16.3 SUBDIVISION


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.

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

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

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

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) The performance requirements for applicable services, contained in the Council’s Engineering Standards and Policies 2013.
Operative
Chapter 16 – General Rules
15 December 2018

16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

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.

Table: Minimum Allotment Areas in the Residential Zone

<table>
<thead>
<tr>
<th>DESCRIPTION OF LAND TO BE SUBDIVIDED</th>
<th>MINIMUM NET AREA (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without reticulated wastewater servicing</td>
<td>1,000</td>
</tr>
<tr>
<td>Except Milnthorpe</td>
<td>1,800</td>
</tr>
<tr>
<td>With reticulated wastewater servicing</td>
<td>450</td>
</tr>
<tr>
<td>Except: Motueka and Richmond complying with rule 16.3.3.1(c).</td>
<td>350</td>
</tr>
<tr>
<td>(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.</td>
<td>1,000</td>
</tr>
<tr>
<td>(iii) Allotments at Rototai Road Residential Zone.</td>
<td>700</td>
</tr>
<tr>
<td>(iia) Allotments adjoining Light Industrial Zone at Bird Lane, Wakefield</td>
<td>600</td>
</tr>
<tr>
<td>(iiiia) Allotments adjoining Industrial Zones.</td>
<td>800</td>
</tr>
<tr>
<td>(iv) Allotments in St Arnaud Residential Zone not crossed by Alpine Fault (except as specified in (v)).</td>
<td>1,000</td>
</tr>
<tr>
<td>(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.</td>
<td>1,800</td>
</tr>
<tr>
<td>(vi) Allotment to be used exclusively as a site for a network utility or public work.</td>
<td>1, with no minimum diameter</td>
</tr>
<tr>
<td>(vii) Waimea Village</td>
<td>Refer Schedule 17.1D</td>
</tr>
<tr>
<td>(viii) Richmond South, Richmond West, Motueka West and Mapua development areas.</td>
<td>Refer rule 16.3.3.1 (n)(i)(a) – (d)</td>
</tr>
<tr>
<td>(ix) Richmond East Development Area south east of Hill Street.</td>
<td>600</td>
</tr>
</tbody>
</table>

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.
### Description of Land to Be Subdivided

<table>
<thead>
<tr>
<th><strong>Description of Land to Be Subdivided</strong></th>
<th><strong>Minimum Net Area (M²)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(x) Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps.</td>
<td>900</td>
</tr>
<tr>
<td>(xi) Tahi St and Iwa St Residential Coastal Zone</td>
<td>One new allotment of at least 650m² with a balance allotment of at least 650m² may be created from a certificate of title existing as at 26 February 2011</td>
</tr>
<tr>
<td>(xii) Richmond Intensive Development Area</td>
<td>Refer rule 16.3.3.1(n)(i)(a) – (d)</td>
</tr>
</tbody>
</table>

(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, Motueka West, 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.

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, Motueka West, Richmond East, Richmond Intensive or Mapua development area.

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.

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.
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.

**Stormwater**

**In the Residential Zone:**

**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**

(i) 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.

(ii) 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.

**Note:** A discharge consent may be required where new stormwater infrastructure is being created.

**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.

**Cross Boundary Effects**

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).

**Transport**

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, Motueka West, Mapua and Richmond Intensive Development Areas**

Subdivision for standard density development in the Richmond South, Richmond West, Motueka West, Mapua and Richmond Intensive development areas, as shown on the planning maps, complies with the following conditions:
16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

(i) **Allotments**

(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.

(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 where there is no average.

(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.

(ii) **Allotment Access and Road Network**

(a) All roads are constructed in accordance with the standards set out in Figure 18.8A (for Richmond South, Richmond East, Richmond Intensive, Motueka West and Mapua development areas), Figure 18.8C (for Richmond South minor roads) and Figure 18.8F (for Richmond West) and with reference to the Urban Design Guide (Part II, Appendix 2).

(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.

(d) Except for the indicative roads shown in the Richmond South and the Richmond West development areas on the planning maps:

(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;

(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.

