, remedy or mitigate adverse effects of dust from Council’s unsealed roads.
- (d) When resource consent conditions require self-monitoring, ensuring that information is provided to the Council.
- (e) Continuing monitoring of PM<sub>10</sub> concentrations in Richmond and to gather information about air quality in other townships.
- (f) Continuing liaison with Nelson City in the monitoring and reporting of air quality and in managing cross-boundary effects of discharges of contaminants into adjoining airsheds.
- (g) Continuing monitoring and investigation of climatic influences on ambient air quality in Richmond and between Richmond and neighbouring airsheds.
- (h) Review effectiveness of Plan provisions for improving air quality in Richmond to ensure targets for ambient concentration of PM<sub>10</sub> can be met by 2013.

#### **34.1.20.4 Works and Services**

- (a) Transport, cycling and pedestrian strategies that include measures to improve air quality in urban areas.

### 34.1.30 Principal Reasons and Explanation

Air quality in the District can be adversely affected by activities, generally on a local basis. However, discharges to air are a necessary aspect of many activities and they must be sustainably managed to avoid, remedy or mitigate adverse effects on the District's natural and physical resources. It is appropriate to apply a range of techniques, including regulatory techniques, to the management of these resources, and to monitor air quality on an ongoing basis.

Adverse effects arising from discharges of contaminants to air can have significant implications on sustainable management in the District. There is a range of factors which make contaminant discharges difficult to deal with purely on an effects or standards basis.

The Council will consider odour and dust emissions as effects of land use activities rather than regulating them as discharges to air to avoid overlaps and to ensure the effects of the odour are considered in the context of where they occur.

Discharges to air of smoke and odour from outdoor burning in urban areas cause significant adverse effects, including health, amenity and nuisance effects. The density of houses in the larger urban areas means that cross-boundary effects are nearly impossible to avoid and the costs to Council of responding to complaints about outdoor fires has been significant. The burning of some wastes may also result in the creation of a range of hazardous or toxic chemicals including dioxins. For these reasons, outdoor burning in urban areas in Motueka and Richmond will, with specific exceptions, be prohibited and outdoor burning of some materials will be prohibited in any location.

In rural areas and the smaller rural settlements, burning is still an appropriate option for managing some agricultural and garden waste but people are encouraged to consider alternative options to burning. However, where burning is necessary, Council expects that best practicable options will be adopted to mitigate the adverse effects, particularly cross-boundary effects. It has prepared a guideline which identifies best management practices and will promote and require good practice to mitigate the adverse effects of outdoor fires.

Council will expect a particularly high level of performance for areas it has identified as "Fire Sensitive" at or near Residential Zone locations or where there is a higher density of residential development. These areas are considered to be particularly sensitive to the adverse cross-boundary effects of fire because of the density of development or because of their location at or near Residential Zones. Fires in these areas may also contribute to high levels of particulate matter causing pollution in adjacent urban areas. In Fire Sensitive Areas, burning will not be permitted during winter months when there is a higher risk of poor air quality and when there is a greater risk of creating smoke nuisances.

Council has prepared a protocol to explain how it will respond to complaints about fire and odour nuisances to assist in the implementation and interpretation of the rules. The protocol identifies the criteria used in deciding the reasonableness of any fires in relation to the frequency, intensity, duration, odour and location of any fire. The level of compliance with the good practices guideline will also be taken into account when considering any complaints about outdoor fires.

The Plan seeks to apply regulation only where appropriate, and to rely on a range of other available techniques to avoid, remedy or mitigate the adverse effects of discharges to air. This includes land use rules in other parts of this Plan.

However, there is a range of activities or processes where regulation is desirable, and rules provide that consents must be sought for these. Conditions on resource consents may address air quality in a number of ways, and so the Plan does not limit the Council's discretion to evaluate the adverse effects of regulated activities, or to attach appropriate conditions.

Good air quality is important for people's health and wellbeing. National and international data shows high PM<sub>10</sub> concentration can increase mortality rates, aggravate respiratory illnesses such as asthma, and result in reduced activity (people work less because of illness or having to care for ill people).

Air quality monitoring in Richmond since 2000 has shown PM<sub>10</sub> has exceeded 50ug/m<sup>3</sup> regularly during winter months and this exceeds the limits set in national regulations. Council must adopt measures to improve air quality and protect people's health. The national regulations require that air quality does not exceed 50ug/m<sup>3</sup> more than once per year by 2013.

Investigations show that the primary cause of poor air quality is burning solid fuels in domestic appliances. Over 80 percent of PM<sub>10</sub> comes from this source. About 10 percent each comes from traffic and industry sources.

These policies will guide the Council in managing discharges to air so that the national standards can be met and air quality in Richmond and other urban settlements is suitable for people's good health. The policies and methods take into account social issues related to equity, and people's ability to pay for upgrading poorly-performing, solid-fuel appliances and improving levels of insulation.

Industrial sources of PM<sub>10</sub> from combustion type processes will be addressed through the establishment of higher performance standards and improved monitoring. Existing industrial sources of PM<sub>10</sub> are mostly from small-scale boilers for glasshouse and school heating. These sources are unlikely to be a significant source of PM<sub>10</sub> in the Richmond Airshed, but Council has limited information about the exact nature of the discharges and their cumulative impact on ambient air quality.

Council will help existing boiler operators identify opportunities for reducing PM<sub>10</sub> emissions and will gather fuel usage data to help assess and monitor the effects of these discharges. Good practice such as good maintenance and operation of industrial boilers will be required to reduce visible smoke emissions to brief periods.

The high levels of PM<sub>10</sub> will make it difficult for new sources of PM<sub>10</sub> to become established in the Richmond Airshed.

Transport, cycle and pedestrian policies will take into account the effects of vehicles on ambient air quality.

#### **34.1.40 Performance Monitoring Indicators**

- 34.1.40.1 Changes in ambient air quality on a long-term basis.
- 34.1.40.2 Consent conditions being achieved.
- 34.1.40.3 Any need for review of consents and consent conditions over time.
- 34.1.40.4 Reduction in complaints received.

### **34.2 DISCHARGE OF PESTICIDES**

#### **34.2.1 Issue**

Adverse effects from the use of pesticides in the District.

#### **34.2.2 Objective**

The reduction in use of pesticides in the District while avoiding, remedying or mitigating the adverse effects of pesticide use.

### 34.2.3 Policies

*Refer to Policy sets 5.1.3, 34.1.3.*

*Refer to Rule sections 17.5, 17.6, 17.7, 17.8, 36.6.*

**34.2.3.1** To avoid, remedy or mitigate any adverse effect on human health or the environment from the discharge of pesticides, particularly through spray drift or discharge into water bodies.

**34.2.3.2** To promote good practice in the use of pesticides to avoid or mitigate any actual or potential adverse effects of the discharge, particularly adverse effects beyond the property boundary.

### 34.2.20 Methods of Implementation

#### 34.2.20.1 Regulatory

- (a) Rules relating to:
  - (i) the discharge of pesticides to air, land or water;
  - (ii) setbacks, separation distances, or planting of spray belts in association with activities that involve or may involve adverse cross-boundary effects resulting from the use of pesticides, particularly in sensitive areas such as dwellings, schools, sensitive production activities, public lands, water bodies, or water supply catchment areas;
  - (iii) appropriate training for pesticide users.
- (b) Action to address pesticide spray drift complaints jointly with appropriate industry user groups, where such groups exist according to established protocol.
- (c) Mediation to help resolve conflict where there are problems experienced with spray drift across property boundaries.
- (d) Enforcement and abatement action where necessary.

#### 34.2.20.2 Education and Advocacy

- (a) Promotion and support of industry codes of practice and individual management practices that avoid, remedy or mitigate adverse effects of the discharge on the environment.
- (b) Encouraging appropriate training of pesticide users in the correct use and application of pesticides, including through the “Growsafe” training programme and registered chemical applicators scheme developed by the New Zealand Agrichemical Education Trust.
- (c) Liaison with pesticide interest groups in preparing guidelines and providing advice and information on good pesticide spray management practices for all pesticide users.
- (d) Promotion and support for land management practices that avoid adverse effects caused by this discharge of pesticides.

#### 34.2.20.3 Investigation and Monitoring

- (a) Promotion and support further research and investigation about adverse effects of pesticide use and methods of avoiding or mitigating them, including improved application technology.

### **34.2.30 Principal Reasons and Explanation**

The potential for adverse effects caused by the use of pesticides is a significant issue in the District in both rural and urban areas. Pesticides are an important aspect of agricultural, horticultural and other productive use of the land resource. Because of the significance of the issue, more detailed provisions are included in the Plan than for many other discharges.

It indicates the Council's view that the seriousness of and level of concern about adverse effects resulting from the use of pesticides is a significant issue. The seriousness and level of concern about the issue of pesticide spray drift make it imperative to avoid any significant adverse effects.

Where the use of pesticides is necessary, Policy 34.2.2.2 recognises the need to ensure application is carried out in a safe and responsible manner.

Regional rules are included in the Plan that continue to permit discharge of pesticides according to their effects on the environment and provide certainty for pesticide users and other people with respect to conditions that apply to the discharge activity.

Codes of Practice such as the New Zealand Standard 8409-1995, information and guidelines can be an effective, non-regulatory means of changing resource user behaviour and improving management practices to avoid, remedy or mitigate adverse effects on pesticide use. The Council also recognises the benefits of working with industry and other groups in promoting and advocating sustainable management practices.

Complaints indicate that adverse effects are potentially being caused by the use of pesticides, and the Council is committed to responding to complaints according to an established protocol and to addressing any problems, including through the use of enforcement and abatement procedures.

Issues surrounding the use of pesticides are compounded by the lack of reliable information about avoiding, remedying or mitigating adverse effects. The Council wishes to improve its understanding about the use of pesticides.

### **34.2.40 Performance Monitoring Indicators**

**34.2.40.1** Number of complaints received.

**34.2.40.2** Level of use of enforcement and abatement procedures.

## **34.50 ENVIRONMENTAL RESULTS ANTICIPATED**

**34.50.1** Maintenance or enhancement of ambient air quality throughout the District over time.

**34.50.2** A reduction in complaints about discharge to air, particularly dust, smoke, pesticide spray and odour nuisance occurrences over time.

**34.50.3** Avoidance of land use incompatibilities due to discharges to air.

**34.50.4** Continuation of some localised and/or temporary reductions in air quality.

**34.50.5** Improved knowledge about the quality of the air resource in the District.

## CHAPTER 35: DISCHARGES TO COASTAL MARINE AREA

### 35.0 INTRODUCTION

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Many activities, both land based and within the coastal marine area, cause contaminants to be discharged into the coastal marine area. The discharges may be point source or diffuse, entering the coastal water via non-point sources such as land run-off in rivers and streams.

The coastal marine area of the Tasman District has a wide range of uses and values, including public uses such as recreation and the harvesting and consumption of seafood, commercial activities such as aquaculture and tourist activities, as well as important ecological, cultural and natural values. These uses and values can be adversely affected by poor water quality. Contaminants alter water and sediment chemistry, adversely affecting water quality and ecology. Water quality is an important determinant of ecological health and the life-supporting capacity of the environment. Contaminants discharged to coastal water may move up the food chain, potentially adversely affecting fish, birds and other animals, including humans.

Studies indicate that surface (coastal) water quality in Tasman Bay/Te Tai-o-Aorere and Golden Bay/Mohua beyond the near-shore area is strongly influenced by the input of river water. Changes in water quality in relation to higher river flows have been indicated for factors such as nutrients, primary productivity and indicator bacteria. There is not enough data on which to make the same observation for the near-shore coastal area. However, given patterns of water circulation and factors such as wind and waves, it is reasonable to assume that river waters will also affect the quality of near-shore coastal waters at times. The biennial bathing water surveys indicate that, at most times and in most places, the microbial quality of the water is suitable for contact recreation.

This part of the Plan considers discharges to land or water in the coastal marine area. Chapter 33 deals with discharges outside the coastal marine area but also considers the downstream effects on water quality in the coastal marine area. Chapter 3 includes management of cross-boundary issues with Nelson City in respect of coastal water quality. This Chapter 35 and relevant rules in Chapter 36 are part of the Regional Coastal Plan and need to be considered in conjunction with Part III (Coastal Marine Area).

Discharges to the coastal marine area of particular significance are the bioaccumulative or toxic chemicals and heavy metals such as those used in some industries, or those derived from pesticides or through the use of vehicles. Most of these toxins are persistent in the environment, and long-term detrimental damage occurs gradually. These toxins generally enter the coastal marine area through stormwater; urban stormwater has higher levels of these compounds than rural stormwater. In some parts of the coastal marine area such as the Waimea Inlet, there are risks of degradation of water quality because of the cumulative effects of discharges to coastal waters.

There is a high level of interest in aquaculture activities, including use of long-line or cage structures, trawling or dredging for shellfish, or gathering shellfish from tidal sandflats. While such activities depend on high water quality, they can also have an adverse effect on water quality through artificial feeding, fish mortality, excreta, disinfectant and fish treatments, including hormones, antibiotics, and the like.

The coastal environment has historically been regarded as a convenient location for disposing much of the District's waste and effluent. Coastal waters receive treated sewage from a number of townships, industrial discharges, and discharges from boats. Emergency or unplanned discharges from sewerage systems require particular attention as does the discharge of sewage from boats near bathing beaches. This is a particular problem during summer months for some beaches on the Abel Tasman National Park coastline. A number of rubbish dumps (now closed) have been sited around margins of estuaries and their potential to continue to affect water quality requires monitoring.

The New Zealand Coastal Policy Statement requires this Plan to provide for maintenance of coastal water quality and enhancement of water quality where that is desirable in those areas where there is:

- (a) a high public interest in or use of the water;

- (b) a particular tangata whenua interest in the water;
- (c) a particular value to be maintained or enhanced;
- (d) a direct discharge containing human sewage.

Marine Pollution Regulations have been prepared by the Ministry for the Environment under the provisions of Section 15 of the Act. The Council has responsibility for enforcing these regulations. The regulations limit the nature and extent of contaminant discharges to the Coastal Marine Area and they are included in the Plan in Annexe 2 of Chapter 36 for information purposes only (they cannot be subject to Council changes through submissions).

The Council has also classified the waters in the coastal marine area for identified uses and values. Any discharge to coastal water must not result in reducing the quality of the water below the standards of the classification.

These provisions, together with the importance of avoiding adverse effects on the natural character of the coastal environment, mean a restrictive outlook for discharges in the coastal marine area.

## **35.1 DISCHARGES IN THE COASTAL MARINE AREA**

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### **35.1.1 Issues**

- 35.1.1.1** Discharges into the coastal marine area can cause significant adverse effects, including cumulative effects.
- 35.1.1.2** Many land use activities outside the coastal marine area can cause contaminants to be discharged to the coastal marine area, particularly via land run-off from rural and urban areas.

### **35.1.2 Objective**

The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while:

- (a) maintaining existing water quality; and
- (b) enhancing water quality where existing quality is degraded for natural and human uses or values.

### **35.1.3 Policies**

*Refer to Rule section 36.2.*  
*Refer to Information Requirement 37.2A.*

- 35.1.3.1** To recognise and provide for the uses and values of coastal water through a system of classification that establishes the water quality standards required to protect the water quality needs of those uses and values.
- 35.1.3.2** To control the effects of discharges of contaminants so that, in combination with other contaminant discharge effects, they enable the relevant water classification standards to be complied with.
- 35.1.3.3** To seek to improve water quality where existing water quality is lower than the requirements for the classification.
- 35.1.3.4** To ensure that water quality is not degraded where the existing water quality is the same or higher than the relevant water classification.

- 35.1.3.5** Adverse effects of discharges into the coastal marine area, including adverse effects of:
- (a) point source discharges on their own or in combination with other point source discharges; and
  - (b) non-point source contamination arising from land use activities and entering the coastal marine area; and
  - (c) contaminants in urban and rural stormwater; and
  - (d) discharges of contaminants from aquaculture activities;
- should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.
- 35.1.3.6** To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:
- (a) the depth, water circulation patterns and tidal flow characteristics of the receiving water, including the nature and extent of mixing which may occur and the assimilative capacity of the water;
  - (b) the extent of the mixing zone and the likely adverse effects on aquatic life and ecosystems within the mixing zone;
  - (c) the characteristics of the discharge, including the presence of toxic constituents;
  - (d) the classification of the water;
- provided that the inter-tidal areas are excluded from any mixing zone unless the discharge has no more than a minor adverse effect on the inter-tidal area.
- 35.1.3.7** To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:
- (a) Any water classification.
  - (b) Existing water quality of the receiving water.
  - (c) The sensitivity and significance of the aquatic life or ecosystem.
  - (d) The extent of the water adversely affected.
  - (e) The magnitude, frequency and duration of the adverse effect, including any cumulative effect as a result of the discharge.
  - (f) The range and intensity of uses and values of the water.
  - (g) The conflicts between uses and values of the water.
  - (h) The nature of the risks of the adverse effect.
  - (i) Any relevant national or international water quality guideline or standard.
- 35.1.3.8** To avoid the discharge of untreated wastewater to the coastal marine area unless it better meets the purpose of the Act than disposal to land and there has been consultation with the tangata whenua and with the community generally.
- 35.1.3.9** Subject to policy 35.1.3.10, to discourage the introduction of new point source discharges and to reduce contamination from existing point source discharges into the coastal marine area, particularly hazardous wastes, non-biodegradable wastes, and trade and industrial wastes.
- 35.1.3.10** To ensure that adverse effects from the discharge of contaminants (including feed and therapeutants) from aquaculture activities on water and sediment quality, ecology, and the benthic environment are avoided, remedied or mitigated.

- 35.1.3.11** To promote and advocate development of site contingency plans to avoid, remedy or mitigate the likely adverse effects of any emergency discharges or other accidental spills in the coastal marine area.
- 35.1.3.12** To ensure that land use and discharge activities, particularly those involving hazardous substances, are carried out having regard to contingency planning measures appropriate to the scale and nature of any discharge or potential discharge and the risk to the environment for any accidental discharge of any contaminant that may result in connection with the activity.
- 35.1.3.13** To avoid discharge of wastes to the coastal marine area by ensuring adequate and convenient provision of facilities for the collection and appropriate disposal of litter, sewage, spills and residues from vessel use, and maintenance and refuelling and other uses of the coastal marine area.
- 35.1.3.14** To avoid, remedy or mitigate adverse effects of contaminants arising from land-based activities on the coastal marine area, particularly those discharged via urban and rural run-off/stormwater.

## **35.1.20 Methods of Implementation**

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### **35.1.20.1 Regulatory**

- (a) Rules relating to:
- (i) the discharge of contaminants directly or indirectly into water;
  - (ii) the discharge of contaminants onto land;
  - (iii) the location of discharge activities;
  - (iv) the preparation of contingency plans.
- (b) Water classification of water in the coastal marine area.
- (c) Enforcement or abatement action where necessary.

### **35.1.20.2 Education and Advocacy**

- (a) Promotion or support of industry codes of practice and individual management practices that avoid, remedy or mitigate adverse effects of a contaminant discharge on the environment.
- (b) Provision of information and advice concerning sustainable practices, including best practicable options.
- (c) Liaison with resource user groups.
- (d) Promotion of on-board treatment systems for boats.

### **35.1.20.3 Works and Services**

- (a) Advice to the public when accidental or emergency discharges pose a threat to human health.
- (b) Encouraging the provision of rubbish disposal facilities, toilets, and facilities to accept sewage from boats and other users of the coastal marine area.
- (c) Oil spill management.

### **35.1.20.4 Investigations and Monitoring**

- (a) Ongoing water quality monitoring.
- (b) Investigations into tidal circulation patterns.