(e) Except for roads in the Mapua Development Area and Hart/Bateup roads, Wensley/Paton roads, Hill Street and State Highway 6 in the Richmond South Development Area, and State Highway 6 and Lower Queen Street in the Richmond West Development Area, every road has a maximum block length of 200 metres and a maximum perimeter distance of 800 metres.

(f) In Motueka West Development Area, except for Pah Street, Whakarewa Street and Queen Victoria Street, every road has a maximum block length of 200 metres and a maximum perimeter length of 800 metres.

(g) The transport conditions in Schedule 16.3B are complied with.
Section 16.3 – Subdivision

Controlled Subdivision (Residential Zone — Standard Density Development)

16.3.3.1

(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.

(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.

(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.

(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.

(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.

(iii) Reserves

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:

- 70 metre wide reserve along Borck Creek from the Light Industrial Zone to the Mixed Business Zone
- 15 metre wide reserve along Poutama Drain
- 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek

(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.

(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.
Notes:

(1) The Urban Design Guide (Part II, Appendix 2) should be considered in preparing applications under this rule.

(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.

Allotment Access and Road Network – Richmond East

(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).

Sites in the Coastal Environment Area - Little Kaiteriteri

(q) For residential sites on computer register 782346 or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little Kaiteriteri, no more than 20 percent of indigenous coastal shrubland or coastal forest on a site may be cleared.

In the area shown hatched on the planning maps on computer register 782346 or its successive titles, there shall be no more than three residential allotments.

Landscape Treatment – Old Wharf Road (Motueka) and Mapua Drive

(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.

Amenity Plantings within a Boundary Setback – Richmond West Development Area

(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

(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.

(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.
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, distributor or arterial road, including:
   - the number of intersections between the frontage of any site and the nearest of those roads;
   - the driving time between any site and the nearest of those roads;
   - the walking distance between any site and an arterial or distributor road, along public roads, pedestrian ways, or footpaths through reserves.

(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.

*[Insert new matter (3A)]*

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**Proposed as at 1 November 2008**

(4) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.

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*Matter (5) is deleted (relocated and amended to become matter (18))*

*Matter (6) is deleted (relocated to become matter (19))*

**Services**

(7) 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**

(8) Any matter necessary to manage stormwater run-off, including low impact design solutions where appropriate.

(9) The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.

*[Insert new matter (9A)]*

**Open Space/Reserves**

(10) The extent and location of indicative reserves.

(11) The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse.

**Access for Earthworks**

(12) Location and effects of earthworks necessary to achieve (1) and (7).

**Natural Heritage**

(13) Potential effects on heritage protection and protected trees.
(14) Potential adverse effects on wetland values.

(15) Potential adverse effects on indigenous coastal vegetation and fauna values at Little Kaiteriteri/Stephens Bay.

(16) Except as required by condition (p) of this rule, the degree of compliance with any current Tasman District Council Engineering Standards.

Cultural Heritage

(17) 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 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, Motueka West, Mapua and Richmond Intensive Development Areas

(18) For subdivision for standard density development in the Richmond South, Richmond West, Motueka West, Mapua and Richmond Intensive development areas, control over the following matters apply:

(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.

(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.

**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.

**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 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.
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.

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 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.

(22) Financial contributions.

(23) All matters referred to in Section 220 of the Act.

(24) Bonds and covenants.

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

(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 and 16.2C.

Services, Existing Buildings, Heritage Site or Item Present, Cultural Heritage Sites, Protected Trees, Stormwater and Transport

(d) The subdivision meets the controlled conditions 16.3.3.1(i), (l), (m) to (mf).

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.

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.

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
Chapter 16 – General Rules

16.3.3.2A Restricted Discretionary Subdivision (Residential Zone - Standard Density Development)

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.

(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 and Richmond Intensive Development Areas

(c) Land to be subdivided for standard density development in the Richmond South, Richmond West 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:

Minimum Allotment Size

(i) The minimum net area for each allotment is 350 square metres.

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)(m), (n)(iii) and (n)(iv).