- (c) Investigation of the nature, extent and sources of contamination, including those from land use activities outside the coastal marine area and from stormwater discharges to the coastal marine area and consider possible means of reducing contaminant levels.

### **35.1.30 Principal Reasons and Explanation**

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These policies reflect the requirements of the New Zealand Coastal Policy Statement and are consistent with the Marine Pollution Regulations.

Coastal water needs to retain and, in places, improve its value for a wide range of public uses where water quality is important. Risks to water quality need to be managed so that coastal waters' values and uses are maintained or improved where necessary.

Existing water quality in some waters may be higher than required for the classification. The policy ensures that the existing higher quality is unchanged as a result of any activity in the coastal marine area. Enhancement of existing water quality may also be required in some areas to meet the objective. It will not be adequate just to maintain the existing water quality in those circumstances.

Discharges of human sewage have the potential to significantly adversely affect coastal water quality, particularly through microbial contamination of bathing waters and shellfish. Direct discharge of such wastes into water is abhorrent to both Maori and Pakeha alike and there is a need for stringent control over this.

This Plan seeks to maintain water quality at, or improve it to, an acceptable level which recognises the importance of the coastal marine area to the District's cultural and social wellbeing and which sustains its life-supporting capacity for marine ecosystems. The Council considers that water quality can be more effectively managed if a comprehensive approach is taken to manage all types of discharges to the coastal marine area and via land-based activities which may affect water quality in the coastal marine area. It does this by (actively) discouraging certain wastes in the coastal marine area and by reducing the risks of emergency or accidental discharges. It will particularly consider the effects or risks of stormwater, sewage and hazardous waste discharges, and discharges arising from aquaculture activities.

### **35.1.40 Performance Monitoring Indicators**

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**35.1.40.1** The surveyed quality of water in the coastal marine area affected by contaminant discharges and changes in the quality over time.

**35.1.40.2** The numbers of resource consents issued for discharges of contaminants to water.

### **35.50 ENVIRONMENTAL RESULTS ANTICIPATED**

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**35.50.1** Discharges of contaminants that avoid, remedy or mitigate adverse effects.

**35.50.1** Water quality maintained or enhanced for all water bodies of the District.



# CHAPTER 36: RULES FOR CONTAMINANT DISCHARGES

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## 36.1 DISCHARGES TO LAND

*Refer to Policy sets 33.1.3, 33.2.3, 33.4.3, 33.5.3.  
Refer to Rule sections 36.4 – 36.6.*

### 36.1.1 Scope of Section

This section deals with discharges of contaminants to land.

The Special Domestic Wastewater Disposal Areas and the Waimea Plains Aquifer Protection Area are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 37.

**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

### 36.1.2 Permitted Activities (Discharges to Land)

#### 36.1.2.1 Discharge of Fruit Dump Water

**NOTE:** Rules within 36.1.2 are 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 discharge of fruit dump water that may contain sediment or pesticide, by irrigation onto land, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no discharge, percolation, or run-off into any water body.
- (b) There is no discharge within 20 metres of any water body, bore for domestic or irrigation water supply, or the coastal marine area.
- (c) The application of fruit dump water must be at a rate not resulting in ponding in or on the ground for longer than one hour.
- (d) The discharger must provide such information as may be requested by the Council to show how the conditions of this rule are being met.

#### 36.1.2.2 Discharge of Fruit or Vegetable Processing Wastewater

The discharge of up to 5 cubic metres per day of fruit or vegetable processing wastewater onto or into land, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no discharge or run-off of wastewater into any water body.
- (b) The application of wastewater is at a rate not resulting in ponding on the land surface for longer than one hour.
- (c) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

**36.1.2.3 Discharge of Bird or Animal Effluent**

The discharge of:

1. Dairy shed effluent; or
2. Up to 5 cubic metres per day of effluent from housed animals or birds; or
3. Up to 5 cubic metres per day of effluent from animal or bird processing activities;

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

- (a) There is no discharge in the Waimea Plains Aquifer Protection Area.
- (b) There is no discharge or run-off of effluent into any water or riverbed.
- (c) There is no discharge or runoff of effluent into any open sinkhole.
- (d) Contingency measures are in place to avoid discharges to water in the event of system failure.
- (e) There must be no discharge of effluent within:
  - (i) 20 metres of any surface water body, or the coastal marine area;
  - (ii) 20 metres of any bore for domestic water supply;
  - (iii) 10 metres of any adjoining property;
  - (iv) 50 metres of any dwelling on an adjoining property.
- (f) Any effluent storage facilities are sealed so as to prevent any contamination of water by seepage.
- (g) The application of effluent is:
  - (i) at a rate of not more than 200 kilograms of nitrogen per hectare per year by itself or in combination with any other applied fertiliser; or
  - (ii) at a rate not resulting in an elevation of groundwater nitrogen concentration.
- (h) Discharge of effluent is only onto land with a vegetative cover over 90 percent of the ground surface or immediately prior to sowing a crop.
- (i) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.
- (j) The application of effluent is not at a rate which results in ponding on the land surface for longer than one hour.
- (k) The discharger must provide such information as may be requested by the Council to show how the conditions of this rule are being met and, where a discharge has not occurred at the same location previous to 1 March 2006, this information must be supplied by the discharger before first commencing the activity.

**36.1.2.4 Discharge of Domestic Wastewater**

The discharge of domestic wastewater into land from an on-site wastewater treatment disposal field is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Any discharge first commencing after 19 September 1998 is not in any Special Domestic Wastewater Disposal Area.

- (b) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.
- (c) The volume of effluent discharged is not more than a weekly averaged flow of 2,000 litres per day.
- (d) There is no discharge or run-off of effluent into surface water.
- (e) The disposal field is located not less than:
  - (i) 20 metres away from any surface water body, or the coastal marine area;
  - (ii) 20 metres from any bore for domestic water supply;
  - (iii) 1.5 metres from any adjoining property.
- (f) The design and operation of the system must result in the depth of unsaturated soil between the effluent disposal field and the average winter level of groundwater or of the basement rock being no less than 500 millimetres or sufficient to ensure that the discharge does not result in any bacterial contamination of groundwater beyond the property boundary.
- (g) There is no discharge of effluent from the disposal field to the ground surface.
- (h) The septic tank must be regularly desludged so that the liquid volume (excluding sludge and scum) is maintained at not less than one-third of the tank volume.
- (i) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.
- (j) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.
- (k) The quality of the effluent being discharged into the disposal field does not exceed the following standards:

BOD <sub>5</sub> :	150 milligrams per litre
Total suspended solids:	150 milligrams per litre

**Notes:**

1. Compliance with the New Zealand Standards for on-site domestic wastewater management will help ensure compliance with the above standards.
2. The use of garbage grinders is not recommended for use with septic tank treatment units. AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards also note that these appliances are unsuited to use with septic tank systems, and the standards do not account for their use in the design of on-site wastewater disposal systems. Therefore, for any new building where it is proposed to have this appliance installed, Council may require evidence that the design of the effluent treatment disposal system takes into account its effects.

### **36.1.2.5 Discharge of Domestic Wastewater (Special Areas)**

The discharge of domestic wastewater into land from an on-site wastewater treatment disposal field in a Special Domestic Wastewater Disposal Area commencing after 19 September 1998 is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The volume of effluent discharged is not more than a weekly averaged flow of 2,000 litres per day.
- (b) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.

- (c) There is no discharge or run-off of effluent into surface water.
- (d) The disposal field is located not less than:
  - (i) 20 metres away from any surface water body, or the coastal marine area;
  - (ii) 20 metres of any bore for domestic water supply;
  - (iii) 1.5 metres of any adjoining property.
- (e) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.
- (f) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.
- (g) The quality of the effluent being discharged into the disposal field does not exceed the following standards:
 

BOD <sub>5</sub> :	20 milligrams per litre
Suspended Solids:	30 milligrams per litre
Faecal Coliforms:	100 faecal coliforms per 100 millilitres
- (h) The effluent is discharged via a dose-loading system.
- (i) The plant and any associated machinery is maintained by an appropriately competent person experienced in the operation and maintenance of such plant or machinery and must be according to any service contract supplied by the manufacturer, and such information to show how this condition is being met must be provided as requested by the Council.

#### **36.1.2.6 Discharge of Greywater**

The discharge of greywater onto or into the ground is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The volume of greywater discharged onto or into the ground is not more than 2 cubic metres per day.
- (b) Any discharge first commencing after 3 December 2005 is not in the Wastewater Management Area.
- (c) Any discharge first commencing after 19 December 2009, does not contain kitchen wastes, except for discharge from backcountry huts on public conservation lands. C25 12/09  
Op 8/12
- (d) There is no discharge or run-off of greywater into surface water.
- (e) The disposal field is located not less than:
  - (i) 20 metres from any water body and the coastal marine area;
  - (ii) 20 metres from any bore for domestic or irrigation water supply;
  - (iii) 1.5 metres from any adjoining property.
- (f) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.
- (g) There is no ponding or run-off of the effluent.
- (h) The discharge is covered by 50 to 100 millimetres of bark, sand, leaf litter, soil or similar material. C25 12/09  
Op 8/12

- (i) The greywater disposal system is installed, operated and maintained to avoid blockages and breakdowns. C25 12/09  
Op 8/12
- (j) The greywater is stored for no longer than six hours before being discharged.
- (k) The pipework and fittings are specifically constructed for the disposal of domestic wastewater.
- (l) Contingency measures are in place to avoid discharges to water in the event of a system failure.

**Note:** Any changes to the sanitary plumbing system of a dwelling require building consent to be obtained from the Council. C25 12/09  
Op 8/12

### **36.1.2.7 Discharge of Human Effluent from a Long Drop Toilet**

The discharge of human effluent into land from a long drop toilet is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is not from a dwelling.
- (b) Any discharge first commencing after 3 December 2005 is not in the Wastewater Management Area.
- (c) The lowest point of the long drop is not less than 0.5 metres above the average winter level of groundwater.
- (d) The long drop toilet is located not less than:
  - (i) 50 metres from any water body or the coastal marine area;
  - (ii) 50 metres from any bore for domestic water supply;
  - (iii) 10 metres from an adjoining property;
  - (iv) 60 metres from a reticulated sewer or on-site domestic wastewater disposal system on the same property.
- (e) The long drop is constructed in such a way that run-off water does not enter the hole.
- (f) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

### **36.1.2.8 Discharge of Drilling Water**

The discharge of up to 200 cubic metres of water per day likely to contain clay or non-toxic polymer drilling contaminants onto land or into soakage pits or drill holes during drilling for resource investigation purposes is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no discharge or run-off of contaminated water or intercepted groundwater directly into any water body or coastal marine area.
- (b) The discharge does not cause any erosion or inundation of land for longer than 24 hours.

**36.1.2.9 Discharge of Leachate from Compost**

The discharge of any contaminant onto or into land in connection with composting operations (excluding the ensilage of vegetation) is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The volume of material being or to be composted does not exceed 50 cubic metres in total on any property.
- (b) No hazardous substances or septage, or sludge is composted.
- (c) There is no discharge or run-off of leachate into water.
- (d) The discharge is no less than:
  - (i) 50 metres from any surface water body, or the coastal marine area;
  - (ii) 20 metres from any bore for domestic water supply;
  - (iii) 10 metres from any adjoining property.
- (e) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.

**36.1.2.10 Discharge of Leachate from Offal Pits**

The discharge into land of any contaminant associated with the placing of dead stock or offal from any one property and any soil or lime covering into a pit specially excavated for the purpose of disposing of dead stock or offal, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no discharge in the Waimea Plains Aquifer Protection Area.
- (b) The pit is no less than:
  - (i) 50 metres from any surface water body, or the coastal marine area;
  - (ii) 50 metres from any bore for domestic water supply;
  - (iii) 10 metres from any adjoining property;
  - (iv) 50 metres from any dwelling on an adjoining property.
- (c) The discharge does not cause an offensive or objectionable odour discernible beyond the property boundary.
- (d) The bottom of the pit is not less than 0.5 metres above the average winter level of groundwater.
- (e) There is no discharge or percolation of leachate into surface water or ground water.

**36.1.2.11 Discharge of Mining Wash Water**

The discharge of wash water that may contain sediment for or in connection with alluvial mining exploration or prospecting operations into the ground for disposal by seepage, or into groundwater for reuse, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no discharge or run-off into any surface water.
- (b) The discharge is not within 50 metres of a point of take for any other authorised use.
- (c) The discharge does not cause any increase in sediment levels in any water supply bore.

- (d) Any subsequent discharge into surface water by seepage through the ground as a result of this activity does not cause the visual clarity of the receiving water to change by more than 20 percent as measured by a black disc at any point more than 50 metres downstream of the discharge point.
- (e) Any pond specially constructed for disposal by seepage (that is not part of the prospecting or mining excavation) must be sited not less than 20 metres from any river or stream bank and must not exceed 2 metres in depth.

### 36.1.3 Controlled Activities (Discharges to Land)

#### 36.1.3.1 Discharge of 1080 Poison from Air

The discharge of sodium fluoro-acetate (1080 poison) from air onto land for possum and other vertebrate control is a controlled activity, if it complies with the following conditions:

- (a) A navigational guidance system is used to ensure the discharge is within defined areas and reduces risks of application to surface water.

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

- (1) Approval from landowners on whose land the activity is to take place.
- (2) Environmental monitoring before and after the application of the compound 1080.
- (3) Notification requirements for the public, interest groups and for neighbouring landowners.
- (4) Contingency planning.
- (5) Amounts and concentration of 1080 to be used.
- (6) Type of baits to be used and need for screening to avoid chaff.
- (7) Areas over which 1080 is to be applied.
- (8) Methods and times of application.
- (9) Review of conditions.
- (10) Expiry date of the consent.

**Note:** This activity is also subject to relevant approvals obtained under the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work (Hazardous Substances) Regulations 2017, and provisions of the Civil Aviation Act 1990 and its associated regulations.

#### 36.1.3.2 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)

The discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 is a controlled activity, if it complies with the following conditions:

- (a) The discharge is from a dwelling on an allotment that:
  - (i) was existing as at 3 December 2005; or
  - (ii) is more than 2 hectares in size.

- (b) The rate of discharge of domestic wastewater (including greywater) does not exceed 2 cubic metres per day.
- (c) The treatment and disposal system is designed to cater for the peak daily load (quantity and BOD<sub>5</sub>).
- Note:** Refer to Appendix H of the AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards for appropriate design flows and loading.
- (d) There is no surface ponding as a result of the discharge, nor any direct discharge or runoff of wastewater into any water body.
- (e) There is no increase in the concentration of pathogenic organisms in any groundwater bore used for potable water supply as a result of the discharge.
- (f) There is a minimum depth of 0.6 metres of unsaturated soil (depth to the normal winter water table) below the land disposal area.
- (g) There is at least 100 percent of the area of the design land disposal field available as a reserve land treatment area.
- (h) The disposal field is located more than:
- (i) 20 metres from any surface water body, including the margin of a wetland or the coastal marine area, but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;
  - (ii) 20 metres from any bore used for potable water supply;
  - (iii) 5 metres from any adjoining property or road boundary;
  - (iv) 20 metres from the edge of any other domestic wastewater disposal field unless the field was existing as at 3 December 2005.
- (i) The wastewater treatment system does not create an offensive or objectionable odour discernible beyond the property boundary.
- (j) Overland stormwater flows are diverted away from the disposal field.
- (k) There is no discharge onto land where the predominant slope is over 20 degrees from horizontal.
- (l) The quality of the effluent being discharged into or onto land meets the following standards:
- |                    |                           |
|--------------------|---------------------------|
| BOD <sub>5</sub> : | <30 grams per cubic metre |
| Suspended Solids:  | <45 grams per cubic metre |

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

- (1) Location and size of the disposal field not otherwise specified above.
- (2) Quality of the wastewater discharged to the disposal field not otherwise specified above.
- (3) Actual or potential adverse effects of the discharge either by itself or in combination with other discharges or land use activities on aquatic ecosystems and water quality, including the potential for microbial or nitrate contamination of coastal, ground or surface water.
- (4) The design, construction, operation and maintenance of the treatment and disposal system not otherwise specified above, especially in relation to:
  - (a) site and soil assessment practices required to determine site limitations and system suitability;

- (b) the presence of south-facing slopes greater than 15 degrees from horizontal;
  - (c) likelihood of slippage, subsidence, or erosion as a result of the discharge;
  - (d) control of stormwater;
  - (e) management of nutrients, including measures to reduce nitrogen;
  - (f) management of pathogens;
  - (g) drainage characteristics and nature of any material imported to construct a disposal field;
  - (h) effects of the discharge on soil structure;
  - (i) management of variations in wastewater quantity;
  - (j) any other aspect of the site that may influence its suitability for sustainable on-site disposal of wastewater.
- (5) Consistency with the New Zealand Standard AS/NZ 1547:2000 for on-site domestic wastewater management and consistency with the Coastal Tasman Area Subdivision and Development Design Guide.
- (6) Monitoring compliance with conditions and effects of the discharge on the environment.
- (7) The management and programmed maintenance for the wastewater treatment system, including specification of a programmed maintenance contract with a person who is qualified and experienced in the field of on-site wastewater treatment and disposal, for the treatment system's ongoing maintenance and operation.
- (8) Record-keeping by the consent holder of each maintenance or monitoring action, and provision of this information to Council.
- (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 and covenants in respect of the performance of conditions, including for the ongoing maintenance and depreciation of the system, and administrative charges (Section 108).

### **36.1.4 Restricted Discretionary Activities (Discharges to Land)**

#### **36.1.4.1 Discharge of Oil onto Land for Dust Suppression**

The discharge of oil onto land as a dust suppressant is a restricted discretionary activity, if it complies with the following conditions:

- (a) Oil must:
  - (i) be of a uniform viscosity; and
  - (ii) be applied uniformly from no more than 500 millimetres above the road surface.
- (b) The application of oil must be:
  - (i) at a maximum rate not exceeding 1 litre per square metre during any 24-hour period; and
  - (ii) at a rate not exceeding 2 litres per square metre per year; and
  - (iii) at a rate not resulting in ponding or run-off of oil.
- (c) Oil must not be applied in the period 48 hours before rain has been forecast to fall, nor during rain.

- (d) Oil may only be applied where:
- (i) road dust may adversely affect horticultural crops; or
  - (ii) road dust adversely affects the amenity and wellbeing of people; and
  - (iii) application does not extend more than 50 metres beyond the road boundary of the property affected.

**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 availability, cost and effectiveness of alternative dust suppressants.
- (2) The control of discharges to water, including setback requirements.
- (3) The quality of the oil.
- (4) Road gradient and condition.
- (5) The nature, sensitivity and significance of the receiving environment.
- (6) Consideration of contingency planning measures appropriate to the scale and nature of the discharge and level of risk to the environment.
- (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) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (9) Monitoring programmes to monitor the effects of the discharge on the environment.

#### **36.1.4.2 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)**

Except as specified in rule 36.1.3.2, the discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The rate of discharge of domestic wastewater (including greywater) does not exceed 2 cubic metres per day per household.
- (b) The treatment and disposal system is designed to cater for the peak daily load (quantity and BOD<sub>5</sub>).  
**Note:** Refer to Appendix H of the AS/NZS 1547:2012 On-Site Domestic Wastewater standards for appropriate design flows and loading.
- (c) There is no surface ponding as a result of the discharge, nor any direct discharge or run-off of wastewater into any water body.
- (d) There is no increase in the concentration of pathogenic organisms in any groundwater bore used for potable water supply as a result of the discharge.
- (e) There is a minimum depth of 0.6 metres of unsaturated soil (depth to the normal winter water table) below the land disposal area.

- (f) The disposal field is located more than:
- (i) 20 metres from any surface water body, including the margin of a wetland or the coastal marine area, but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;
  - (ii) 20 metres from any bore used for potable water supply;
  - (iii) 5 metres from any adjoining property or road boundary;
  - (iv) 20 metres from the edge of any other domestic wastewater disposal field.
- (g) The wastewater treatment system does not create an offensive or objectionable odour discernible beyond the property boundary.
- (h) Overland stormwater flows are diverted away from the disposal field.
- (i) There is no discharge onto land where the predominant slope is over 20 degrees from horizontal.
- (j) The quality of the effluent being discharged into or onto land meets the following standards:
- |                    |                           |
|--------------------|---------------------------|
| BOD <sub>5</sub> : | <30 grams per cubic metre |
| Suspended Solids:  | <45 grams per cubic metre |
- (k) Where the disposal system serves a single household, there must be at least 100 percent of the design land disposal field area available as a reserve land treatment area.
- (l) The wastewater is distributed evenly into the disposal field at a rate not exceeding 2 millimetres per day except where the soil category is assessed as being Category 6.
- Note:** Assessment of the soil category must be done according to the method given in the AS/NZS 1547:2012 On-Site Domestic Wastewater Management standards.

**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) Location and size of the disposal field not otherwise specified above.
- (2) Quality of the wastewater discharged to the disposal field not otherwise specified above.
- (3) Actual or potential adverse effects of the discharge either by itself or in combination with other discharges or land use activities on aquatic ecosystems and water quality, including the potential for microbial or nitrate contamination of coastal, ground or surface water.
- (4) Potential adverse effects on neighbouring properties, including smell and effects on landscape amenity where the discharge is from a cluster development.
- (5) The design, construction, operation and maintenance of the treatment and disposal system not otherwise specified above, especially in relation to:
  - (a) site and soil assessment practices required to determine site limitations and system suitability;
  - (b) the presence of south-facing slopes greater than 15 degrees from horizontal;
  - (c) likelihood of slippage, subsidence, or erosion as a result of the discharge;
  - (d) control of stormwater;
  - (e) management of nutrients, including measures to reduce nitrogen;
  - (f) management of pathogens;

- (g) drainage characteristics and nature of any material imported to construct a disposal field;
  - (h) effects of the discharge on soil structure;
  - (i) management of variations in wastewater quantity;
  - (j) any other aspect of the site that may influence its suitability for sustainable on-site disposal of wastewater.
- (6) Consistency with the New Zealand Standard AS/NZS 1547:2012 On-Site Domestic Wastewater Management and consistency with the Coastal Tasman Area Subdivision and Development Design Guide.
- (7) Monitoring compliance with conditions and effects of the discharge on the environment.
- (8) Legal, practical and financial responsibility for day-to-day management of the system and long-term replacement and depreciation.
- (9) The management and programmed maintenance for the wastewater treatment system, including specification of a programmed maintenance contract with a person who is qualified and experienced in the field of on-site sewage treatment and disposal, for the treatment system's ongoing maintenance and operation.
- (10) Record-keeping by the consent holder of each maintenance or monitoring action, and provision of this information to Council.
- (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) Bonds and covenants in respect of the performance of conditions, including for the ongoing maintenance and depreciation of the system, and administrative charges (Section 108).

### 36.1.5 Discretionary Activities (Discharges to Land)

#### 36.1.5.1 Discharges into Open Sinkholes

The discharge of soil, vegetation, effluent, refuse, offal or debris into any open sinkhole is a discretionary activity.

**Advice Note:** Rule 36.1.5.1 prevails over NES-PF Regulation 97(1) because it is more stringent under Regulation 6(3)(b).

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

#### 36.1.5.2 Discharges to Land (Other)

Except as specified by rule 36.1.6.1, any discharge to land that does not comply with the conditions of rules 36.1.2.1 to 36.1.2.11 or rule 36.1.3.1 is a discretionary activity.

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

## **36.1.6 Non-Complying Activities (Discharges to Land)**

### **36.1.6.1 Discharge of Domestic Wastewater (New Discharge in the Wastewater Management Area)**

The discharge of domestic wastewater into or onto land in the Wastewater Management Area commencing after 3 December 2005 that does not meet the conditions of rule 36.1.3.2 or rule 36.1.4.2 is a non-complying activity.

## **36.1.20 Principal Reasons for Rules**

### **Fruit Wash Water**

Water used to convey fruit such as apples or pears in packing sheds accumulates significant quantities of pesticides used on the crop. The disposal of the contaminated water needs to be carried out in such a way that it avoids adverse effects on water resources.

### **Discharge of Organic Wastes**

The disposal of organic wastes such as dairy and piggery effluent, leachate and winery wastes onto land is encouraged and promoted as a more sustainable option than discharge to water. The permitted activity status, which is subject to performance standards to avoid creating adverse effects, reflects this preference for land disposal. The activity is restricted in the Waimea Plains Aquifer Protection Area because of the risks to groundwater quality.

### **On-site Disposal of Domestic Wastewater**

The on-site disposal of wastewater from laundries, bathrooms and kitchens is usual in unsewered rural areas of the District. Reticulation is not always the preferred option so it is essential that the limitations of sites and systems are accounted for when using this as a method of waste disposal. In most areas of the District, the Council will continue to allow appropriately designed, installed and managed systems as a permitted activity subject to specific performance standards. These standards are more stringent in areas where there are existing problems caused by on-site disposal systems or where increasing density of such systems is likely to result in cumulative adverse effects. Separation of wastewater so that the less contaminating greywater can be disposed of by irrigation allows for greater flexibility in the design and operation of such systems. Long drop toilets are a common disposal method in remote areas such as backcountry huts where the discharge is intermittent and low in volume. The need for conventional systems in these situations is not warranted.

A higher level of performance and regulatory regime for new discharges in the Wastewater Management Area for land in the coastal Tasman area is adopted to manage the combined effects of increasing residential development in terrain that is not suited to conventional on-site disposal options and where there are sensitive receiving environments. Resource consents will be required for all new discharges and the Council will consider potential effects of on-site wastewater management alongside any new proposals to develop land for residential purposes in an integrated manner.

### **Drilling and Mining Wash Water**

Water used during geological drilling and mining can contain sediment. Disposal onto the ground subject to some performance standards is a sustainable disposal option.

### **1080 Poison**

This poison is commonly used for control of vertebrate pests, particularly possums, but including rabbits and other pests. It can also cause deaths in non-target animal, insect or bird populations. There is also a risk of contamination of water resources. The controlled status for 1080 use reflects the importance of pest

control, particularly possum control to protect indigenous flora and fauna and to help control the spread of TB as well as the environmental risks involved in its use.

### **Dust Suppression by Oil**

The use of oil to suppress dust on roads and yards is being discouraged because of the risk of long term contamination from the very toxic heavy metals and other chemicals in the oil. However, there are a great many unsealed roads in the District and dust can cause significant problems by depositing on crops and causing health and nuisance effects for people living along these roads. Discretionary status for this activity reflects the balance between effective dust suppression and the need to avoid creating adverse environmental effects.

### **Karst Terrain**

There is a need to protect the underground water resources and the habitat values of karst terrain from the adverse effects of discharges into them.

## 36.2 DISCHARGES TO FRESH WATER OR COASTAL WATER

Refer to Policy sets 5.1.3, 27.4.3., 33.1.3, 33.2.3, 33.3.3, 33.4.3, 33.5.3.

Refer to Rule sections 16.3, 17.5 – 17.8, 28.1, 28.3, 28.5, 36.4, 36.5, 36.6.

### 36.2.1 Scope of Section

This section deals with discharges of contaminants to water, including fresh or coastal water. Note that any discharge to coastal water that is not a permitted activity requires a discharge permit if it is to fresh water, or a coastal permit if it is to coastal water. Any discharge to waters subject to the National Water Conservation (Buller River) Order 2001 [see Annex 1, Part V] must also comply with the relevant standards in the Water Conservation Order. Information required with resource consent applications is detailed in Chapter 37.

**Note:** Section 36.2 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

**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

### 36.2.2 Permitted Activities (Discharges to Fresh Water or Coastal Water)

#### 36.2.2.1 Discharge of Fruit Dump Water

The discharge of fruit dump water that may contain sediment or pesticide, into water impounded by a dam is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) There is no low flow by-pass discharge into any watercourse from the dam.
- (b) The sole purpose and use of the dam water is for irrigation water.

#### 36.2.2.2 Discharge of Mining Wash Water

The discharge of water that may contain sediment into water, from instream exploration, prospecting and mining operations, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge does not cause the natural visual clarity of the receiving water to change by more than 20 percent as measured by a black disc at any point more than 50 metres downstream of the discharge point.
- (b) The discharge does not increase the natural turbidity of receiving water with a turbidity of less than 10 NTU by more than 1 NTU and by no more than 10 NTU in receiving waters with a turbidity of more than 10 NTU at any point more than 50 metres downstream of the point of discharge.
- (c) The discharge must not be closer than 50 metres to the intake of any other authorised use.

#### 36.2.2.3 Discharge of Sediment or Debris from Land Disturbance Activities

**NOTE:** Rule 36.2.2.3 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 discharge into water of sediment or debris, or water that may contain sediment or debris, from any land disturbance activity, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is in such a manner that it does not cause any:
- (i) diverting or damming of any river or stream; or
  - (ii) erosion of the bed of any river or stream; or
  - (iii) discernable change to any habitat by deposition of sediment onto the bed of any water body or coastal water body.
- Advice Note:** Clause (a)(iii) where it relates to the effects of a discharge containing sediment onto the bed of a 'coastal water body' prevails over the NES-PF because it is more stringent under Regulation 6(1)(b) NES-PF.
- (b) No soil or debris is placed directly into a water body or the coastal marine area.
- (c) The discharge must not cause the visual clarity of the receiving water to change by more than 40 percent as measured by a black disc at any point more than:
- (i) 50 metres downstream where the wetted width of the river is less than 5 metres; or
  - (ii) 100 metres downstream where the wetted width of the river is between 5 metres and 20 metres; or
  - (iii) 200 metres downstream where the wetted width of the river is more than 20 metres; or
  - (iv) 100 metres from the point of discharge in the coastal marine area; measured from the furthest downstream point of the discharge.

#### 36.2.2.4 Discharges Arising from Activities in the Beds of Rivers and Lakes

C27 2/10  
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**NOTE:** Rule 36.2.2.4 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 discharge of any contaminant into water arising from any activity carried out in the beds of rivers or lakes is a permitted activity, if it complies with the following conditions:

- (a) There is no discharge arising from stock entering or passing over the bed. (*Refer to rule 36.2.2.5*)
- (b) The visual clarity or colour of the receiving water is not changed by more than 20 percent at any point:
- (i) more than 50 metres where the wetted width of the river is less than 5 metres; or
  - (ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;
- downstream of the discharge, compared with upstream of the discharge.

[Condition (c) deleted]

- (d) In rivers subject to the provisions of the Motueka and Buller water conservation orders, the natural turbidity of receiving water with a turbidity of less than 10 NTU is not changed by more than 1 NTU and is not changed by more than 10 NTU in receiving water with a turbidity of more than 10 NTU at any point more than 10 times the wetted width of the river downstream of the discharge, compared with upstream of the discharge.

- (e) In the beds of rivers and streams with gravel or cobble-sized substrate, the depth of fine sediment deposited on the bed is not increased by more than 30 percent at any point:
- (i) more than 50 metres where the wetted width of the river is less than 5 metres; or
  - (ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;
- downstream of the discharge, compared with upstream of the discharge.
- (f) Conditions (b) and (e) of this rule do not apply where the discharge arises from activities permitted by rules 28.5.2.1 and 28.1.6.1(d)(viii) and 28.1.6.1(d)(xii).

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Op 4/13  
ECD 23/08/12

**Notes:**

C27 2/10  
Op 4/13

1. A change in colour or clarity of more than 10 percent is generally discernible by observation. A change of 20 percent can be considered a conspicuous change and is easily visible.
2. The wetted width of the river is measured at the downstream edge of the activity generating the discharge.

### 36.2.2.5 Discharges arising from Entering or Passing over Beds – Stock

C27 2/10  
Op 4/13

The discharge of any contaminant into water arising from the entering or passing across any bed of a river or lake or the disturbance of the bed by livestock is a permitted activity, if it complies with the following conditions:

- (a) Either
- (i) the discharge at any crossing or ford occurs no more than twice in any one week averaged over one month;
- or
- (ii) the discharge complies with all of the following conditions.
- (b) The visual clarity or colour of the receiving water is not changed by more than 20 percent at any point:
- (i) more than 50 metres where the wetted width of the river is less than 5 metres; or
  - (ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;
- downstream of the discharge, compared with upstream of the discharge.
- (c) In the beds of rivers and streams with gravel or cobble-sized substrate, the depth of fine sediment deposited on the bed is not increased by more than 30 percent at any point:
- (i) more than 50 metres where the wetted width of the river is less than 5 metres; or
  - (ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;
- downstream of the discharge, compared with upstream of the discharge."
- (d) In rivers subject to the provisions of the Motueka and Buller Water Conservation Orders, the natural turbidity of receiving water with a turbidity of less than 10 NTU is not changed by more than 1 NTU and is not changed by more than 10 NTU in receiving waters with a turbidity of more than 10 NTU at any point more than 10 times the wetted width of the river downstream of the discharge, compared with upstream of the discharge.
- (e) The concentration of *E. coli* bacteria is not increased by more than 260cfu *E. coli* per 100 millilitres at any point:

- (i) more than 50 metres where the wetted width of the river is less than 5 metres;  
or
  - (ii) more than 10 times the width of the river where the wetted width of the river is more than 5 metres;
- downstream of the discharge, compared with upstream of the discharge.

### Notes

1. 260cfu per 100 millilitres is the alert level of bacterial concentration for contact recreation (Ministry of Health Microbiological Water Quality Guidelines). A sample for bacterial analysis requires laboratory processing.
2. The wetted width of the river is measured at the downstream edge of the activity generating the discharge.

### Means of Compliance

Some stock management methods are known to cause adverse effects on water quality that are likely to result in non-compliance with the conditions of this rule. This includes in circumstances where:

1. Stocking rates alongside water bodies are high (for example, under strip grazing or rotational grazing with mob stocking).
2. There is regular crossings of rivers and streams by dairy herds.
3. There is unrestricted access by cattle alongside flowing rivers and streams. The extent of adverse effect is dependent on stock class and stocking density and effects on microbial water quality can be predicted by the NIWA Cow Crossing Calculator.
4. Deer, pig or cattle wallows in or near flowing water.
5. Significant areas of bare ground or pugging alongside the river margin caused by stock treading.

Adverse effects can be avoided or mitigated and enable compliance with discharge conditions by:

- (a) Use of permanent or temporary fences along the banks to deter stock from entering the stream bed, grazing bankside vegetation, trampling aquatic habitat, or defecating directly into the water or onto the adjacent bank.
- (b) Provision of bridges and culverts.
- (c) Provision of alternative water supplies so that stock do not need to access the stream bed.
- (d) Provision of shade so stock do not need to cool themselves by standing in water.
- (e) Establishment of vegetated stream margins that filter contaminants from run-off.

### 36.2.2.6 Discharge of Vegetation from Land Disturbance Activities

**NOTE:** Rule 36.2.2.6 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 discharge of vegetation from any land disturbance operation into water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is in such a manner that it does not cause any:
  - (i) diverting or damming of any river or stream; or
  - (ii) erosion of the bed of any river or stream; or
  - (iii) discernable change to any habitat by deposition of vegetation onto the bed of any water body or coastal water body.
- (b) The dissolved oxygen content of the water is not decreased below 80 percent of saturation concentration as a result of the discharge, measured at any point no more than:

- (i) 50 metres downstream where the wetted width of the river is less than 5 metres; or
  - (ii) 100 metres downstream where the wetted width of the river is between 5 metres and 20 metres; or
  - (iii) 200 metres downstream where the wetted width of the river is more than 20 metres; or
- measured from the furthest downstream point of the discharge.

#### **36.2.2.7 Discharge of Dye**

The discharge of chemically inert, non-toxic, non-radioactive dye into water for resource investigations is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Any person who intends to discharge more than 100 grams of dye pursuant to this rule must:
  - (i) give prior written notice to the Environment and Planning Manager of the Tasman District Council; and
  - (ii) place seven days prior to the activity taking place, a public notice in a daily newspaper circulating in the area in which the activity will be done, giving information on the following:
    - (a) the location of the water body to be dyed; and
    - (b) the type and quantity of dye used; and
    - (c) the reason for the discharge of the dye; and
    - (d) the date and time of commencement of the discharge of the dye; and
    - (e) the planned duration of the proposed discharge of the dye.
- (b) Dye must not be discharged for any continuous period exceeding four hours.

#### **36.2.2.8 Discharge of Water**

The discharge of water into water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge does not cause erosion of the bed of any river or stream.
- (b) The discharge does not contain more than 0.5 grams per cubic metre of free or residual chlorine.
- (c) Except as provided for in condition (b), the discharge does not contain contaminants other than heat.
- (d) When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature.
- (e) Except as provided for by conditions (g) and (h), the rate of discharge does not exceed 5 litres per second.
- (f) Conditions (c), (d) and (e) do not apply if the discharge is from a culvert.
- (g) Where the discharge is from a dam that is authorised under rules 31.1.4.1, 31.1.4.2 and 31.1.4.3:
  - (i) the discharge during floods does not exceed the natural inflow;
  - (ii) the discharge does not exceed the amount required on any resource consent to dam water.

- (h) Where the discharge is of water that has been taken for hydro-electric power generation in accordance with rule 31.1.2.1, the discharge is into the same watercourse from which it was taken, and is within the boundary of the same property.

### 36.2.2.9 Discharge arising from the Removal of Coastal Structures

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Op 7/22

The discharge of any contaminant into coastal water arising from the removal of a coastal structure is a permitted activity, if it complies with the following conditions:

- (a) None of the following effects are likely to arise in the receiving waters, after reasonable mixing:
- (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) any conspicuous change in the colour or visual clarity of the receiving water 12 hours following the removal of the structure;
 

**Note:** A change in colour or clarity of more than 10 percent is generally discernible by observation. A change of 20 percent can be considered a conspicuous change and is easily visible.
  - (iii) any emission of objectionable odour;
  - (iv) any discernible change to any habitat by deposition of sediment onto the coastal marine area; or
  - (v) any significant adverse effects on aquatic or bird life.

## 36.2.3 Discretionary Activities (Discharges to Fresh Water or Coastal Water)

### 36.2.3.1 Discharge of Any Contaminant or Water

The discharge of any contaminant or water into water that does not comply with the conditions of rules 36.2.2.1 to 36.2.2.8 is a discretionary activity.

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

### 36.2.3.2 Discharges from Aquaculture

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Op 10/11

The discharge to coastal water of:

- (i) feed;
- (ii) therapeutants;
- (iii) waste materials;
- (iv) contaminants arising from anti-fouling protection measures; or
- (v) any other contaminant arising from the activity

is a discretionary activity.

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

**Note:** Effects of shell and live organism drop-off, faeces and pseudofaeces are addressed under the rules for occupation of the coastal marine area for the purposes of aquaculture. For the purposes of this rule, this material is not considered to be a contaminant.

**36.2.4 Prohibited Activities (Discharges to Fresh Water or Coastal Water)****36.2.4.1 Discharge of Untreated Effluent**

The discharge into water of untreated dairy shed effluent, piggery effluent from buildings housing pigs, or untreated human sewage other than from vessels is a prohibited activity and no consent may be sought for this activity.