(iii) Except in the Richmond Intensive Development Area, the subdivision meets condition 16.3.3.1(n)(ii)(b).

Amenity Plantings within a Boundary Setback – Richmond West Development Area

(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.
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.

Tahi and Iwa Streets, Mapua

(e) The subject land is not in the Residential Coastal Zone at Tahi Street or Iwa Street, Mapua.

Comprehensive Development

(f) The subdivision is not part of a Comprehensive Development.

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.

Non-Notification

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

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 condition:

(a) The subdivision meets controlled conditions 16.3.3.1(i), (l), (m) to (mb), (md) to (mf) and 16.3.3.1A (a) to (c).

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 (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.
16.3.3.3 Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)

Subdivision for compact density development in the Residential Zone is a restricted discretionary activity, if it complies with the following conditions:

Compact Density Development in Richmond, Mapua and Motueka

(a) Land to be subdivided for compact density development in the Richmond South, Richmond West, 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) Land Requirements

(a) The subject land comprises (either in one or more existing titles) at least 1500 square metres in the Richmond South, Richmond West and Mapua Special development areas and the Motueka West Compact Density Residential Area.

(ii) Allotments

Allotment Area

(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.

Allotment Layout

(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.

Note: 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.

Allotment Frontage

(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) Allotment Access and Road Network

(a) All roads are constructed in accordance with the standards set out in Figure 18.8A (for Richmond South, Richmond East, Motueka West and Mapua development areas), Figure 18.8C (for Richmond South minor roads) and Figure 18.8F (for Richmond West) and with reference to the Urban Design Guide (Part II, Appendix 2).

(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.
(d) Except for the indicative roads shown in the Richmond South and Richmond West development areas on the planning maps:

(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.

(e) Except for Hart/Bateup Roads, Wensley/Paton Roads, Hill Street and State Highway 6 in the Richmond South Development Area, and State Highway 6 and Lower Queen Street in the Richmond West Development Area, every road has a maximum block length of 200 metres and a maximum perimeter distance of 800 metres.

(ea) Except for Pah Street, Whakarewa Street and Queen Victoria Street in Motueka West Development Area, every road has a maximum block length of 200 metres and a maximum perimeter length of 800 metres.

(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.

(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.

(iv) Reserves

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:

- 70 metre wide reserve along Borck Creek from Light Industrial Zone to the Mixed Business Zone;
- 15 metre wide reserve along Poutama Drain;
- 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;

(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.

(v) 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 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.
**Amenity Plantings within a Boundary Setback – Richmond West Development Area**

(b) The subdivision meets condition (d) of rule 16.3.3.2A.

**Stormwater**

(f) 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.

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.

**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:

**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**

(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.

Traffic (streets, access, parking, manoeuvering, 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.

(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.

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.

(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.
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.

(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)

(31) Consistency with the Urban Design Guide (Part II, Appendix 2).

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.

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.

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.

### 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.

(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, Motueka West, Mapua and Mapua Special Development Areas**

(b) Subdivision in the Richmond South, Richmond West, 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 is a discretionary activity, if it complies with the following conditions:

**EITHER**

(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.

**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), (a)(iv) and (a)(v).

**Richmond Intensive Development Area**

(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**

(c) Subdivision is not in the Mapua Residential Coastal Zone at Tahi Street or Iwa Street, Mapua.
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:

(1) The degree of compliance with the applicable conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.2, 16.3.3.2A, 16.3.3.2B and 16.3.3.3.

(2) The reasons for non-compliance with the conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.2, 16.3.3.2A, 16.3.3.2B and 16.3.3.3 that have not been met.

(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).

Council may also consider any other relevant matter in the Plan or the Act.

Non-Notification

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)

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, 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.

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

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.

16.3.3.9 Prohibited Subdivision (Residential Coastal Zone at Tahi or Iwa Street, Mapua)

Except as provided for in rule 16.3.3.1, subdivision in the Residential Coastal Zone at Tahi Street or Iwa Street at Mapua is a prohibited activity for which no resource consent will be granted.