**36.2.20 Principal Reasons for Rules**C27 2/10  
Op 4/13**Discharges arising from Stock and Vehicle Access and Activities in the Beds of Rivers and Lakes**

These rules complement stock and vehicle access rules in Part IV. Stock manure deposited directly in waterways as stock cross, as well as sediment dislodged by stock or machinery crossing or otherwise disturbing the bed of the river, can have significant adverse effects on water quality.

The performance standards ensure that changes to sediment levels and visual quality of the water are not conspicuous and that microbial water quality is maintained at a level that still enables contact recreation or drinking by stock. The rules allow occasional and infrequent stock crossings where adverse water quality effects are of short duration and of minor overall effect.

The Council understands that compliance with these rules will be more likely where there is support and advice, as well as ongoing consultation with the farm owner about options for managing any water quality issues. This support and advice will be aligned with the Regional Action Plan for the Clean Streams Accord which has already been adopted and is being implemented in this region.

Farming systems other than dairy farms may also impact on water quality. Council will adapt the same Regional Action Plan approach to ensure all landowners have access to similar support and resources.

Sediment controls relating to some river bed disturbance activities do not apply in some circumstances as the nature of the activities means sediment cannot be avoided. The circumstances and other restrictions that regulate these activities are provided in chapters 27 and 28.



## 36.3 DISCHARGES TO AIR

*Refer to Policy sets 34.1.3.  
Refer to Rule sections 36.5, 36.6.*

### 36.3.1 Scope of Section

This section deals with discharges of contaminants to air. Information required with resource consent applications is detailed in Chapter 37.

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

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### 36.3.2 Permitted Activities (Discharges to Air)

#### 36.3.2.1 Discharge of Any Contaminant to Air

**NOTE:** Rule 36.3.2.1 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.

The discharge of any contaminant to air is a permitted activity and may be carried out without a resource consent, if it complies with the following conditions:

- (a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.
- (b) The discharge does not result in any noxious or dangerous level of any contaminant beyond the property boundary.
- (c) The opacity of any smoke measured at the point of discharge does not exceed 20 percent except for a period not exceeding two minutes in any hour of operation.
- (d) Except as provided for in (b) and except for water vapour, the discharge is not visible beyond the property boundary.
- (e) The discharge does not create any offensive or objectionable odour beyond the property boundary.
- (f) The discharge does not result in any objectionable deposition of particulate matter on any structure or land beyond the property boundary.

#### 36.3.2.2 Discharge from Small-Scale Solid Fuel-Burning Appliances in Urban Areas

The discharge of any contaminant to air from a small-scale solid fuel-burning appliance that is located on any site in any of the following zones:

- Central Business
- Residential
- Commercial
- Mixed Business
- Tourist Accommodation
- Industrial
- Papakainga
- Open Space

Recreation, and  
Rural Residential zones [where the minimum net area is less than 2ha],

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

- (a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.
- (b) Any discharge in the Richmond Airshed is from an appliance:
  - (i) that is lawfully existing at 13 January 2007, including any appliance for which a building consent has been issued; or
  - (ii) that:
    - (a) emits no more than 1.5 grams of total suspended particulate per kilogram of fuel burned, when tested in accordance with the Domestic Solid Fuel Burning Appliance standards AS/NZS 4012:2014 (Power Output and Efficiency) and AS/NZ 4013:2014 (Flue Gas Emission) or AS/NZS 4014.2:2016 (Test Fuels) as appropriate; and
    - (b) has a thermal efficiency for space heating as described in AS/NZS4013:1999 of at least 65 percent; and
    - (c) that replaces an appliance that was lawfully existing at 13 January 2007; or
  - (iii) that is a pellet fire that emits no more than 0.8 grams of total suspended particulate per kilogram of fuel burned and has a thermal efficiency for space heating of at least 70 percent.
- (c) Except as specified in clause (b) the discharge is from either:
  - (i) an appliance lawfully existing at 13 January 2007 including any appliance for which a building consent has been issued;or
  - (ii) an appliance that emits no more than 1.5 grams of total suspended particulate per kilogram of fuel burned, when tested in accordance with the Domestic Solid Fuel Burning Appliance standards AS/NZS 4012:2014 (Power Output and Efficiency) and AS/NZ 4013:2014 (Flue Gas Emission) or AS/NZS 4014.2:2016 (Test Fuels) as appropriate; and having a thermal efficiency for space heating as described in AS/NZS4013:1999 of at least 65 percent.
- (d) Condition (c) of this rule does not apply to any solid fuel-burning appliance that is used primarily for cooking purposes or is any kiln or forge.
- (e) The discharge does not result in any objectionable or offensive smoke, odour or deposition of particles beyond the property boundary.
- (f) The discharge is not from a woodburner that replaces a pellet burner installed under rule 36.3.7.4.

**Notes:**

1. The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council, or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website of the Ministry for the Environment.
2. The National Environment Standards for Air Quality requires that any new burners installed on any site up to 2 hectares since September 2005 must also comply with the emission and efficiency standard given in clause (c)(ii).

### 36.3.2.3 Discharge of Contaminants from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is not from:
- (i) any property or place in the Fire Ban Area shown on the planning maps; or
  - (ii) the foreshore of the coastal marine area;
- except** where the discharge is from:
- fireworks;
  - small fires used for food cooking purposes such as barbecues, hangis, and small camp fires that are no bigger than 1 square metre at the base;
  - candles, lamps or similar small-scale burners or tools;
  - outdoor fireplaces, including braziers or fires for ahi ka purposes;
  - celebratory fires in Open Space Zone or Recreation Zone;
  - any forge or kiln.
- (b) The discharge does not result in any objectionable deposition of particulate matter on any land, structure or crop beyond the boundary of the subject property.
- (c) The discharge does not result in any noxious, offensive or objectionable odour beyond the boundary of the subject property.
- (d) The discharge does not result in any smoke that is noxious, offensive or objectionable beyond the boundary of the subject property, does not reduce traffic visibility and does not reduce the visibility on any public amenity area.
- (e) Where the discharge is from the burning of vegetation, paper and cardboard, the material is sourced from no more than three adjoining properties where that material has been derived or used, and burning is undertaken on one of those properties.
- (f) There is no burning of any municipal, domestic, industrial or trade waste.
- (g) There is no discharge during the months of June to August (inclusive) in the Fire Sensitive Area, except where:
- (i) the presence of disease on a horticultural crop requires that plant waste be burnt to manage the risk of the disease spreading; or
  - (ii) the discharge is from ~~a kiln or forge~~ any of the exceptions listed in condition 36.3.2.3(a). C73 12/20  
(D8/22)
- (h) Where the discharge is from the burning of vegetation, the vegetation must have been dried for at least seven days so as to reduce likelihood of smoke nuisance when the material is burnt.
- (i) No material listed in rule 36.3.7.1 is burnt.
- (j) No plastic is burnt except for:
- (i) agricultural wrap such as used for wrapping silage and hay; and
  - (ii) pesticide or agrichemical containers that are triple rinsed and labelled with a recycling triangle with a '2' or '4' inside the triangle.

These exceptions do not apply where a national or regional product stewardship programme has been established.

- (k) The discharge is not from the burning of tree stumps except where burning is carried out as part of:
- (i) an orchard tree replacement programme; or
  - (ii) managing a windthrow event in plantation forest.

#### Notes

1. The Fire Sensitive Area and Fire Ban Area, **including areas with deferred status**, are shown on the planning maps. ~~Land subject to deferred zoning rules in the Richmond West and Richmond East development areas will become Fire Ban Area once the deferral has been uplifted.~~ C73 12/20  
(D8/22)
2. A Fire Permit under the Fire and Emergency New Zealand Act 2017 is required from Fire and Emergency New Zealand for all outside fires. This permit addresses fire safety requirements for any outside fires for the purpose of fire safety.
3. Some vegetation types will require longer than one week to dry enough to mitigate smoke nuisances. Refer to the Council's Good Practice Guide to Outdoor Burning for further advice.
4. 'Agrecovery' is an example of a national product stewardship recycling programme for agricultural and horticultural agricultural containers and agricultural bale wrap.

#### Means of Compliance

The "Good Practice Guide to Outdoor Burning" that describes best practice for managing fires are available from the Council or Fire and Emergency New Zealand and lists the measures that may be adopted, as appropriate, for complying with the performance standards of rule 36.3.2.3.

#### 36.3.2.4 Discharge Arising from Fire Training Activities

The discharge of any contaminant to air as a result of fire training activities is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge takes place under the control of a fire authority or fire brigade in terms of the Fire and Emergency New Zealand Act 2017.
- (b) There is no combustion of materials listed in conditions 36.3.7.1(a) and (b).
- (c) The Council is notified at least two working days prior to the activity commencing.

#### 36.3.2.5 Discharge from Enclosed Combustion Processes

The discharge of any contaminant to air from enclosed combustion processes, not including motor vehicles or aircraft, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.
- (b) The fuel being burnt is only coal, untreated wood, including bark or sawdust, heavy fuel oil, LPG, CNG, light fuel oil, diesel, kerosene, or any combination of these fuels.
- (c) Where the fuel is coal; untreated wood, including bark or sawdust; heavy fuel oil; or any of these in combination with any fuel listed in condition (c), the discharge is not in the Richmond Airshed; and:
  - (i) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts; or
  - (ii) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts where —
    - (a) the discharge is in any zone other than the Residential Zone, and
    - (b) the fuel is only untreated wood; or

- (iii) the combined heat output rate of the discharge from any property is no greater than 1 megawatt where the discharge is in the Residential Zone or Mixed Business Zone; or
  - (iv) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.
- (d) Where the fuel is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these and:
  - (i) where the discharge is inside the Richmond Airshed —
    - (a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts; or
    - (b) the combined heat output rate of the discharge from any property is no greater than 1 megawatt; or
  - (ii) where the discharge is outside the Richmond Airshed —
    - (a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 2 megawatts in the Residential Zone; or
    - (b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts in any zone other than the Residential Zone; or
    - (c) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or
    - (d) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.
- (e) The sulphur content of the fuel is no greater than 1 percent by weight in the Richmond Airshed or in any Residential Zone or Rural Residential Zone.
- (f) Annual maintenance is carried out by a person suitably qualified and experienced in boiler maintenance to include the following:
  - (i) removal of ash;
  - (ii) adjustment of fuel ratios, including the fuel to air ratio and testing the ratio of combustion gases, including carbon dioxide (CO<sub>2</sub>), oxygen (O<sub>2</sub>) and carbon monoxide (CO) to ensure efficient running of the boiler;
  - (iv) testing of sulphur dioxide (SO<sub>2</sub>) where coal or heavy fuel oil is used.
- (g) A maintenance record must be kept and made available to the Council on request.
- (h) Except for a period not exceeding 15 minutes at start up or a period not exceeding two minutes in any hour of operation, the smoke opacity at the discharge point of the stack does not exceed 40 percent (or no darker than Ringelmann Shade No.1 as described in NZS5201:1973).
- (i) A record of the type of fuel used and quantities used per month must be kept and must be supplied to the Council on request.
- (j) The emissions stack is whichever is the greater of either:
  - (i) at least 12.5 metres above the ground; or
  - (ii) 2 metres higher than the apex of any building, tree or other structure within a horizontal radius of 2.5 times the stack height.

- (k) The discharge is directed vertically into the air and not impeded by any obstruction that would lower the velocity of the exhaust gases.

#### **36.3.2.6 Discharge from Any Stationary Internal Combustion Engine**

The discharge of any contaminant to air from any stationary internal combustion engine is a permitted activity, if it complies with the following conditions:

- (a) The fuel is gas, liquefied gas, petrol, diesel or bio diesel, vegetable oils, or alcohol.
- (b) The combined power output of any engines on the site is no greater than:
- (i) 30 kilowatts; or
  - (ii) 400 kilowatts, if the engine is only operated in an emergency when normal power supply is interrupted.
- (c) The discharge is directed vertically into air and is not impeded by any obstruction that would lower the natural velocity of the exhaust gases.

#### **36.3.2.7 Discharge from Abrasive Blasting**

The discharge of any contaminant to air from abrasive blasting is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The abrasive contains no more than two percent free silica on a dry weight basis.
- (b) Where the discharge is from a fixed source, all items must be within an abrasive blasting enclosure; and
- (i) for dry blasting, the filter from the discharge is designed to achieve a particulate concentration of not more than 125 milligrams per cubic metre (NTP) and the discharge must not exceed 250 milligrams per cubic metre; or
  - (ii) for wet blasting, all discharge to air is contained within the enclosure.
- (c) Where the discharge is from a mobile source:
- (i) there is no discharge to a water body, or the bed of any river or lake, or the coastal marine area;
  - (ii) the discharge does not result in any objectionable deposit of particulate material on any adjoining property;
  - (iii) unused abrasive material is kept covered.
- (d) The discharge is not in any Residential, Commercial or Mixed Business zone or in the Richmond Airshed.

**36.3.3 Controlled Activities (Discharges to Air)****36.3.3.1 Discharge from Enclosed Combustion Processes**

The discharge of any contaminant to air from enclosed combustion processes, not including motor vehicles or aircraft, that does not comply with the conditions of rule 36.3.2.5 is a controlled activity, if it complies with the following conditions:

- (a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.
- (b) The fuel being burnt is only coal, untreated wood (including bark or sawdust), heavy fuel oil, LPG, CNG, light fuel oil, diesel, kerosene, or any combination of these fuels.
- (c) Where the fuel is coal; untreated wood, including bark or sawdust; heavy fuel oil; or any of these in combination with any fuel listed in condition (d); and:
  - (i) where the discharge is inside the Richmond Airshed, the discharge was authorised as at 13 January 2007; or
  - (ii) where the discharge is outside the Richmond Airshed —
    - a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts; or
    - b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 20 megawatts where –
      - the discharge is in any zone other than the Residential Zone, and
      - the fuel is only untreated wood; or
    - c) the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or
    - d) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.
- (d) Where the fuel is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these; and:
  - (i) where the discharge is inside the Richmond Airshed, the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts; or
  - (ii) where the discharge is outside the Richmond Airshed —
    - a) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 5 megawatts in the Residential Zone; or
    - b) the discharge was authorised as at 13 January 2007 and the heat output rate of the discharge is no greater than 20 megawatts in any zone other than the Residential Zone; or
    - c) the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in the Residential Zone or Mixed Business Zone; or
    - d) the combined heat output rate of the discharge from any property is no greater than 20 megawatts where the discharge is in any zone other than the Residential Zone or Mixed Business Zone.
- (e) The sulphur content of the fuel is no greater than 1 percent by weight in the Richmond Airshed or in any Residential Zone or Rural Residential Zone.
- (f) Except for a period not exceeding 15 minutes at start up or a period not exceeding two minutes in any hour of operation, the smoke opacity at the discharge point of the stack does

not exceed 40 percent (or no darker than Ringelmann Shade No.1 as described in NZS5201:1973).

- (g) Within the obstacle limitation surface for the Nelson Airport as shown on the planning map, the efflux velocity is no greater than 4.3 metres per second at a height greater than 60 metres.

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

- (1) Effects of the discharge on localised and ambient levels of contaminants, including particulate matter up to 10 microns (PM<sub>10</sub>), sulphur and nitrogen oxides and other contaminants, where relevant, including any effects on ambient air quality in adjacent airsheds.
- (2) The amount of PM<sub>10</sub> discharged into the Richmond Airshed (if applicable) on its own or in combination with other authorised discharges from enclosed combustion processes and the extent to which it exceeds the quantities specified in Schedule 36.3A.
- (3) The type of fuel used, including options for alternative fuels to reduce adverse effects on the environment.
- (4) Stack height and configuration of the boiler.
- (5) Any best practice option to reduce any actual or potential adverse effect on ambient air quality.
- (6) Maintenance and regular servicing including the following:
  - (a) efficient operation of the fuel-burning equipment, including maintenance of optimal fuel to air ratio;
  - (b) removal of ash;
  - (c) adjustment of fuel ratios, and testing the ratio of combustion gases;
  - (d) testing of sulphur dioxide.
- (7) The keeping of records.
- (8) Effects of the discharge on air traffic safety.
- (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, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **36.3.3.2 Discharge from Mobile Abrasive Blasting**

The discharge of any contaminant to air from mobile abrasive blasting that does not comply with the conditions of rule 36.3.2.7 is a controlled activity, if it complies with the following conditions:

- (a) The abrasive contains no more than 2 percent free silica on a dry weight basis.
- (b) There is no discharge to a water body, the bed of any river or lake, or the coastal marine area.
- (c) Unused abrasive material is kept covered.

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

- (1) Duration and timing.

- (2) Methods, including best practicable option, of preventing or mitigating discharges beyond the boundary of the site.
- (3) Methods to contain or remove materials containing heavy metals or their compounds.
- (4) Blasting media.
- (5) Notification of potentially affected people.
- (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) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **36.3.3.3 Discharge of Contaminants to Air from Outdoor Burning**

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, that does not comply with the conditions of rule 36.3.2.3 is a controlled activity, if it complies with the following conditions:

- (a) Where the discharge is from outdoor burning within the Fire Ban Area:
  - (i) the property is at least 5,000 square metres in area; and
  - (ii) the discharge is from vegetation waste that has been cut and dried for more than one month; and
  - (iii) the discharge does not occur more than twice per year; and
  - (iv) there is no discharge during the months of May to September (inclusive).
- (b) Where the discharge is from outdoor burning in the Fire Sensitive Area, the discharge is from the burning of horticultural waste during the months of June to August (inclusive).
- (c) Material listed in rule 36.3.7.1 is not burnt.

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

- (1) Notification of potentially affected people before burning.
- (2) Type, quantity and nature of material to be burnt, including preparation of the material so as to minimise risk of smoke, odour and ash nuisance.
- (3) Location of the fire, including setbacks from property boundaries.
- (4) Management of the fire, including measures to mitigate adverse effects of smoke, odour and ash nuisances, and measures to ensure safety.
- (5) Availability and costs of alternatives.
- (6) Timing and duration of the fire not otherwise specified above.
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews.
- (8) Financial contributions, bonds and covenants in respect of performance of conditions and administrative charges (Section 108 of the Act).

## Non-Notification

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

### 36.3.4 Restricted Discretionary Activities (Discharges to Air)

#### 36.3.4.1 Discharge from Enclosed Combustion Processes

The discharge of any contaminant to air from any enclosed combustion process, other than from any motor vehicle or aircraft, that does not comply with the conditions of rule 36.3.2.5 or 36.3.3.1, is a restricted discretionary activity, if it complies with the following conditions:

- (a) The discharge is not regulated or prohibited by any other applicable rule in Chapter 36.
- (b) The fuel being burnt is coal; untreated wood, including bark or sawdust; heavy fuel oil; light fuel oil, including diesel; gas, including LPG or CNG; kerosene; or wood pellets.
- (c) Where the fuel being burnt is any fuel or any combination of fuels listed in standard (a), the combined heat output rate of the discharge from any property is no greater than 2 megawatts where the discharge is in the Residential Zone or Mixed Business Zone.
- (d) Where the fuel being burnt is gas, including LPG or CNG; light fuel oil, including diesel; kerosene; wood pellets; or any combination of these, the combined heat output rate of the discharge from any property is no greater than 5 megawatts where the discharge is in the Residential Zone or Mixed Business Zone.