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16.3.3.9 Prohibited Subdivision (Residential Coastal Zone at Tahi or Iwa Street, Mapua)

15 December 2018
### 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:

**Location**

(a) 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).

**Electricity Transmission Corridor**

(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

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Net Area (M²)</th>
<th>Minimum Diameter of Circle in Net Area of Allotment (M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Business and Commercial Zones</td>
<td>200</td>
<td>8</td>
</tr>
<tr>
<td>Mixed Business Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Activities other than retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Activities other than retail on Lot 1 DP 10599 (Alliance Land)</td>
<td>1000</td>
<td>20</td>
</tr>
<tr>
<td>- Retail activities (including Retail Frontage®)</td>
<td>750</td>
<td>20</td>
</tr>
<tr>
<td>- 1250</td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>Light Industrial Zone: Richmond West, Motueka West and Mapua Development Areas</td>
<td>750</td>
<td>15</td>
</tr>
<tr>
<td>Tourist Services Zone</td>
<td>2,000</td>
<td>15</td>
</tr>
<tr>
<td>Heavy Industrial/Rural Industrial Zones</td>
<td>1,000</td>
<td>15</td>
</tr>
<tr>
<td>Light Industrial Zone</td>
<td>500</td>
<td>15</td>
</tr>
<tr>
<td>All zones listed above – allotment to be used exclusively as a site for a network utility or public work</td>
<td>1</td>
<td>—</td>
</tr>
</tbody>
</table>

**Footnote:**

① Richmond West Development Area.
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

(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.

(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 Lot 1 DP 13405) 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.

(ia) No allotment created after 27 April 2013 gains direct access from Queen Victoria Street.

(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.

Transport – Mapua Development Area

(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:

(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;

(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.

**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.

**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**

(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.
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(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.

(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.

(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

(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.

(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.

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:

(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) 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.

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.

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 Lot 1 DP 13405 (Tasman District Council) 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.
A consent notice is to be registered on the certificate of title for any allotment for which a building platform is required by this condition, pursuant to Section 221 of the Act.

**Filling of Allotments**

(zz) 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 in accordance with condition 16.2.2.1(s).

**Stormwater**

(zc) In the Central Business, Commercial, Mixed Business and Tourist Services zones, and in the Heavy, Light and Rural Industrial zones:

(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.

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

(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) 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.

**Note:** A discharge consent may be required where new stormwater infrastructure is being created.
Cultural Heritage Sites

(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, distributer 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.

(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.

(8) Financial contributions.

(9) All matters referred to in Section 220 of the Act.
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(12) Effective stormwater management, including the use of Low Impact Design solutions.

Amenity Plantings - Richmond West and Motueka West Development Areas

(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.

(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.

Cultural Heritage

(23) 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 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;
16.3.4.2 Restricted Discretionary Subdivision (Business and Industrial Zones – Richmond West Development Area)

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)

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)

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. **Protection for flood flow paths during a 1 percent Annual Exceedance Probability event;**
2. **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**
3. **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)

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:

1. **It does not create any additional allotments on which a dwelling can be built.**
2. **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)

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:

1. **The land being subdivided does not create any additional allotments on which a building can be built.**
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)

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.
Subdivision in the Rural 1 and Rural 1 Coastal zones is a controlled activity, if it complies with the following conditions:

### Area

(a) Except as provided by conditions (aa), (b), (c) 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.

(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.

(b) The minimum area of allotments created by subdivision on Lot 7, DP16467 is 1.5 hectares and the land is subdivided in a way that results in no more than two allotments.

(c) The minimum area of allotments created by subdivision on Lot 1, DP 12203 in Golden Hills Road is 4 hectares, and the land is subdivided in a way that results in no more than seven allotments.

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(ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone.

### 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

(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

(e) 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.
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

(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, except as provided for in condition 16.2.2.1(a)(i) in relation to the annotated land shown on the planning maps at Ruby Bay or unless the subdivision is for a single allotment for a network utility.