**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) Effects of the discharge on localised and ambient levels of contaminants, including PM<sub>10</sub>, sulphur and nitrogen oxides and other contaminants where relevant, including any effects on ambient air quality in adjacent airsheds.
- (2) The amount of PM<sub>10</sub> discharged into the Richmond Airshed (if applicable) on its own or in combination with other authorised discharges from enclosed combustion processes and the extent to which it exceeds the quantities specified in Schedule 36.3A.
- (3) The type of fuel used, including options for alternative fuels to reduce adverse effects on the environment.
- (4) Proximity and nature of nearby actual and potential activities, including any sensitive receptors.
- (5) Stack height and configuration of the boiler and hours of operation.
- (6) Any best practice option to reduce any actual or potential adverse effect on ambient air quality.
- (7) Maintenance and regular servicing, including the following:
  - (i) efficient operation of the fuel-burning equipment, including maintenance of optimal fuel to air ratio;
  - (ii) removal of ash;
  - (iii) adjustment of fuel to air ratios, and testing the ratio of combustion gases;
  - (iv) testing of exhaust contaminants.
- (8) The keeping of records.

- (9) Effects of the discharge on air traffic safety.
- (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) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **36.3.5 Discretionary Activities (Discharges to Air)**

#### **36.3.5.1 Discharge from Specified Premises and Processes**

The discharge of contaminants to air from industrial or trade premises is a discretionary activity, if it complies with the following conditions:

- (a) The site of the discharge is not in the Residential Zone or the Mixed Business Zone, except where the discharge is allowed or regulated by rules 36.3.2.2, 36.3.2.5, 36.3.3.1 or 36.3.4.1.
- (b) The discharge is from an industrial or trade premises, including:
  - (i) Premises used for the treatment or disposal of waste (excluding intensive farming operations) and landfills.
  - (ii) Premises used for composting operations which exceed 50 cubic metres of compost or raw material at any time.
  - (iii) Premises used for the manufacture of cement, fertiliser, milk powder, other milk-derived products, and rubber goods.
  - (iv) Premises used for the manufacture of timber-derived products such as fibreboard, reconstituted wood panel boards such as plywood, orientated strand board (OSB) and laminated veneer lumber (LVL), pulp or paper.
  - (v) Premises used for the mechanical drying of timber.
  - (vi) Fish and fishmeal processing plants, food and vegetable processing plants, rendering plants, tanneries, fellmongeries and skin or hide processing plants.
  - (vii) Woolscourers and dag crushing plants.
  - (viii) Premises used for the manufacture of organic or inorganic chemicals, including pharmaceuticals.
  - (ix) Premises used for spraying of paint and similar coating materials.
  - (x) Crematoria.
  - (xi) Asphalt plants.
  - (xii) Commercial potteries.
  - (xiii) Premises used for hot dip galvanising.
  - (xiv) Premises used for the cleaning, washing or drying of garments where the total daily rate of discharge of dry cleaning fluids exceeds 500 millilitres.
  - (xv) Premises used for the disposal of radioactive substances.
  - (xvi) Premises used for the manufacture of soaps or detergents.
  - (xvii) Premises engaged in processes using disocyanates or organic plasticisers.
  - (xviii) Premises used for the manufacture of aluminium, steel, fibreglass, glass or frit.
  - (xix) Premises used for the sintering, calcining or roasting of metal ores.
  - (xx) Premises used for the smelting of any metal or metal alloy, including scrap metal.
  - (xxi) Premises used for the carbonisation, gasification, refining, purification or reforming of natural gas, petroleum oil, shale, coal, wood or other carbonaceous materials.

- (xxii) Premises engaged in the smelting or burning of calcium or calcium magnesium carbonates to produce calcium or magnesium oxides or hydroxides.

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

### 36.3.5.2 Discharge from Treatment or Remediation of Contaminated Sites

The discharge of any contaminant to air from treatment or remediation of contaminated sites is a discretionary activity.

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

### 36.3.5.3 Discharge of Any Contaminant to Air

The discharge of any contaminant to air that does not comply with the conditions of rule 36.3.2.1, 36.3.2.2, 36.3.2.4, 36.3.2.6, 36.3.3.1, 36.3.3.2 or 36.3.3.3 is a discretionary activity, if it complies with the following condition:

- (a) Where the discharge of contaminants to air is from outdoor burning, it is from the burning of vegetative material or untreated wood on the foreshore of the coastal marine area.

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

## 36.3.6 Non-Complying Activities (Discharges to Air)

### 36.3.6.1 Discharge from Specified Premises and Processes in Residential Zones and Mixed Business

Except where the discharge is allowed or regulated by rule 36.3.2.2, 36.3.2.5, 36.3.3.1, 36.3.4.1 or 36.3.5.1, the discharge of any contaminant to air from industrial or trade premises or trade processes in a Residential Zone or Mixed Business zone is a non-complying activity.

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

## 36.3.7 Prohibited Activities (Discharges to Air)

### 36.3.7.1 Discharge from Open Combustion

The discharge of any contaminant to air from the open combustion of the following material is a prohibited activity and no consent will be granted:

- (a) Materials associated with the recovery of metals from insulated electrical cables.
- (b) Any radioactive materials, or materials with radioactive components.
- (c) Materials and metals that are components of motor vehicles or mechanical or electrical equipment, any plastic or plastic products, rubber products including tyres, bitumen-containing materials, batteries, waste oils, asbestos products, treated timber, or any particle or fibre board, with the exception of:
- (i) material being burnt as part of fire training activity in terms of rule 36.3.2.4.
- (ii) burning of plastic as provided for in rule 36.3.2.3(j).

**Note:** Treated timber does not include wood pellets.

**36.3.7.2 Discharge from Combustion in a Small-Scale Solid Fuel-Burning Appliance**

The discharge of any contaminant to air from the combustion of the following material in a small-scale solid fuel-burning appliance is a prohibited activity and no consent will be granted:

- (a) Plastics, insulating materials from electrical cables, treated timber and fibreboard, rubber products, waste oils, asbestos products, radioactive materials, coal having a sulphur content of more than 0.5 percent in the Richmond Airshed, or wood having a moisture content of more than 25 percent by weight.

**36.3.7.3 Discharge from Outdoor Burning in the Fire Ban Area**

Except as provided for in rules 36.3.2.3(a) and 36.3.3.3, the discharge of any contaminant to air from outdoor burning, including burning of material in an incinerator, on any property or place in the Fire Ban Area shown on the planning maps or on the foreshore of the coastal marine area is a prohibited activity and no consent may be sought for this activity.

**36.3.7.4 New Discharges from Solid Fuel Appliances in the Richmond Airshed**

The discharge of any contaminant to air in the Richmond Airshed from any small-scale solid fuel-burning appliance that is used primarily for space heating, first occurring after 13 January 2007 is a prohibited activity for which no resource consent shall be granted, except that this rule does not apply to the following:

- (a) Any solid fuel appliance that is used primarily for cooking rather than space heating.
- (b) Any pellet fire that emits no more than 0.8 grams of total suspended particulate per kilogram of fuel burned, and has a thermal efficiency for space heating of at least 70 percent.

**Notes:**

1. The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council, or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website of the Ministry for the Environment.
2. This rule does not apply to any appliance for which a building consent for an approved model has been issued.

**36.3.7.5 Discharge from Non-Compliant Small-Scale Solid Fuel-Burning Appliances in the Richmond Airshed**

The discharge of contaminants into air in the Richmond Airshed from any small-scale solid fuel-burning appliance that does not comply with conditions (c)(ii) or (d) of rule 36.3.2.2, at any time after the date upon which there is registered a transfer of ownership of the site on which the appliance is located, is a prohibited activity for which no resource consent shall be granted, except that:

- (a) “Transfer of ownership” does not include:
  - (i) a transaction in which a person who was a registered proprietor of the land at the date of notification of this Plan, remains or becomes a registered proprietor (whether or not the only registered proprietor) of that land after the transfer; or
  - (ii) a transaction in which the transferee is a trustee of a trust, and one or more of the transferors is a beneficiary of that same trust; or
  - (iii) a transaction which takes place before 13 January 2007; and

- (b) This rule does not apply to any discharge from an appliance that is an integral part of any original heritage home listed in Schedule 16.13A.

**Note:** The Council may require evidence that the appliance complies with the standards specified and will accept authorisation or approval number assigned by the Nelson City Council or Canterbury Regional Council (Environment Canterbury). Approved models are also listed on the website for the Ministry for the Environment.

### 36.3.20 Principal Reasons for Rules

#### Outdoor Burning

Adverse effects of outdoor burning, including health and amenity effects, discharge of toxic chemicals and the difficulty of managing cross boundary drift of smoke, ash and other particulates have resulted in most outdoor burning of any material in most parts of the larger towns of Richmond and Motueka being prohibited. In these areas there are other easily accessible options for disposal of household and garden wastes.

In rural areas, rural settlements and on large lots, fires are recognised as an appropriate land management tool, but strict performance standards are required to minimise potential adverse effects. A guideline that identifies best practice for managing adverse effects from fires has been produced. It will guide decision-making when considering enforcement action for fires that do not comply with the conditions, or that cause complaints.

The rules recognise that adverse effects may be created by some fires, including burning of stumps and burning vegetation on large lots in proximity to residential development. Fires may still occur, but will be subject to consideration of the effects on a case-by-case basis as controlled or discretionary activities.

In these cases, fires may occur subject to conditions that mitigate, but not avoid, adverse effects. The considerations that Council will take into account will be the availability and cost of alternatives, and also the potential measures that can be taken to reduce adverse effects.

The rules also limit the nature and scale of fires permitted on the foreshore of the coastal marine area. Large scale fires as part of community celebrations or events may also be considered because of the benefit to the community of such fires.

In areas where outdoor fires may contribute to particulate levels during winter, where current air quality is lower than national guidelines, where there is some residential development, or on the fringes of the larger townships, fires will not be permitted during winter. This will contribute to better winter air quality and ensure that the community begins to consider other methods of waste management. A winter fire ban may also contribute to less smoke nuisances as wet vegetation is less likely to be burnt.

#### Domestic Sources of PM<sub>10</sub>

The Richmond Airshed is the same as that gazetted by the Ministry for the Environment under the National Environment Standards for air quality and is the same for consistency. This airshed exceeds the ambient air quality standard for PM<sub>10</sub> (small particulate matter). The primary source of this contaminant is domestic solid fuel appliances which contribute over 80 percent of the PM<sub>10</sub>. Industry and vehicles contribute less than 10 percent each.

The rules ensure that no new sources of PM<sub>10</sub> are permitted in the Richmond Airshed except where it is a replacement of an existing solid fuel appliance with a compliant (cleaner burning model) or where it is a pellet fire. Pellet fires are low emission, efficient solid fuel burners that provide an alternative form of heating.

The rules permit the continued use of existing small-scale solid fuel-burning appliances in all residential zones, including Richmond, although the operation of the burners is required to be such that PM<sub>10</sub> discharge is minimised. This will help address ambient air quality as well as nuisance issues arising because of excessive smoke emissions.

Replacement of existing solid fuel appliances in all Residential Zones is also permitted, provided the new burner complies with higher emissions standards.

The rules establish a higher standard for small-scale solid fuel-burning appliances, but establish that the new standards are only enforced at the time a house changes ownership or when a burner is replaced.

This allows the price of the house to reflect the state of insulation and heating standards and the degree to which they need to be upgraded to meet the performance standards. Level of insulation is important because this may influence the amount of energy needed to heat a house. It avoids imposing unnecessary costs on all ratepayers or on people with low incomes.

When an existing solid fuel appliance is replaced in any urban zone, the rules ensure that new appliances are cleaner models to reduce the cumulative impact of domestic heating sources on ambient air quality.

### **Industrial Sources of PM<sub>10</sub>**

Industrial wood and coal burning boilers can discharge significant amounts of PM<sub>10</sub> and other contaminants that affect local and ambient air quality. The amount of particulate material discharged varies according to design and operation of each appliance with wood and coal boilers emitting up to 30 to 50 times more PM<sub>10</sub> than diesel or kerosene boilers.

Sulphur dioxide levels in emissions from coal boilers can also be significantly higher than from diesel boilers. The rules distinguish between boilers on the basis of fuels burnt, size of the boiler and location of the boiler because of the adverse effects of these contaminants, especially in areas where people's health may be affected.

Most discharges from small-scale boilers are still permitted except for those in the Richmond Airshed because of the high ambient levels of PM<sub>10</sub> there. Council is increasing the maintenance and record-keeping requirements in the Richmond Airshed to ensure emissions from such boilers is minimised, and best practice to reduce emissions is followed. Some particulate matter and odour will inevitably be generated as a result of starting and refuelling any fuel-burning device. However, these emissions can reasonably be limited to within a short time of start-up and refuelling, assuming that devices are operated correctly and with fuels approved for use in the fuel-burning device.

Emissions testing and dispersion modelling in the Richmond Airshed for existing discharges will not normally be required for emissions that are not likely to be a significant source of PM<sub>10</sub>, that is, those that contribute less than 2 percent of the total PM<sub>10</sub> because of the relatively small contribution to total emissions.

Small generators are often used by businesses and institutions to provide electricity in the event of a power supply failure. These generators typically have an energy output of less than 400 kW and are usually operated infrequently during power supply emergency or testing and maintenance purposes. Other small internal combustion engines (up to 30KW) such as pumps, are also maintained for emergency or occasional use.

Emissions of particulate matter and nitrogen oxides (per kilogram of fuel burned) are significantly higher from internal combustion than from external combustion sources. However, because of the small scale and infrequency of discharge, any adverse effects are normally minor.

According to the United States Environmental Protection Agency emission factors, the emission rate of PM<sub>10</sub> from internal combustion engines can be up to 33 times higher than the emission rate from a boiler burning the same amount of diesel oil. Because of the potentially significant contribution from such internal combustion sources to ambient and localised PM<sub>10</sub>, SO<sub>2</sub> and NO<sub>2</sub> concentrations, the use of these generators as a permitted activity is restricted to maintenance and emergency purposes only. Consequently, operating time is restricted.

Any discharge from internal combustion engines larger than those permitted is likely to have a more significant impact on localised or ambient air quality and effects need to be assessed on a case-by-case basis.

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 in the Richmond West Development Area. These activities tend to be carried out indoors, are generally small scale and include printing works, furniture manufacture, car repairs, light engineering and trade depots.

## SCHEDULES

### Schedule 36.3A: Discharges of PM<sub>10</sub> into the Richmond Airshed

*Refer to rules 36.3.3.1, 36.3.5.1, 36.3.5.3 and 36.3.6.1.*

The Council will take into account the following schedule when making decisions on any application involving the discharge of PM<sub>10</sub> into the Richmond Airshed.

The Council will aim to ensure that the amount of PM<sub>10</sub> being discharged on its own or in combination with other authorised discharges into the Richmond Airshed is not greater than the relevant allocation limit specified for 2013.

ALLOCATION LIMITS FOR THE DISCHARGE OF PM <sub>10</sub> INTO THE RICHMOND AIRSHED 2013	
Source of PM <sub>10</sub>	PM <sub>10</sub> Allocation (kg/day)
Home heating	174
Enclosed combustion sources (industry)	53
Vehicle emissions	27
<b>TOTAL</b>	<b>264</b>



## 36.4 DISCHARGES OR DIVERSIONS TO LAND OR WATER

*Refer to Policy sets 5.1.3, 6.3.3, 30.1.3, 33.1.3, 33.3.3.*

*Refer to Rule sections 16.3, 16.7, 31.1.*

### 36.4.1 Scope of Section

This section deals with discharges of contaminants or water to land or water as provided by section 15 of the Act and of diversions of land drainage water as provided by section 14. Information required with resource consent applications is detailed in Chapter 37.

**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

### 36.4.2 Discharges or Diversions to Land or Water

#### 36.4.2.1 Permitted Activities (Discharge or Diversion of Stormwater or Drainage Water)

**NOTE:** Rule 36.4.2.1 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.

Except in the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water into water, or onto or into land, where the stormwater or drainage water may enter water in any of the following circumstances: C66 10/17  
Op 12/18

1. The discharge or diversion is within any Rural Residential, Rural 1, Rural 2, Open Space, Conservation or Recreation zone; or C60 1/16  
Op 6/19
2. The discharge or diversion is within any Residential, Rural 3, Commercial, Central Business, Mixed Business, Light Industrial, Heavy Industrial, Rural Industrial, Tourist Services or Papakainga zone, and it:
  - (a) commenced before 19 September 1998; or
  - (b) the discharge or diversion has previously been authorised by a discharge permit; orC60 1/16  
Op 6/19
3. The discharge or diversion is from a building in the Residential or Rural 3 zone, and the site was created before 28 July 2007; or C60 1/16  
Op 6/19
4. The discharge or diversion is to any part of a Council-maintained stormwater drainage network that has the capacity to receive additional stormwater; C60 1/16  
Op 6/19

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

- (a) The discharge or diversion does not cause or contribute to erosion of land, including the bed of any stream or drain.
- (b) Any discharge or diversion from a site or any part of a site that is for the use, storage or disposal of hazardous substances does not contain any hazardous substance that is used, stored or disposed of on the site, except where it is less than 15 milligrams per litre of total petroleum hydrocarbons.

- (c) If the site uses or stores any hazardous substance, the applicant can show that all permitted activity conditions for the use or storage of hazardous substances can be met.
- (d) The discharge or diversion does not cause or contribute to any damage caused by flooding.
- (e) The discharge or diversion does not cause or contribute to the destruction of any habitat, plant or animal in any water body or coastal water.

**Advice Note:** Condition (e) where it relates to the effects of a discharge or diversion of Stormwater or Drainage Water on 'coastal water' prevails over Regulation 97(1) of the NES-PF because it is more stringent under Regulation 6(1)(b) NES-PF.

- (f) The discharge or diversion does not or is unlikely to cause the production of conspicuous oil or grease films, scum or foams, or floatable or suspended materials in any receiving water.
- (g) Any discharge or diversion commencing after 19 September 1998 is not into coastal waters or into any sinkhole.

**Advice Note:** Condition (g) prevails over NES-PF Regulation 97(1) because it is more stringent under Regulations 6(1)(b) and 6(3)(b) NES-PF.

- (h) The point of discharge or diversion is in the same catchment as that in which the discharge or diversion arises, except that this condition does not apply to Circumstance 3 of this rule.
- (i) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.
- (j) All stormwater and sediment control structures associated with the discharge or diversion are to be maintained in effective operational order at all times.
- (k) For any discharge or diversion first commencing after 19 September 1998, the person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must advise the Council of an intention to discharge or divert, including the location and maximum capacity of the discharge structure, except that this condition does not apply to Circumstance 3 of this rule.
- (l) The person who discharges or diverts, or who causes the discharge or diversion to be undertaken, must provide such information as may be requested by the Council to show how the conditions, particularly conditions (a) [Erosion], (b) [Hazardous Substances], (d) [Flooding], (e) [Destruction of any habitat], and (f) [Oil, Grease] will be met.
- (m) Where disposal to ground or a ground soakage method of disposal is to be used in the management of stormwater, all or any part of that stormwater management system is not located on land:
  - (i) that is located within the Slope Instability Risk Area;
  - (ii) where the ground infiltration rate is less than the disposal rate at the point of discharge;
  - (iii) where the groundwater level is generally less than 2 metres below natural ground level throughout the year;
  - (iv) where the predominant slope of the site is greater than 15 degrees from horizontal;

- (v) that is closer than 20 metres to the edge of the plane created by the instability risk area at the top of a cliff face, embankment, or terrace;
- (vi) that is closer than 20 metres to a water supply bore for the purpose of domestic water supply.
- (n) The discharge or diversion of drainage water does not cause the concentration of *E. coli* in the receiving water to be increased by more than 260 cfu *E. coli* per 100 millilitres. C27 2/10  
Op 4/13
- (o) The diversion of water complies with rule 31.1.6.1 [drainage or infilling of wetlands].

**36.4.2.1A Permitted Activities (Discharge or Diversion of Stormwater or Drainage Water – Specific Location: Richmond Intensive Development Area)**

C66 10/17  
Op 12/18

In the Richmond Intensive Development Area, the discharge or diversion of stormwater or drainage water from a site into water, or onto or into land, where the stormwater or drainage water may enter water is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

EITHER

- (a) The discharge or diversion:
  - (i) commenced before 19 September 1998; or
  - (ii) has previously been authorised by a discharge permit; or
  - (iii) is from a building and the site was created before 28 November 2015; or
  - (iv) is to any part of a Council-maintained stormwater drainage network that has the capacity to receive additional stormwater:

OR

- (b) Stormwater detention is provided on the site associated with the development at the rate of 50 litres per square metre of additional impervious surface; and
- (c) Where after 14 October 2017 any site development results in an increase in the area of impervious surface of 10 square metres or more on the site, a device having a total void volume of at least 1 cubic metre is installed to provide for the discharge of stormwater into the ground by infiltration when the ground can accept infiltration, and the device has provision for an overflow to the stormwater disposal system from the site; and
- (d) Subject to (c), where after 14 October 2017 any site development results in a cumulative increase in the area of impervious surface of more than 500 square metres, an additional void volume of 1 cubic metre to that provided under condition (c) is installed, and a further void volume of 1 cubic metre is likewise installed for each additional 500 square metres area of impervious surface formed on the site;

AND

- (e) The discharge or diversion does not cause or contribute to additional off-site flooding; and
- (f) All stormwater and sediment control structures associated with the discharge or diversion including detention and specified flood flowpaths are to be maintained in effective operational order at all times.

### 36.4.2.2 Controlled Activities (Discharge or Diversion of Stormwater or Drainage Water)

The discharge or diversion of stormwater or drainage water that does not comply with the conditions of rule 36.4.2.1 is a controlled activity, if it complies with the following conditions:

#### Hazardous Substances

- (a) If the site uses or stores any hazardous substance, the applicant can show that all permitted activity conditions for the use and storage of hazardous substances can be met.

#### General

- (b) Conditions (a), (c), (f) – (j) and (m) of rule 36.4.2.1.
- (c) The stormwater is not generated by a subdivision in a Residential Zone, Rural Residential Zone or Rural 3 Zone or in the Richmond Intensive Development Area. C66 10/17  
Op 12/18
- (d) The discharge or diversion commenced before 19 September 1998 or is authorised by a permit that is due for renewal.
- (e) The discharge is not into any open sinkhole.

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

- (1) The operation and maintenance of any stormwater network that collects, conveys, detains, discharges or diverts stormwater.
- (2) Alternative stormwater disposal systems or methods to avoid, remedy or mitigate adverse effects of the discharge or diversion including, but not limited to, adverse erosion, flooding or contamination effects.
- (3) The type and concentration of contaminants in the discharge and degree of compliance with any accepted codes of practice.
- (4) Actual or potential effects of the discharge or diversion on aquatic ecosystems, and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.
- (5) Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.
- (6) The potential for any contaminants to enter the stormwater.
- (7) Monitoring the effects of the discharge or diversion.
- (8) The use of low impact design solutions, where practicable.
- (9) The degree of land cover change or change in land use that is anticipated and the potential effect of that on the flow and quality of stormwater run-off.
- (10) Any methods or management solutions that might be necessary to ensure effective integration of the proposed stormwater system with existing systems.
- (11) Any methods or management solutions to reduce any risk of slope instability issues arising from stormwater disposal to the ground.

- (12) Any methods or solutions to enhance ground soakage where the method of disposal is disposal to the ground.
- (13) Any matter necessary to meet the requirements of the Tasman District Council Engineering Standards current at the time of consent application.
- (14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and the purpose of reviews (Section 128).
- (15) Bonds, and covenants in respect of the performance of conditions and administrative charges (Section 108).

### 36.4.2.3 Restricted Discretionary Activities (Discharge or Diversion of Stormwater or Drainage Water)

The discharge or diversion of stormwater or drainage water into water or onto or into land that does not comply with the conditions of rule 36.4.2.1, 36.4.2.1A or 36.4.2.2 is a restricted discretionary activity.

C66 10/17  
Op 12/18

**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) The area to be drained by the discharge or diversion.
- (2) The design, construction, operation and maintenance of any stormwater network that collects, conveys, detains, discharges or diverts the stormwater.
- (3) Measures to avoid or mitigate sediment generation or movement during earthworks in connection with development of land in the area to be drained by the discharge or diversion.
- (4) The nature, design and location of outfall structures.
- (5) Effects of the discharge or diversion on downstream flooding or erosion.
- (6) Alternative stormwater disposal systems or methods.
- (7) Provision for secondary flowpaths for the discharge or diversion.
- (8) Actual or potential adverse effects of the discharge or diversion on aquatic ecosystems and amenity or cultural values, including cumulative effects of persistent contaminants in coastal marine, river or lake sediments.
- (9) Potential for incorporating any stormwater treatment devices to improve the quality of the discharge or diversion.
- (10) The potential for any contaminant or waste materials to enter the stormwater.
- (11) Monitoring the effects of the discharge or diversion.
- (12) The degree to which any measures attenuate flood flow, rates and peaks for a range of rainfall durations and intensities, and the effectiveness of these measures to mimic pre-development flows within and downstream of the activity.
- (13) The use of low impact design solutions, where practicable.
- (14) The degree of land cover change or change in land use that can be reasonably anticipated and the potential effect of that on the rate, flow and quality of stormwater run-off.

- (15) Any methods or management solutions that might be necessary to ensure effective integration of the proposed stormwater system with existing systems.
- (16) Any methods or management solutions to reduce any risk of slope instability issues arising from stormwater disposal to the ground.
- (17) Any methods or solutions to enhance ground soakage where the method of disposal is disposal to the ground.
- (18) Where the stormwater discharge is the result of a subdivision, any relevant matter in criterion (28) of Schedule 16.3A.
- (19) Any matter necessary to meet the requirements of the Tasman District Council Engineering Standards current at the time of consent application.
- (20) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (21) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### **36.4.20 Principal Reasons for Rules**

The Council has introduced an integrated approach to the management of stormwater that recognises the need to address actual and potential adverse effects of stormwater discharges as part of a land use activity. These rules complement land use rules for the use, storage and disposal of hazardous substances and the policies guiding decisions about new developments. In applying these rules, the Council recognises the need to allow for existing discharges while ensuring that adverse effects from them are minimised. It also recognises the role of the stormwater infrastructure service provider in controlling new discharges to the network, while addressing the need to ensure stormwater quality is maintained at a suitable level. The rules also ensure that adverse effects from new discharges from urban areas, or from sites that use, store or dispose of hazardous substances, or sensitive environments such as sinkholes or the coast are avoided, remedied or mitigated.

## 36.5 DISCHARGES TO LAND OR AIR

*Refer to Policy sets 33.1.3, 34.1.3.*

### 36.5.1 Scope of Section

This section deals with discharges of fertiliser to land or air. Information required with resource consent applications is detailed in Chapter 37.

**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

### 36.5.2 Discharge of Fertiliser

#### 36.5.2.1 Permitted Activities (Discharge of Fertiliser)

The discharge of fertiliser into the air or onto land is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge must be undertaken in such a way that fertiliser drift does not move over any adjoining property that is any:
- (i) property registered or certified by the New Zealand Biological Producers & Consumers Society Incorporated or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced; or
  - (ii) dwelling or any area within 30 metres of a dwelling; or
  - (iii) fruit on any horticultural planting;
- provided that this does not apply where there is a mutual agreement to this effect between the person who discharges or causes the discharge of any fertiliser, and any occupier of the adjoining property.

#### 36.5.2.2 Controlled Activities (Discharge of Fertiliser)

The discharge of fertiliser to land or into the air that does not comply with the conditions of rule 36.5.2.1 is a controlled activity.

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

- (1) Provision of fertiliser application programmes for or notification of potentially affected people.
- (2) Method of application.
- (3) Type of fertiliser applied.
- (4) Record-keeping.
- (5) Methods to avoid or mitigate movement of fertiliser onto adjoining properties.

- (6) Establishment of buffer zones.
- (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) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **36.5.20 Principal Reasons for Rules**

The rules address the discharge of fertiliser to land and air, and seek to limit adverse cross-boundary effects arising from the use of fertiliser. Adherence to the Code of Practice for Fertiliser Use is also encouraged by the Council to avoid, remedy or mitigate adverse effects of fertiliser use and promote sustainable land management practices.

## 36.6 DISCHARGES TO LAND, WATER, OR AIR

*Refer to Policy sets 5.1.3, 33.1.3, 34.2.3.*

*Refer to Rule section 17.5, 17.6, 17.7, 17.8.*

### 36.6.1 Scope of Section

This section deals with the discharge of pesticides to land, water or the air. Information required with resource consent applications is detailed in Chapter 37.

### 36.6.2 Discharge of Pesticides

#### 36.6.2.1 Permitted Activities (Discharge of Pesticides)

**NOTE:** Rule 36.6.2.1 prevails over the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF) as they regulate an effect that is outside the scope of the NES-PF.

The discharge of pesticides to land, water or air is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

#### Label Directions

- (a) The pesticide is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare), or contravene any other requirement specified on the product label.

#### Location of the Discharge

- (b) The pesticide is not discharged onto any land open for lawful public access, including any road, public park or reserve, except:
- (i) where an owner or occupier of any property adjoining the land discharges or causes the discharge to be undertaken by hand-held method onto any of the land at any point adjacent to the boundary with the property; or
  - (ii) for the hand placement or spraying of pesticides using a hand-held, non-motorised knapsack sprayer or weed wiper.
- (c) The pesticide is not:
- (i) discharged onto the bed of any river or lake, or into the coastal marine area; or
  - (ii) discharged onto or into a water body or coastal water; or
  - (iii) applied in such a way as to form run-off or drift into a water body or coastal water; unless the product label specifically states that the application can be made directly into or onto fresh water or coastal water.
- (d) The pesticide is not discharged onto an urban or community water supply catchment area, or any roof, or other water collection structure.

#### User Training

- (e) Any contractor who discharges or who causes the discharge of any pesticide from 1 January 2000, either:
- (i) is a registered chemical applicator; or

- (ii) holds a current Growsafe Agrichemical Rating; or
- (iii) holds a similar qualification; or
- (iv) is under the direct supervision of a person holding any of those qualifications.

### Written Records

- (f) Where the discharge of pesticide is by other than hand-held or wick boom equipment, the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying:
- (i) the target pest;
  - (ii) type of pesticide used;
  - (iii) volume and concentration discharged;
  - (iv) location of the discharge and area of land over which the pesticide is sprayed;
  - (v) method of discharge;
  - (vi) date and time of discharge;
  - (vii) weather conditions during spray operation;
  - (viii) any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary;

and such records must be kept for a minimum of 12 months and supplied to the Council on request.

**Note:** Records kept as compliance with Growsafe standards will be accepted as means of compliance with this condition.

### Drift Limitations

- (g) The discharge must be undertaken in such a way that pesticide drift does not move over any adjoining property that is any:
- (i) school, or early childhood education facility, or their grounds; or
  - (ii) place of public assembly, including any public reserve, sports field or children's playground; or
  - (iii) property registered or certified by the New Zealand Biological Producers & Consumers Society Incorporated or the Biodynamic Farming and Garden Association as an organically farmed property, provided that this registration or certification was established before any discharge activity is commenced; or
  - (iv) dwelling or any area within 30 metres of a dwelling, provided that this does not apply where there is a mutual agreement to this effect between the person who discharges or causes the discharge of any pesticide, and any occupier of the dwelling.

### Notification Requirements

- (h) When the wind conditions are such that pesticide may drift onto any adjoining property that is not listed in condition (g), the person who discharges or who causes the discharge to be undertaken must give notice of an intention to discharge a pesticide and this notice must include:
- (i) details of the type of pesticide to be used; and
  - (ii) an indication of any discharge likely to be carried out subject to item (ii) of condition (i); and
  - (iii) the likely timing of the discharge programme; and

- (iv) a description of the method of discharge;  
to occupiers of all adjoining properties that are within 30 metres of any point of discharge.
- (i) The minimum requirement for notice of the details specified in condition (h) must be written notice given no more than three days and no less than eight hours before the discharge is to take place, **except**:
  - (i) where other notification arrangements have been mutually agreed between the person who discharges or who causes the discharge of any pesticide, and any occupier of the adjoining property; or
  - (ii) when the weather conditions are such that subsequent risk of fungal disease places any crop at risk of damage, the minimum requirement must be verbal or written notice given no less than two hours before the discharge is to take place.

### Drift Control

- (j) When the wind conditions are such that pesticide may drift onto any adjoining property that is not listed in condition (g):
  - (i) the person who discharges or who causes the discharge to be undertaken must:
    - (a) hold the Growsafe Standard Certificate; and
    - (b) ensure that there is no discharge when wind speeds are more than 15 kilometres per hour; and
    - (c) during any period of discharge, place a sign or signs on any road adjacent to the site of the discharge to indicate to road users that pesticide may be discharged adjacent to the road; and
  - (ii) the person who discharges or who causes the discharge to be undertaken must ensure that there is no discharge of pesticide from any point less than 30 metres from that property boundary; or
  - (iii) the owner or occupier of the property where the discharge is to take place must ensure that there is a spray belt along the boundary of every adjoining property onto which pesticide drift may move;

**except** where other pesticide drift management arrangements have been mutually agreed between the owner or occupier of the property where the discharge is to take place, or the person who discharges or who causes the discharge, and the owner or occupier of any adjoining property.

### 36.6.2.2 Controlled Activities (Discharge of Pesticides)

The discharge of pesticides to land, water or air that does not comply with the conditions of rule 36.6.2.1 is a controlled activity, if it complies with the following conditions:

#### Label Directions

- (a) The pesticide is prepared and applied in such a manner that does not exceed any rate (including equivalent rate per hectare) or contravene any other requirement specified on the product label.

#### Location of the Discharge

- (b) The pesticide is not discharged onto any land open for lawful public access, including any road, public park or reserve, except:
  - (i) where an owner or occupier of any property adjoining the land discharges or causes the discharge to be undertaken by hand-held method onto any of the land at any point adjacent to the boundary with the property; or

- (ii) for the hand placement or spraying of pesticides using a hand-held, non-motorised knapsack sprayer or weed wiper.
- (c) The pesticide is not:
  - (i) discharged onto the bed of any river or lake or into the coastal marine area; or
  - (ii) discharged onto or into a water body or coastal water; or
  - (iii) applied in such a way as to form run-off or drift into a water body or coastal water;unless the product label specifically states that the application can be made directly into or onto fresh water or coastal water.
- (d) The pesticide is not discharged onto an urban or community water supply catchment area, or any roof, or other water collection structure.

### User Training

- (e) Any contractor who discharges or who causes the discharge of any pesticide, from 1 January 2000, either:
  - (i) is a registered chemical applicator; or
  - (ii) holds a current Growsafe Agrichemical Rating; or
  - (iii) holds a similar qualification; or
  - (iv) is under the direct supervision of a person holding any of those qualifications.

### Written Records

- (f) Where the discharge of pesticide is by other than hand-held or wick boom equipment, the person who discharges or who causes the discharge to be undertaken must keep written records about any discharge activity or discharge programme specifying:
  - (i) the target pest;
  - (ii) type of pesticide used;
  - (iii) volume and concentration discharged;
  - (iv) location of the discharge and area of land over which the pesticide is sprayed;
  - (v) method of discharge;
  - (vi) date and time of discharge;
  - (vii) weather conditions during spray operation;
  - (viii) any particular steps taken to avoid, remedy or mitigate any adverse effects beyond the property boundary;
  - (ix) water bodies and other sensitive areas.and such records must be kept for a minimum of 12 months and supplied to the Council on request.

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

- (1) Provision of spray plans for, or notification of, potentially affected people.
- (2) Establishment of spray belts or buffer zones.
- (3) Method of application.
- (4) Type of pesticide applied.

- (5) Record keeping.
- (6) Methods to avoid pesticide drift onto adjoining properties.
- (7) Methods to remedy or mitigate effects of pesticide drift onto adjoining properties.
- (8) Duration of the consent and the timing of reviews of conditions and purpose of reviews.
- (9) Bonds and covenants in respect of the performance of conditions, and administrative charges.

### **36.6.2.3 Discretionary Activities (Discharge of Pesticides)**

The discharge of any pesticide to land, water or air that does not comply with the conditions of rule 36.6.2.1 or 36.6.2.2 is a discretionary activity.

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



## 36.7 DISCHARGES TO WATER IN WATER MANAGEMENT AREAS OR COASTAL WATERS

*Refer to Policy sets 33.1.3 - 33.5.3, 35.1.3.*

*Refer to Rule sections 36.2, 36.4 – 36.6.*

### 36.7.1 Scope of Section

**NOTE:** Rule 36.7.1 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.

This section states the requirements for any discharge of a contaminant into waters in water management areas or coastal water that are subject to a water quality classification, to observe the minimum standards of water quality, either on their own or in combination with other existing discharges.

**Note:** Section 36.7 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

### 36.7.2 Terms of any Discharge of Contaminants into Water

The discharge of any contaminant into water within any water management area or coastal water that requires a resource consent is subject to the following terms:

- (a) After allowing for reasonable mixing of the discharge within the receiving water, the quality of the receiving water does not, as a result of the discharge in combination with all existing lawful discharges into the receiving water, contravene the standards specified in the relevant classification of that receiving water given in Schedule 36A, Schedule 36B, or Schedule 36C.
- (b) Term (a) applies to any existing authorised discharge that contravenes term (a) to the extent that the resource consent for any such discharge may be subject to a review by Council under Sections 128 to 133A of the Act of any condition relating to the effect of the discharge on water quality (including the case where there is no such condition) at any date after the operative date of this section of the Plan.



## **36.8 FINANCIAL CONTRIBUTIONS FOR DISCHARGE OF CONTAMINANTS TO LAND, WATER OR AIR**

*Refer to Policy sets 33.1.3 - 33.5.3, 34.1.3, 34.2.3, 35.1.3.  
Refer to Rule sections 36.1 – 36.7.*

### **36.8.1 Scope of Section**

This section states the circumstances and purposes for requiring financial contributions for any discharge to land, water or air that requires a resource consent, and it states the manner for determining the level of such contributions.

### **36.8.2 Financial Contribution Terms for Discharge of Contaminants**

The discharge of any contaminant into water, land or air that requires a resource consent is subject to the following terms:

- (a) Council may require a financial contribution:
  - (i) in the circumstances; and
  - (ii) for the purposes; and
  - (iii) to the level determined in the manner as follows:

#### **36.8.2.1 Circumstances**

1. Where any ecosystem, habitat, or plant or animal life is or is likely to be adversely affected by any discharge to land, water, or air, except where that is the intended purpose for which the consent is being sought.
2. Where any discharge to land, water or air is or is likely to have any adverse effect on the quality of soil, water or air for any use or value.

#### **36.8.2.2 Purpose**

1. To offset or otherwise avoid, remedy or mitigate any adverse effect of a discharge by providing for:
  - (a) the cost of works, or other actions, including any contaminant treatment or remediation systems; or
  - (b) the cost of measures to protect or restore any habitat or animal or plant community or the condition of any soil, water or air; or
  - (c) land in connection with (a) or (b).

#### **36.8.2.3 Manner for Determining Level of Contribution**

1. Council will assess firstly the effects management measures to be undertaken by the consent-holder, as incorporated in the particular application or imposed by other conditions of consent. Council will then assess whether it needs to undertake any residual measures to achieve the environmental outcomes required by the consent, and whether the consent-holder should contribute to the cost of those measures.
2. In determining the level of any financial contribution, Council may take into account the assessment criteria listed in Schedule 36D, Section 5.