Special Requirement

(j) On Lot 1, DP 12203 in Golden Hills Road any subdivision provides that:

(i) the two central water retention dams are contained within an allotment that also contains the existing dwelling and are not severed from that allotment; and

(ii) the water storage capacity of the dams is not less than that existing on 1 July 2001.

Reserves

(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.
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.

Building Platform Levels

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

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.

Electricity Transmission Corridor

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.

Cultural Heritage Sites

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.

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.
(1A) Effects on productive potential, including the effects of fragmentation of productive land.

(2) Low impact design principles and methods.

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(3) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.

(4) Availability and provision of services, including road access, water supply and wastewater and stormwater systems.

(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.

(4AA) Effects on the road network.

(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.

(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) On Lot 1, DP 12203 in Golden Hills Road, retention of existing trees, and future landscaping and planting.

(9) Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage.

(10) The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.

(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.

(13) Financial contributions.

(14) All matters referred to in Section 220 of the Act.
Except as required by condition (i), the degree of compliance with any current Tasman District Council Engineering Standards.

Effective stormwater management, including the use of Low Impact Design solutions.

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 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.

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.
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.

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

(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.

(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.
16.3.5.4 Discretionary Subdivision (Rural 1 Zone – Ruby Bay Site)

Subdivision in the Rural 1 Zone that does not comply with controlled condition (b) of rule 16.3.5.1 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.

16.3.5.4A Discretionary Subdivision (Rural 1 Zone)

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.

(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 (Lot 1, DP 12203 in Golden Hills Road or at Mapua) or Rural 1 Coastal 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.

16.3.5.5A Non-Complying Subdivision

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 rule 16.3.5.5, subdivision of any allotment created under rule 16.3.5.1(a), (b) or (c) from former Lot 1 DP 12203 in Golden Hills Road, in the Rural 1 Closed Zone at Mapua or the Rural 1 Coastal Zone, is a prohibited activity for which no resource consent will be granted.
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 conditions (aa) or (b), 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.

(b) There is no minimum allotment area for subdivision within the part of Section 63 SO11662 CT NL 11B/158 off Pupu Valley Road shown on the planning maps, and the land is subdivided in a way that results in no more than nine allotments together with a single allotment to be used exclusively for access and a single allotment to be used exclusively as a site for a network utility or public work.

**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.

**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.
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].

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;

(iv) 10 metre wide reserve on Lot 1 DP 13405.

(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.

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

(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

(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:

(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.

(2) Low impact design principles and methods.

(3) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.

(4) Availability and provision of services, including road access, water supply and wastewater and stormwater systems.

(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.
### Proposed as at 1 November 2008

14. Except as required by condition (f), the degree of compliance with any current Tasman District Council Engineering Standards.

### Effective stormwater management, including the use of Low Impact Design solutions.

15. 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 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)

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)

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.

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.
**16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)**

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

(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.

(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.

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**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.

**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.

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**16.3.6.4A Discretionary Subdivision (Rural 2 Zone – Cooperative Living)**

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 (part of Section SO11662 CT NL 11B/158 as shown on the planning maps, off Pupu Valley Road) is a discretionary activity if:

(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**

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)**

(a) Except as provided for in rule 16.3.6.5, subdivision of an allotment created under rule 16.3.6.1(b) from the former part of Section 63 SO11662 CT NL 11B/158 off Pupu Valley Road shown on the planning maps, is a prohibited activity for which no resource consent will be granted.

(b) Subdivision of Lot 6 DP 13299 at Tophouse, as shown on the planning maps, is a prohibited activity for which no resource consent will be granted.
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.

(b) The minimum area of allotments created by subdivisions on those parts of CT 8B/1025, CT 8B/1026 and CT 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.

**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.
Transport

(h) The subdivision complies with the transport conditions in Schedule 16.3B, except as provided for in rule 16.2.2.1(b) in relation to the annotated land shown on the planning maps at Ruby Bay, 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 CT 8B/1025 and CT 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

(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

(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.

*Proposed as at 1 November 2008*

(3) The relationship of any new road with existing roads, adjoining land and any future roading requirements.

(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.

(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.

(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.

*Proposed as at 1 November 2008*

(13) Except as required by condition (h), the degree of compliance with any current Tasman District Council Engineering Standards.

(14) 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 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)

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:
   1. any matters raised in a report prepared in accordance with requirement 19.2.2.41;
   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 subdivision during construction;
   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.

16.3.7.3 Restricted Discretionary Subdivision (Rural 3 Zone)

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:

1. Every allotment in which any building is intended to be located has a building location area shown.
2. The subject land has not been the subject of a subdivision consent granted after 20 December 2003.
3. The subject land is not CT 8B/1025, CT 8B/1026 or CT 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.
5. The interim provision of water supply for the land to be subdivided pending the availability of Council-provided reticulated services.
(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.

**Proposed as at 1 November 2008**

| (13) | The degree of compliance with section 16.2 [Transport Rules], section 18.8 [Road Area Rules], and any current Tasman District Council Engineering Standards. |
| (14) | The relationship of any new road with existing roads, adjoining land, and any future roading requirements. |

| ([9A] Proposed) | Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act. |
| ([9B] Proposed) | Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision. |

(15) Actual and potential cross-boundary effects, including the potential impact that complaints from new residential activities can have on existing productive activities.

(16) 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 certificate 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) [16.3.10 Proposed]

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]

<table>
<thead>
<tr>
<th>LOCATION IN RURAL RESIDENTIAL ZONE</th>
<th>MINIMUM NET AREA</th>
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<tbody>
<tr>
<td>Allotments in:</td>
<td></td>
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<tr>
<td>George Kidd Street</td>
<td></td>
</tr>
<tr>
<td>Champion Road &amp; Hill Street North</td>
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<tr>
<td>Hill Street South annotated area,</td>
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</tr>
<tr>
<td>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.</td>
<td>2,000 m²</td>
</tr>
<tr>
<td>Pinhill Heights, Ruby Bay</td>
<td></td>
</tr>
<tr>
<td>Ligar Bay South</td>
<td></td>
</tr>
<tr>
<td>Collingwood</td>
<td></td>
</tr>
<tr>
<td>Central Takaka</td>
<td></td>
</tr>
<tr>
<td>Allotments in other areas with reticulated wastewater servicing or where wastewater servicing is required to be provided, as follows:</td>
<td>2,500 m²</td>
</tr>
<tr>
<td>Pinehill Heights, Ruby Bay</td>
<td></td>
</tr>
<tr>
<td>Pohara Valley Road</td>
<td></td>
</tr>
<tr>
<td>Korepo Road, Ruby Bay</td>
<td></td>
</tr>
<tr>
<td>Ligar Bay South</td>
<td></td>
</tr>
<tr>
<td>Collingwood</td>
<td></td>
</tr>
<tr>
<td>Central Takaka</td>
<td></td>
</tr>
<tr>
<td>Allotments at Motueka with reticulated wastewater servicing.</td>
<td>3,000 m²</td>
</tr>
<tr>
<td>Allotments at Milnthorpe without reticulated wastewater servicing.</td>
<td></td>
</tr>
<tr>
<td>Allotments without reticulated wastewater servicing at:</td>
<td></td>
</tr>
<tr>
<td>Puponga</td>
<td>Tukurua/Parapara</td>
</tr>
<tr>
<td>Mackay Pass Road, Bainham</td>
<td>Upper Moutere</td>
</tr>
<tr>
<td>Eliot Creek, Aorere Valley</td>
<td></td>
</tr>
<tr>
<td>Allotments without reticulated wastewater servicing at:</td>
<td></td>
</tr>
<tr>
<td>Kina</td>
<td>Craigieburn Road, West Takaka</td>
</tr>
<tr>
<td>Redwood Valley</td>
<td>Upper Haile Lane, Pohara</td>
</tr>
<tr>
<td>Ligar Bay North</td>
<td>Parapara Valley</td>
</tr>
<tr>
<td>Patons Rock</td>
<td>Rocklands Road North, Clifton</td>
</tr>
<tr>
<td>Mapua (including Seaton Valley Road) and Waimea Inlet</td>
<td></td>
</tr>
<tr>
<td>Allotments in all other parts of the Rural Residential Zone without reticulated wastewater servicing, as follows:</td>
<td></td>
</tr>
<tr>
<td>Eighty Eight Valley</td>
<td>Alpine Meadows</td>
</tr>
<tr>
<td>Hill Street South, Richmond</td>
<td>Tophouse Road Extension</td>
</tr>
<tr>
<td>Haycock Road, Richmond</td>
<td>Onekaka</td>
</tr>
<tr>
<td>Kina Triangle</td>
<td>Bay Vista Drive, Pohara</td>
</tr>
<tr>
<td>Permin Road Spot Zone</td>
<td>Riwaka-Kaiteriteri Road, Kaiteriteri (Deferred)</td>
</tr>
<tr>
<td>Pangatotara</td>
<td>Old Coach Road, Mariri (Deferred)</td>
</tr>
<tr>
<td>Allotments without reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred</td>
<td>5,000 m²</td>
</tr>
<tr>
<td>Allotments with reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred</td>
<td>1,500 m²</td>
</tr>
<tr>
<td>Allotments at Tata Headland North and Upper Ligar Bay. Allotments without reticulated wastewater servicing in Permin Road (excluding Permin Road Spot Zone).</td>
<td>1 ha</td>
</tr>
<tr>
<td>Allotments to be used exclusively as a site for a network utility or public work.</td>
<td>1 m²</td>
</tr>
</tbody>
</table>
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.