**SCHEDULES****Schedule 36A: Water Classification for the Motueka/Riwaka Plains Water Management Area***Refer to rule 36.7.2.*

<b>Water Bodies</b>	<b>Surface waters of the Motueka and Riwaka rivers and their tributaries, and the Freshwater Springs, including Thorpe Drain</b>
<b>Class</b>	<b>MP1 – Management for aquatic ecosystems, fisheries, contact recreation and irrigation</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature.</li> <li>2. The temperature of the water must not adversely affect the spawning of brown trout or native fish, including whitebait, during the spawning season.</li> <li>3. The following must not be allowed if they have an adverse effect on aquatic life: <ol style="list-style-type: none"> <li>(a) any pH change;</li> <li>(b) any increase in the deposition of matter on the bed of the river;</li> <li>(c) any discharge of a contaminant to a river.</li> </ol> </li> <li>4. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre.</li> <li>5. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water.</li> <li>6. The visual clarity of the water must not be so low as to be unsuitable for bathing.</li> <li>7. The water must not be rendered unsuitable for bathing by the presence of contaminants.</li> <li>8. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>9. Fish must not be rendered unsuitable for human consumption by the presence of contaminants.</li> <li>10. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> <li>11. The pH of the water must be within the range of 6.0-9.0 pH units.</li> <li>12. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.</li> </ol>
<b>Water Bodies</b>	<b>Surface waters of the Little Sydney and Brooklyn Valley Streams</b>
<b>Class</b>	<b>I – Management for irrigation</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water.</li> <li>2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> </ol>
<b>Water Bodies</b>	<b>The groundwater of the Motueka/Riwaka Plains Water Management Area</b>
<b>Class</b>	<b>G – Management for stock water, irrigation and water supply</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The natural temperature of the water must not be changed by more than 3 degrees Celsius.</li> <li>2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> <li>4. The pH of the water must be within the range of 6.0 - 9.0 pH units.</li> <li>5. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.</li> <li>6. The water must not be rendered unsuitable for treatment (equivalent to coagulation, filtration and disinfection) for human consumption by the presence of contaminants.</li> </ol>
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>(1) The classes and standards are based on the Third Schedule of the Act.</li> <li>(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.</li> <li>(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including: <ol style="list-style-type: none"> <li>(a) NZECC Water Quality Guidelines for Marine and Freshwater</li> <li>(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity</li> <li>(c) Ministry for the Environment Water Quality Guidelines: Biological Growthths</li> <li>(d) Drinking Water Standards: Department of Health.</li> </ol> </li> </ol>	

**Schedule 36B: Water Classification for the Waimea Water Management Area***Refer to rule 36.7.2.*

<b>Water Bodies</b>	<b>Surface waters of the Waimea, Lee, Roding and Wairoa Rivers and their tributaries</b>
<b>Class</b>	<b>MP1 – Management for aquatic ecosystems, fisheries, contact recreation and irrigation</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. When the natural temperature of the water is less than 20 degrees Celsius, the water temperature is not increased by more than 3 degrees Celsius and in any event does not exceed 20 degrees Celsius. When the natural temperature of the water is 20 degrees Celsius or greater, there is no increase in water temperature.</li> <li>2. The temperature of the water must not adversely affect the spawning of brown trout or native fish, including whitebait, during the spawning season.</li> <li>3. The following must not be allowed if they have an adverse effect on aquatic life: <ol style="list-style-type: none"> <li>(a) any pH change;</li> <li>(b) any increase in the deposition of matter on the bed of the river;</li> <li>(c) any discharge of a contaminant into water.</li> </ol> </li> <li>4. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre.</li> <li>5. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water.</li> <li>6. The visual clarity of the water must not be so low as to be unsuitable for bathing.</li> <li>7. The water must not be rendered unsuitable for bathing by the presence of contaminants.</li> <li>8. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>9. Fish must not be rendered unsuitable for human consumption by the presence of contaminants.</li> <li>10. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> <li>11. The pH of the water must be within the range of 6.0 - 9.0 pH units.</li> <li>12. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.</li> </ol>
<b>Water Bodies</b>	<b>Surface waters of the Wai-iti River and its tributaries, and the Eves Valley Stream</b>
<b>Class</b>	<b>MP2 – Management for aquatic ecosystems, fisheries, fish spawning, contact recreation and irrigation</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The natural temperature of the water shall not be changed by more than 3 degrees Celsius.</li> <li>2. The following must not be allowed if they have an adverse effect on aquatic life: <ol style="list-style-type: none"> <li>(a) any pH change;</li> <li>(b) any increase in the deposition of matter on the bed of the river.</li> <li>(c) any discharge of a contaminant into water.</li> </ol> </li> <li>3. The concentration of dissolved oxygen must exceed 80 percent of saturation concentration and must exceed 5 grams per cubic metre.</li> <li>4. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water.</li> <li>5. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>6. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> <li>7. The pH of the water must be within the range of 6.0 - 9.0 pH units.</li> </ol>
<b>Water Bodies</b>	<b>The groundwater of the Waimea Water Management Area</b>
<b>Class</b>	<b>G – Management for stock water, irrigation and water supply</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The natural temperature of the water must not be changed by more than 3 degrees Celsius.</li> <li>2. The water must not be tainted or contaminated so as to make it unsuitable for the irrigation of crops growing or likely to be grown in the area to be irrigated.</li> <li>3. The water must not be tainted or contaminated so as to make it unsuitable for consumption by animals.</li> <li>4. The pH of the water must be within the range of 6.0-9.0 pH units.</li> <li>5. The water must not be tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans, after treatment (equivalent to coagulation, filtration and disinfection), or unsuitable for irrigation.</li> <li>6. The water must not be rendered unsuitable for treatment (equivalent to coagulation, filtration and disinfection) for human consumption by the presence of contaminants.</li> </ol>
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>(1) The classes and standards are based on the Third Schedule of the Act.</li> <li>(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.</li> <li>(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including: <ol style="list-style-type: none"> <li>(a) NZECC Water Quality Guidelines for Marine and Freshwater</li> <li>(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity</li> <li>(c) Ministry for the Environment Water Quality Guidelines: Biological Growths</li> <li>(d) Drinking Water Standards: Department of Health.</li> </ol> </li> </ol>	

**Schedule 36C: Water Classification for the Coastal Marine Area**

<b>Coastal Waters</b>	<b>Coastal waters shown on the Coastal Marine Area planning maps as Class FAE</b>
<b>Class</b>	<b>FAE – Management for aquatic ecosystems, fisheries, and fish spawning</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The natural temperature of the water must not be changed by more than 2 degrees Celsius.</li> <li>2. The following must not be allowed if they have an adverse effect on aquatic life: <ol style="list-style-type: none"> <li>(a) any pH change;</li> <li>(b) any increase in the deposition of matter on the bed of any coastal marine area;</li> <li>(c) any discharge of a contaminant into the water.</li> </ol> </li> <li>3. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation.</li> <li>4. There must be no undesirable biological growths as a result of any discharge of a contaminant into the water.</li> <li>5. Fish must not be rendered unsuitable for human consumption by the presence of contaminants.</li> </ol>
<b>Coastal Waters</b>	<b>Coastal waters shown on the Coastal Marine Area planning maps as Class SG</b>
<b>Class</b>	<b>SG – Management for shellfish gathering</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The natural temperature of the water must not be changed by more than 2 degrees Celsius.</li> <li>2. The concentration of dissolved oxygen must exceed the higher of 6 milligrams per litre or 80 percent saturation.</li> <li>3. There must be no significant adverse effect on shellfish as a result of any discharge of a contaminant.</li> <li>4. Aquatic organisms must not be rendered unsuitable for human consumption by the presence of contaminants.</li> <li>5. The median faecal coliform content of samples taken over a shellfish gathering season must not exceed 14 MPN per 100 millilitres, and not more than 10 percent of samples should exceed 43 MPN per 100 millilitres.</li> </ol>
<b>Coastal Waters</b>	<b>Coastal waters shown on the Coastal Marine Area planning maps as Class CR</b>
<b>Class</b>	<b>CR – Management for contact recreation</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The visual clarity of the water must not be so low as to be unsuitable for bathing.</li> <li>2. The water must not be rendered unsuitable for bathing by the presence of contaminants.</li> <li>3. There must be no undesirable biological growths as a result of any discharge of a contaminant.</li> <li>4. The running median of samples taken over the bathing season must not exceed 35 enterococci per 100 millilitres.</li> <li>5. No sample must exceed 136 enterococci per 100 millilitres.</li> </ol>
<b>Coastal Waters</b>	<b>Coastal waters shown on the Coastal Marine Area planning maps as Class A</b>
<b>Class</b>	<b>A – Management for aesthetics</b>
<b>Standards</b>	<ol style="list-style-type: none"> <li>1. The quality of the water must not be altered in those characteristics which have a direct bearing upon the aesthetic quality of the seascape for passive recreation, including visual colour and clarity, films, scums and floatables, undesirable biological growths, and odours.</li> </ol>
<b>Notes:</b>	
<ol style="list-style-type: none"> <li>(1) The classes and standards are based on the Third Schedule of the Act.</li> <li>(2) In accordance with the Third Schedule, the standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.</li> <li>(3) The standards are mostly narrative standards and relevant numerical criteria for all the potential contaminants that may affect water quality for the specified classes will be considered in relation to any application for a resource consent. Numerical standards that may be imposed on a resource consent will be guided by national guidelines and other relevant documents including: <ol style="list-style-type: none"> <li>(a) NZECC Water Quality Guidelines for Marine and Freshwater</li> <li>(b) Ministry for the Environment Water Quality Guidelines 2: Water Colour and Clarity</li> <li>(c) Ministry for the Environment Water Quality Guidelines: Biological Growths</li> <li>(d) Drinking Water Standards: Department of Health.</li> </ol> </li> </ol>	

## **Schedule 36D: Assessment Criteria for Discharges**

This schedule provides guidance for applicants and the Council when considering any application for resource consent to discharge contaminants. The Council will also have regard to the provisions of Section 104 of the Act.

The Council may take into account any of the following items when assessing an application for a resource consent or imposing conditions:

### **1. General Assessment Criteria**

- (a) The extent to which reasonable measures have been taken to minimise the quantity of contaminants in the discharge.
- (b) Quantitative specifications contained in any relevant national or international standards or guidelines.
- (c) The scale, location and potential adverse effects of the activity.
- (d) The likely duration of the activity.
- (e) Methods to contain, remedy or treat the discharge.
- (f) Supervision or management of the operation.
- (g) The level of treatment provided by, and the adequacy of, the proposed discharge collection, treatment and disposal system.
- (h) The concentrations and loadings of contaminants in the discharge.
- (i) The nature and sensitivity of the receiving environment and the likely effects of the proposed discharge either by itself or in combination with existing discharges.
- (j) The mitigation measures and safeguards incorporated into the design of the various components of the proposed effluent or stormwater collection, treatment and disposal system.
- (k) The adequacy of the Assessment of Environmental Effects.
- (l) Any assessment of alternatives, whether or not the proposed treatment and disposal system is the best practicable option and the degree of compliance with relevant industry codes of practice.
- (m) Any management plan (where required) for the operation and management of the proposed discharge, including any waste treatment and disposal systems or pesticide discharge spray plans.
- (n) Any proposed monitoring programme to monitor the effects of the discharge.
- (o) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (p) Bonds, and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **2. General Assessment Criteria for Determining the Level of any Financial Contribution**

- (a) The extent to which any financial contribution may be used to manage or compensate for any adverse effect of the discharge that is not otherwise avoided, remedied or mitigated by or under any condition of the resource consent to discharge.

- (b) The need for a direct relationship between the size and significance of any adverse effect of the discharge, and the level of any financial contribution.

### **3. Additional Assessment Criteria for Discharges to Water**

- (a) The effect of the discharge, either by itself or in combination with any other discharge on any water quality standards specified in any relevant water classification.
- (b) Presence of oil, grease, scums, foams or floatable or suspended materials in the proposed discharge.
- (c) Potential of discharge to cause colour changes in receiving waters or to give rise to objectionable odours.
- (d) Potential effects on water quality within the mixing zone.
- (e) Potential adverse effects on water quality, aquatic life, habitats, ecosystems and sediments in fresh water bodies and in the coastal marine area.

### **3A. Assessment Criteria for Discharges from Aquaculture**

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- (a) The type, volume, rate and frequency of discharge of any feed, therapeutants, and contaminants arising from anti-fouling protection measures.
- (b) Persistence and potential bioaccumulation of discharged contaminants in the environment.
- (c) Amount of nutrient inputs compared to nature and amount of waste material discharged as uneaten feed or faecal waste.
- (d) Physical conditions, including hydrodynamics, at the proposed site and resultant effects on the dispersion of the discharge.
- (e) Potential effects of the discharge, either by itself or in combination with any other discharge, on aquatic life, and on the benthic and wider ecological environment.
- (f) The setting of limits on nitrogen and other contaminants.
- (g) The effect of the discharge, after reasonable mixing, either by itself or in combination with any other discharge (including effects outlined in section 107 of the Act), on water quality and any water quality standards specified in any relevant water classification.
- (h) The effect of the discharge on any other aquaculture activities in the same or adjoining subzones.
- (i) Mortality rates and proposed procedures for recovering and disposing of dead stock.
- (j) Adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge.
- (k) Potential effects on amenity values, including production of scums and odour, reduction in water clarity and changes in colour.

### **4. Additional Assessment Criteria for Discharges to Land**

- (a) The area of land to be used for the discharge, including setbacks and buffer zones.
- (b) The potential effects of the discharge on any ecosystem, habitat, or plant or animal life.

- (c) The potential effects of the discharge on water quality, including effects of any water quality standards specified in any relevant water classification or water conservation order.
- (d) The nature of the land to be used for the discharge, including rock type, soil type, permeability and drainage characteristics, and depth to groundwater.

#### **5. Additional Assessment Criteria for Discharges to Air**

- (a) The location of the property on or from which the discharge is to take place and the qualities and characteristics of the air resource in the vicinity.
- (b) Methods, including design and intended operation to avoid or mitigate adverse effects of any discharge incorporated in the design of any appliance.
- (c) The types and volumes and quality of contaminants to be discharged in relation to ambient air quality in the receiving environment, relevant national and international standards and guidelines, and nearby land uses.
- (d) Existing and potential cumulative effects in the receiving environment, including any contribution to climate change.
- (e) The potential for offensive or objectionable odours, and methods to avoid or mitigate them.
- (f) Any thermal effects and any effects on air transport safety.
- (g) Details of design and configuration, including stack height, height of adjacent buildings, stack exit velocity and temperature, presence of cones or other impediments on stack top, fuel type, boiler power rating, presence of mitigation devices, topography, surrounding land uses, and other relevant matters.
- (h) The reason for, and any likely effects of, the departure from permitted activity conditions.

## CHAPTER 37: INFORMATION REQUIRED WITH DISCHARGE PERMIT APPLICATIONS

### 37.1 SCOPE OF CHAPTER 37

This Chapter gives guidelines for the information that may be required to accompany discharge permit or coastal permit applications for discharge activities. The matters listed will not all be relevant to every application, nor are they an exhaustive list. The obligation remains with applicants to provide sufficient information to meet the requirements of Section 88 and the Fourth Schedule of the Act. In all cases, Council may request further information under Section 92 of the Act.

**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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### 37.2 GENERAL INFORMATION REQUIRED FOR DISCHARGES

Applicants must submit the following information when seeking any discharge consent (with the exception of permits for discharges from aquaculture, which are covered under Chapter 37.2A): RCP  
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- 37.2.1** Location of proposed discharge activity, including legal description and address.
- 37.2.2** Name and address of the owner and occupier (other than the applicant) of any site to which the application relates.
- 37.2.3** A site plan showing, where appropriate, details of:
- (a) discharge treatment and disposal system layout;
  - (b) existing or proposed pipelines, chimneys, plant and facilities;
  - (c) property boundaries and ownership of adjoining land or sites;
  - (d) public roads;
  - (e) drains, watercourses, wells, sinkholes and other karst features, wetlands, lakes, and other water bodies;
  - (f) proximity to coast;
  - (g) topography;
  - (h) stormwater collection, treatment and disposal systems and discharge points.
- 37.2.4** Details of any management plan for the operation and maintenance of the discharge, including any waste treatment and disposal systems or pesticide discharge spray plans.
- 37.2.5** Details of any other resource consent that may be required and whether such consent has been applied for or obtained.
- 37.2.6** The proximity of the discharge to any other contaminant discharges in the vicinity affecting the same receiving environment.
- 37.2.7** A description of any possible changes to the nature, volume, or rate of the discharge that might result from failure or breakdown of equipment, accidental spill or discharge, natural hazard such as flooding, industrial action, or a similar event, and the contingency measures that have been developed to deal with such situations.

- 37.2.8** An assessment of any actual or potential effects of the discharge on the environment, including visual impact and effects on amenity values, human health, ecosystems, including karst terrain, flora and fauna. Such an assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and must be prepared in accordance with the Fourth Schedule of the Resource Management Act 1991.
- 37.2.9** Details of any consultation undertaken with any person or body likely to be affected.
- 37.2.10** Other information that is necessary to understand the application.
- 37.2.11** Information to show compliance with performance standards and conditions relating to the use and storage of hazardous substances.
- 37.2.12** Detail of low impact design solutions in the management of stormwater.
- 37.2.13** Detail of the degree of land cover change or change to land use that may be associated with the subject site and discharge activity.
- 37.2.14** Information to demonstrate that the proposed method of disposal will not result in an increased risk of slope instability or raised groundwater levels that result in an increased risk of slope failure or loss of amenity.
- 37.2.15** Detail regarding the methods and solutions used to avoid, remedy or mitigate actual and potential effects on stormwater flow, water quality and sedimentation effects.
- 37.2.16** Where the discharge is the result of a subdivision activity, information to satisfy sections 19.2.2.10 to 19.2.2.12.
- 37.2.17** Information to show how the proposed management of stormwater is consistent with the Tasman District Engineering Standards, current at the time of application.
- 37.2.18** Information about the range of naturally occurring groundwater levels where soakage to ground is to be used as all or part of the proposed methods of stormwater management.

**Note:** Section 37.2 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

## **37.2A ADDITIONAL INFORMATION REQUIRED FOR DISCHARGES FROM AQUACULTURE**

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Applicants for coastal permits for discharges from aquaculture must submit information on matters (a) to (k) below.

- 37.2A.1** A description of the proposed activity, including:
- (a) site identification (latitude and longitude), location of discharge, and the location of monitoring control sites;
  - (b) species, method, structures and equipment;
  - (c) site plan and development programme, including stocking intensity and density of structures placement;
  - (d) type, volume, rate, and frequency of discharges of feed, therapeutants, contaminants arising from anti-fouling protection measures, and any other contaminant arising from aquaculture;
  - (e) composition and origin of feed and therapeutants.

- 37.2A.2** A description of the hydrodynamic and hydrographic properties of the site and in its vicinity, including:
- (a) water depth;
  - (b) current velocities, over at least one neap/spring tide cycle, and their ability to:
    - (i) replenish the site with nutrients;
    - (ii) disperse material released by the aquaculture activity;
  - (c) temperature;
  - (d) salinity;
  - (e) density;
  - (f) stratification of any of the above parameters;
  - (g) general water quality, including the influence of rivers and discharges from land;
  - (h) wind and wave conditions.