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].

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:

(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).
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.

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:

(i) capable of containing a 20 metre by 20 metre building location area outside the minimum root protection zone; or

(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

(iii) to vest as local purpose reserve for recreation.

Cultural Heritage Sites

(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.

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, distributor or arterial road.

(3A) Effects on the road network.

(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.
Operative

Chapter 16 – General Rules

15 June 2019

Controlled Subdivision (Rural Residential Zone)

16.3.8.1

Controlled Subdivision (Rural Residential Zone)

16/106

Tasman Resource Management Plan

Proposed as at 1 November 2008

(5) The relationship of any new road with existing roads, adjoining land and any future roading requirements.

(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.

(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.

(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.

Proposed as at 1 November 2008

(14) Except as required by condition (f), the degree of compliance with any current Tasman District Council Engineering Standards.

(15) Effective stormwater management, including the use of Low Impact Design solutions.

(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:

(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.

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.

16.3.8.3 Restricted Discretionary Subdivision (Rural Residential Zone – Specified Location)

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:
Restricted Discretionary Subdivision (Rural Residential Zone – Specified Locations)

(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.

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.

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.
Actual and potential cumulative adverse effects.

Proposed as at 1 November 2008

(10) The degree of compliance with section 16.2 [Transport Rules], section 18.8 [Road Area Rules], and any current Tasman District Council Engineering Standards.

Proposed as at 1 November 2008

(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)

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)

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 co-operative 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.
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.

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.

Except as provided for in rule 16.3.8.6:

(a) Subdivision in the Rural Residential Closed Zone in Whanganui Inlet, Rangihiaeta, 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.

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.

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.

**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.

**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.

**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.

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.
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.

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.

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.

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.

**Richmond Intensive Development Area**

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

The Richmond West and Richmond East development areas are traversed by high voltage transmission lines which are important elements of the National Grid 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

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.

Motueka West Development Area

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.

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.

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.

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.

**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 defferment 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**

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.

**Cultural Heritage Sites**

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.

**Filing 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.

**Land Subdivision in relation to Dams**

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.
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.

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.

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.

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:

(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:

(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.

(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.

(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.

[Insert new clause (28)(ix)]

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:

(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 provisions of the current Tasman District Council District Engineering Standards, or the ability to achieve acceptable standards by alternative means.

(36) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road, including:

(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 distributor road, along public roads, pedestrian ways or footpaths through reserves.

**Proposed as at 1 November 2008**

(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.

(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 section 18.8 rules for that particular class of road.

(39) The ability to comply with the site access and vehicle crossing requirements of rule 16.2.2.1.

(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 way.

(42) The adequacy of road layout, including road access to adjoining land.

(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.
The necessity for, and appropriateness of, sealing rural collector and access roads.

Provision for the vesting of road reserves for the purpose of facilitating connections to future road extensions to serve surrounding land.

The necessity for, and appropriateness of, the provision of footpaths and kerb drains on rural roads.

Lighting

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*.

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

The effects of road safety where prescribed safe stopping distances and minimum sight distances are not provided.

Frontage to Unformed Legal Roads

The appropriateness and cost effectiveness of the formation of the road.

The need for improvements to intersections.

The need for and extent of any financial contributions towards the road formation.

Additional Matters for Land in a Significant Natural Area

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

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.
Schedule 16.3B: Transport Conditions

Refer to rules 16.3.3.1, 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 for the relevant Road Class in the Road Hierarchy shown on the planning maps.

(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 the conditions specified in section 16.2.

(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:
   (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.

(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.

(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 for the level of the existing road in the Road Hierarchy.
(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.

(i) In the Rural 3 Zone and in the Services Contribution Area, 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.

(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.**

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, 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.

<table>
<thead>
<tr>
<th>SERVICE</th>
<th>STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater</td>
<td>The land to be subdivided is connected to a Council stormwater drain (including any stream that has been modified to function as a stormwater drain) that is capable of receiving additional stormwater because of the subdivision.</td>
</tr>
<tr>
<td></td>
<td>OR</td>
</tr>
<tr>
<td></td>
<td>The discharge complies with 36.4 of this Plan.</td>
</tr>
<tr>
<td></td>
<td>AND</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>(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;</td>
</tr>
<tr>
<td></td>
<td>(b) the flood flow path surface is constructed or treated to prevent erosion of the surface.</td>
</tr>
<tr>
<td>Wastewater</td>
<td>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.</td>
</tr>
<tr>
<td>Water Supply</td>
<td>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.</td>
</tr>
<tr>
<td>Electricity</td>
<td>The land to be subdivided is provided with electric power, appropriate to the circumstances.</td>
</tr>
<tr>
<td>Telephone</td>
<td>The land to be subdivided is provided with a telephone system, appropriate to the circumstances.</td>
</tr>
</tbody>
</table>

**Note:** Schedule 16.3A contains an assessment criterion that refers to this table.
**16.4 ESPLANADE RESERVES, STRIPS AND ACCESS STRIPS**


### 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 is 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
• 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).
Operative Section 16.4 – Esplanade Reserves, Strips and Access Strips

16.4.2.2 Restricted Discretionary Subdivision (Esplanade Reserves, Strips and Access Strips on Subdivision — Allotments 4 Hectares or More)

- 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 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 an 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

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

<table>
<thead>
<tr>
<th>Component</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Network (except as required in the following line)</td>
<td>$7,950</td>
</tr>
<tr>
<td>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</td>
<td>$12,400</td>
</tr>
<tr>
<td>Water Supply</td>
<td>$9,110</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>Nil</td>
</tr>
<tr>
<td>Reserves and Community Services</td>
<td>5.62% of value (see rule 16.5.2.4)</td>
</tr>
</tbody>
</table>

Notes:
(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) “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.
16.5.2.3 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.
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.

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.

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 certificate 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 certificate 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 x 0) + (150,000 x 0.51%) + (50,000 x 0.25%) = $890.

Figure 16.5C: Financial Contribution - Building

<table>
<thead>
<tr>
<th>Component</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Consent ($0 to $50,000 value)</td>
<td>0%</td>
</tr>
<tr>
<td>Building Consent ($50,001 to $200,000 value)</td>
<td>0.51%</td>
</tr>
<tr>
<td>Building Consent (above $200,001 value)</td>
<td>0.25%</td>
</tr>
</tbody>
</table>

Notes:
(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 certificate 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.
(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.

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.

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.

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.
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 can not 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.