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- 37.2A.3** A description of the benthic environment and variability within the application area and at monitoring control sites, including:
- (a) substrate characteristics:
    - (i) physico-chemical characteristics;
    - (ii) sediment size, type, and variability;
    - (iii) whether it is typical, unusual, or rare.
  - (b) epifauna and infauna:
    - (i) distribution and relative abundance of species;
    - (ii) dominant or characteristic species;
    - (iii) vulnerable species, or species under stress;
    - (iv) species of particular ecological value.

- 37.2A.4** A description of effects of the activity, including:
- (a) on water and sediment quality (including effects outlined in section 107 of the Act);
  - (b) from the interaction between or combinations of discharges of feed, therapeutants, contaminants arising from anti-fouling protection measures and/or other contaminants;
  - (c) persistence and potential bioaccumulation of contaminants;
  - (d) deposition of material onto the seabed;
  - (e) on habitat and species;
  - (f) on natural character and amenity values;
  - (g) on other aquaculture activities in the same or adjoining subzones;
  - (h) cumulative effects;

and including an assessment of the mixing zone and an assessment of the extent to which effects are likely to occur beyond the application site.

- 37.2A.5** A description of a monitoring and review process appropriate to the discharge from aquaculture and to the nature of the site, taking into account any prior use of the site for aquaculture activities.

- 37.2A.6** An analysis of the best practicable option for preventing or minimising any actual or potential effect of the discharge on the environment.
- 37.2A.7** A description of the ways in which the activity will affect Treaty values.
- 37.2A.8** Details of any management plan for the operation and maintenance of the discharge including any waste treatment and disposal systems.
- 37.2A.9** The proximity of the discharge to any other contaminant discharges in the vicinity affecting the same receiving environment.
- 37.2A.10** A description of any possible changes to the nature, volume or rate of the discharge that might result from failure or breakdown of equipment, accidental spill or discharge, natural hazards, and the contingency measures that have been developed to deal with such situations.
- 37.2A.11** Details of expected mortality rates and proposed procedures for recovering and disposing of dead stock.

### **37.3 ADDITIONAL INFORMATION REQUIRED FOR DISCHARGES TO LAND**

- 37.3.1** A description of the nature of the discharge, including:
- (a) types and quantities of contaminants in the discharge;
  - (b) quantities to be discharged;
  - (c) rate, frequency and duration of the discharge.
- 37.3.2** A description of any treatment prior to the proposed discharge.
- 37.3.3** A description of the disposal area, including size, vegetation cover, soil type and geology underlying the disposal area.
- 37.3.4** Details of groundwater levels and direction of flow and how groundwater quality may be affected by the discharge.
- 37.3.5** Details and results of any soakage tests.
- 37.3.6** Details of any water balance assessment (if appropriate).
- 37.3.7** For discharges of domestic wastewater, a site and soil evaluation that provides:
- (a) sufficient information to identify factors that must be taken into account when selecting and designing a wastewater disposal system;
  - (b) the location of an area or areas suitable for on-site disposal of wastewater;
  - (c) identification of preferred types of treatment systems that take into account any site limitations identified and that enable compliance with the wastewater discharge requirements of the Plan.

### **37.4 ADDITIONAL INFORMATION REQUIRED FOR DISCHARGES TO WATER**

- 37.4.1** A description of the nature of the discharge, including:
- (a) types and quantities of contaminants in the discharge;
  - (b) quantities to be discharged;
  - (c) rate, frequency and duration of the discharge.

**37.4.2** A description of any treatment prior to the proposed discharge.

**37.4.3** A description of the receiving water, including:

- (a) dilution effects of water currents and volumes;
- (b) stream bed, lake or coastal substrate;
- (c) vegetation, including instream and on riparian margins;
- (d) aquatic life and ecosystems.

**37.4.4** A description of the outfall and how the discharge will mix with the receiving water.

**Note:** Section 37.4 is applicable to the coastal marine area but is not part of the Regional Coastal Plan.

## **37.5 ADDITIONAL INFORMATION REQUIRED FOR DISCHARGES TO AIR**

**37.5.1** A description of the process giving rise to the discharge activity, including:

- (a) type and quantity of raw material, intermediate products, final products, by-products and waste streams;
- (b) sources of air emissions;
- (c) points or areas of actual discharges.

**37.5.2** A description of all discharges to air, including odour, from the activity, including:

- (a) types;
- (b) maximum and average discharge quantities and/or concentrations;
- (c) duration and frequency of discharge, and variations over time;
- (d) emission controls and monitoring;
- (e) stack height in relation to building height and ground level;
- (f) proximity and configuration, including height, of significant buildings on the same and adjoining sites in relation to stack;
- (g) any dispersion equipment that may be attached to discharge points;
- (h) fuel type and quantity, and heat output rating.

**37.5.3** A description of the receiving environment, including:

- (a) whether there are any other air discharges, including on the same property, that may affect the proposed activity or quality of the receiving environment;
- (b) climatic conditions;
- (c) meteorological conditions, including prevailing wind speed, direction and frequency;
- (d) the proximity of potentially affected parties to the proposed activity;
- (e) the proximity of the discharge to any sensitive receiving environment, including the Richmond Airshed.

**37.5.4** Mitigation measures proposed, including the potential for reducing the quantity, or improving the quality, of the discharge at source.

**37.5.5** For any discharge that is likely to have a significant effect on ambient air quality, including any discharge containing PM<sub>10</sub> to the Richmond Airshed that is more than 2 percent of the total PM<sub>10</sub> discharged into the Airshed, the results of emissions testing and atmospheric dispersion modelling and a description of the detailed input parameters used in the modelling.

**Note:** The significance of a PM<sub>10</sub> contribution can be calculated for small-scale boilers using standard emission rates and actual fuel and operation data. This is compared with the total PM<sub>10</sub> being discharged into the Airshed which is available from the Council's most recently completed emissions inventory for PM<sub>10</sub>.

- 37.5.6** The results of any emission testing undertaken and any atmospheric dispersion modelling undertaken and the detailed input parameters used in the modelling.
- 37.5.7** For applications to discharge pesticides, the training and qualifications of the operator.
- 37.5.8** If appropriate, an explanation of why the applicant considers the activity proposed is the best practicable option. This will include an assessment of alternative process controls, discharge locations, process methods, and process materials.
- 37.5.9** Proposed monitoring procedures.

**PART VI ANNEXES****Annex 1: Resource Management (Marine Pollution) Regulations 1998**

**This annex is Sections 2-15 and Schedules 3-4 of the Resource Management (Marine Pollution) Regulations 1998 (as amended in 2002). It is not part of the Tasman Resource Management Plan but is included for information only.**

**Regulations****3. Interpretation**

(1) In these regulations, unless the context otherwise requires:

“Act” means the Resource Management Act 1991.

“Carrying in bulk” means the carriage of a noxious liquid substance in the cargo spaces of a ship without any form of intermediate containment or packaging.

“Clean ballast water” means ballast water and contaminants carried in a tank used to carry a noxious liquid substance or oil:

- (a) where the tank has been thoroughly cleaned since last used to carry a noxious liquid substance, and the residue from that cleaning discharged with the tank being emptied; or
- (b) where the tank has been thoroughly cleaned since last used to carry oil and the ballast water and contaminants, when discharged, would not contain oil exceeding 15 parts per million.

“En route” means that a ship is under way at sea on a course, or courses.

“Garbage” means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship or offshore installation and liable to be discharged continuously or periodically; but does not include oil, noxious liquid substances, and sewage.

“Grade A treated sewage” means sewage discharged from a treatment system included in Schedule 5 or Schedule 6 that is maintained and operated in good working order and in accordance with any instructions of the system’s manufacturer.

“Grade B treated sewage” means sewage discharged from a treatment system included in Schedule 7 that is maintained and operated in good working order and in accordance with any instructions of the system’s manufacturer.

“Noxious liquid substance” means any substance specified in Schedule 1; and includes any mixture of those substances.

“Oil” means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2.

“Oil spill” has the same meaning as in Section 281 of the Maritime Transport Act 1994.

“Plastics” includes synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic or heavy metal residues.

“Platform drainage” means the drainage water from the machinery space on an offshore installation; and:

- (a) includes all water and contaminants from generators, fuel tanks, and pumps; but

- (b) does not include any water or contaminant from processing, production, or displacement associated with exploration, drilling, or production activities which are undertaken by the offshore installation.

“Segregated ballast water” means ballast water and contaminants in a ship’s tank where that tank is completely separated from cargo oil and fuel oil systems and is permanently allocated to the carriage of ballast water or cargoes other than oil or noxious liquid substances.

“Sewage” means, in relation to a ship or offshore installation:

- (a) drainage and other wastes from any form of toilet, urinal, or toilet scupper;
- (b) drainage from wash basins, wash tubs and scuppers located in any dispensary, sick bay, or other medical premises;
- (c) drainage from spaces containing live animals;
- (d) waste waters mixed with the drainage and wastes specified in paragraphs (a), (b) or (c).

## **Part 1: Definition Prescribed for Act**

### **3. Definition of Harmful Substances**

The following substances are harmful substances for the purposes of the definition of the term “harmful substances” in Section 2(1) of the Act:

- (a) Petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2.
- (b) Any substance specified in Schedule 1 and any mixture of those substances if carried in bulk in a ship.
- (c) Drainage and other wastes from any form of toilet, urinal, or toilet scupper on a ship or offshore installation.
- (d) Drainage from wash basins, wash tubs, and scuppers located in the dispensary, sick bay, or other medical premises of a ship or offshore installation.
- (e) Drainage from spaces on a ship or offshore installation containing living animals.
- (f) Waste water from a ship or offshore installation mixed with the drainage and waste specified in paragraphs (c), (d) or (e).
- (g) All victual, domestic, and operational waste (other than fresh fish or parts of fresh fish) generated during the normal operations of a ship or offshore installation and liable to be discharged continuously or periodically.

## **Part 2: Dumping and Incineration**

### **4. Dumping of Waste or Other Matter**

- (1) The dumping of waste or other matter, other than the waste or other matter specified in subclauses (2) and (3), in the coastal marine area from any ship, aircraft, or offshore installation is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
- (2) In the coastal marine area the dumping of the following waste or other matter from any ship, aircraft, or offshore installation is deemed to be a discretionary activity in any regional coastal plan or proposed regional coastal plan:
  - (a) dredge material;
  - (b) sewage sludge;
  - (c) fish processing waste from an onshore facility;

- (d) ships and platforms or other man-made structures at sea;
- (e) inert, inorganic geological material;
- (f) organic materials of natural origin;
- (g) bulky items consisting mainly of iron, steel, and concrete.

(3) This clause does not apply to:

- (a) the dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources; or
- (b) a discharge made in accordance with Section 15B of the Act or Part 3 of these regulations.

## **5. Assessment Criteria**

- (4) Every application under Section 88 of the Act for a coastal permit to dump any waste or other matter specified in Regulation 4(2) must include the information specified in Part 1 of Schedule 3.
- (5) The consent authority must, when considering an application under Section 88 of the Act for a coastal permit for any waste or other matter specified in Regulation 4(2), have regard to the matters set out in Parts 1 and 2 of Schedule 3 in addition to any other requirement of Sections 104 and 138A of the Act.

## **6. Incineration of Waste in Marine Incineration Facility**

- (6) The incineration of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
- (7) This clause does not apply to a discharge made in accordance with Section 15B or Part 3 of these regulations.

## **7. Record Keeping**

- (8) Every holder of a coastal permit to carry out an activity that would otherwise contravene Section 15A of the Act must keep records describing:
  - (a) the types and sources of the waste or other matter dumped;
  - (b) the location of dump sites;
  - (c) the method of dumping;
  - (d) the quantity (in cubic metres) of the waste or other matter dumped.
- (9) The records for the preceding calendar year must be provided to the Director of Maritime Safety before 1 February in each year.

## **Part 3: Control of Discharges**

### **8. Discharge of Substances for Purpose of Avoiding, Remediating, or Mitigating Oil Spill**

- (1) Any person may, in the coastal marine area, discharge from a ship or offshore installation any substance for the purpose of avoiding, remediating, or mitigating the adverse effects of an oil spill.
- (2) This regulation does not authorise the discharge of any substance in contravention of Part XXIII of the Maritime Transport Act 1994 or any marine protection rules made under Part XXVII of that Act.

## 9. Discharge of Oil

- (1) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from any ship if:
  - (a) the oil is not derived from the cargo of the ship; and
  - (b) the ship is proceeding en route; and
  - (c) the oil content of the discharge before dilution with any other substance does not exceed 15 parts per million.
- (2) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from an offshore installation, if:
  - (a) the oil content of the discharge before dilution with any other substance does not exceed 15 parts per million; and
  - (b) the discharge is platform drainage.

## 10. Discharge of Noxious Liquid Substances

Any person may, in the coastal marine area, discharge from any ship carrying in bulk a noxious liquid substance, any noxious liquid substance if that noxious liquid substance is part of a discharge of clean ballast water or segregated ballast water.

## 11. Discharge of Sewage in Coastal Marine Area

- (1) Before 1 July 2000, any person may discharge sewage in the coastal marine area from a ship or offshore installation, unless that discharge is within 500 metres (0.27 nautical miles) of a marine farm.
- (2) On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs:
  - (a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and
  - (b) more than 500 metres (0.27 nautical miles) from a marine farm; and
  - (c) in water depths greater than 5 metres; and
  - (d) more than 200 metres (0.108 nautical miles) from a marine reserve, except the marine reserve constituted by the Marine Reserve (Kermadec Islands) Order 1990; and
  - (e) more than 500 metres (0.27 nautical miles) from an area that the Minister of Fisheries has declared by notice in the *Gazette* to be mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (3) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to the discharges under this regulation if:
  - (a) the rule increases the distances seaward or increases the depth specified in subclause (2) for any harbours, estuaries, embayments, or other parts of a region or increases the distances from a marine farm, marine reserve, or mataitai reserve specified in subclause (2), for all or any part of the year; and
  - (b) the rule takes effect on or after 1 July 2000.

## 12. Discharge of Grade A Treated Sewage in Coastal Marine Area

- (1) Any person may discharge Grade A treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it within 100 metres of a marine farm.
- (2) Despite subclause (1), a rule may be included in a regional coastal plan or a proposed regional coastal plan if the rule:
  - (a) relates to discharges of Grade A treated sewage in the internal waters of Fiordland (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and

- (b) restricts where those discharges may take place, being a distance of at least 100 metres from a marine farm; and
  - (c) does not relate to vessels operated by the New Zealand Defence Force.
- (3) For the purposes of subclause (2), “Fiordland” means the coastal marine area between Awarua Point and Sandhill Point.

#### **12A. Discharge of Grade B Treated Sewage in Coastal Marine Area**

- (1) Any person may discharge Grade B treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it:
- (a) within 500 metres (0.27 nautical miles) of a marine farm; or
  - (b) within 500 metres (0.27 nautical miles) of an area that the Minister of Fisheries has declared by notice in the *Gazette* to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (2) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to discharges under this regulation if the rule does either or both of the following:
- (a) specifies the distances from mean high-water springs or the depth where those discharges may take place for all or any part of the year, being distances of at least 500 metres (0.27 nautical miles) from:
    - (i) a marine farm; or
    - (ii) a mataitai reserve;
  - (b) increases the distance from a marine farm or a mataitai reserve where those discharges may take place for all or any part of the year, being at a distance of more than 500 metres (0.27 nautical miles).

#### **13. Discharge of Garbage**

- (1) The discharge of plastics, dunnage, lining, and packaging materials in the coastal marine area from any ship is prohibited.
- (2) Any person may, in the coastal marine area, discharge from any ship garbage (other than those items specified in subclause (1), including food wastes, paper, rags, glass, metal, bottles and crockery, if:
- (a) the garbage has been comminuted or ground to a particle size of 25 millimetres or less; and
  - (b) the discharge occurs at least:
    - (i) 5,500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and
    - (ii) 500 metres (0.27 nautical miles) from any offshore installation.
- (3) The discharge of garbage in the coastal marine area from any offshore installation is prohibited.

#### **14. Discharge of Ballast Water**

- (1) Any person may discharge in the coastal marine area, from a ship or offshore installation, clean ballast water or segregated ballast water.
- (2) This regulation does not authorise the discharge of clean ballast water or segregated ballast water in contravention of the Biosecurity Act 1993, regulations made under that Act, or import health standards made under Section 20 of that Act.

#### **15. Discharges Made as Part of Normal Operations of Ship or Offshore Installation**

Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship or offshore installation.

Schedule 1 lists noxious liquid substances.

Schedule 2 lists substances classed as oil.

### **Schedule 3: Assessment of Waste or Other Matter**

#### **Part 1: Additional Matters to be included in Application under Section 88**

1. The application must include a detailed description and characterisation of the waste to enable a proper assessment to be made of its potential impacts on human health and the environment. The description must include any material capable of creating floating debris or otherwise contributing to an adverse effect on the environment.
2. The characterisation of the wastes and their constituents must include:
  - (a) the origin, total amount, form, and average composition;
  - (b) the properties: physical, chemical, biochemical, and biological;
  - (c) the toxicity;
  - (d) the persistence: physical, chemical and biological.
  - (e) the accumulation and biotransformation in biological materials or sediments.
3. The application must include information about:
  - (a) the types, amounts, and relative hazard of wastes generated; and
  - (b) the details of the production process and the sources of wastes within that process; and
  - (c) the feasibility of the following waste reduction or prevention techniques:
    - (i) product reformulation;
    - (ii) clean production technologies;
    - (iii) process modification;
    - (iv) input substitution;
    - (v) on-site, closed-loop recycling.
4. For dredged material and sewage sludge, the application must identify the sources of contamination and waste prevention strategies that may be used to control that contamination.
5. Applications to dump waste or other matter must include information about the consideration that has been given to the following hierarchy of waste management options:
  - (a) re-use;
  - (b) off-site recycling;
  - (c) destruction of hazardous constituents;
  - (d) treatment to reduce or remove the hazardous constituents;
  - (e) disposal on land, into air, and in water.
6. The application must include the following information about the proposed dump site:
  - (a) the physical, chemical, and biological characteristics of the water-column and the seabed;
  - (b) identification of values and other uses of the sea in the area under consideration;
  - (c) an assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment;
  - (d) the economic and operational feasibility.
7. The application must include an assessment of the potential effects of sea or land disposal options.

8. The application for dumping must integrate information on waste characteristics, conditions at the proposed dump-site(s), fluxes, and proposed disposal techniques. The application must specify the potential effects on the environment and define the nature, temporal, and spatial scales and duration of expected effects and state any assumptions.

#### **Part 2: Additional Matters to be Considered by the Consent Authority**

9. Consideration of an application must have regard to the avoidance, remedying, or mitigation of environmental disturbance and detriment. Consideration of an application must also have regard to the imposing of conditions specifying:
  - (a) the types and sources of materials to be dumped;
  - (b) the location of the dump site(s);
  - (c) the method of dumping;
  - (d) monitoring and reporting requirements.
10. Consideration of an application must have regard to the imposition of monitoring programmes as a condition of a resource consent.

#### **Schedule 4: Normal Operations of Ship or Offshore Installation**

1. Ship propulsion.
2. Heat exchange systems, including engine cooling systems, air conditioning, refrigeration, and condensers.
3. Stormwater drainage from systems and scuppers, except from those areas used for the storage of any harmful substance.
4. The use of washing facilities in the accommodation areas producing greywater from showers, hand-basins, baths, galleys, dishwashers, and laundries but does not include use of any dispensary, sick bay, or other medical premises.
5. The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo.
6. The incineration of waste or other matter generated from a ship or offshore installation.
7. Fire-fighting.
8. The operation of a weapon system on any ship of the New Zealand Defence Force.

