

## Tasman Resource Management Plan

### PROPOSED PLAN CHANGE NO. 73

### Omnibus 2 Amendments

# Explanatory Statement and Schedule of Decision Amendments

The Tasman Resource Management Plan is amended in accordance with the attached annotated portions of the Plan and revised maps

**NOTE:**

- **Red underlined text denotes proposed new text inserted, deleted or amended.**
- **Green highlighted text denotes decision amendments (underlined text for new and strikethrough for deleted)**

**Decisions Notified: 16 April 2022**



# Explanatory Statement

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The purpose of this Plan Change – **PC 73 Omnibus 2 Amendments** – is to carry out a number of changes to the items in the table below. These items are all contained within the Tasman Resource Management Plan (TRMP). The changes are included within a single plan change process for administrative efficiency.

Changes 73.1 – 73.11 are minor amendments to correct errors or anomalies, or simple adjustments to improve clarity of interpretation or implementation. Others relate to removing redundant items from the TRMP where these are no longer required.

Changes 73.12 – 73.25 are changes to rules which result in different permitted activity allowances for various activities. These typically reflect experiences of TDC staff and external applicants where current rules result in unnecessary resource consent processes. The changes relate to minor activities that can be adequately managed through permitted activity standards. Other items relate to zone updates, the removal of unnecessary rules, extension of rules where these are inconsistently applied across the district and adjusting the locations of some mapped Plan items.

Changes 73.26 – 73.31 are changes to site specific rules applying to defined properties which are now redundant due to subdivision being undertaken, or legal property references changing over time. In some cases, ancillary related changes are also proposed.

Further explanation and justification for the changes can be found in the accompanying s.32 report for this Plan Change. The scope of the Plan Change is limited to those provisions proposed or amended within the Section 32 Evaluation Report and set out in the notified Schedule of Amendments.

# Plan Change Topics

The following table sets out the plan change topics which are included within Plan Change 73 – Omnibus 2 Amendments:

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# Schedule of Amendments

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## Plan Change Topic 73.1: Extent of activities excluded from the Residential Zone

### Explanatory Statement (not part of Plan Change text)

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The changes are to move the list of activities excluded from being carried out as part of normal residential use of a site in the Residential Zone, into the home occupation rules section (17.1.2.2). This change reinforces the control of these items as home occupations but enables them to be carried out as part of a residential use of a site, subject to other existing amenity controls in the TRMP.

### Plan Change Text

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## CHAPTER 17: ZONE RULES

### 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.1.2 Land Use

##### 17.1.2.1 Permitted Activities (Land Use - General)

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

##### Particular Activities

- (a) The activity is not one of the following:
- (i) an activity that emits odour causing a nuisance beyond the site boundary;
  - (ii) intensive livestock farming or commercial boarding or breeding of animals;
  - (iii) an industrial or commercial activity, except:
    - as allowed as a home occupation; or
    - as provided for in rule 16.6.2.1(o);
  - ~~(iv) spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing;~~

*[Unchanged or irrelevant text omitted]*

##### 17.1.2.2 Permitted Activities (Home Occupations)

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

*[Unchanged or irrelevant text omitted]*

(da) The activity does not involve spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing.

*[Unchanged or irrelevant text omitted]*

#### **17.1.2.4 Restricted Discretionary Activities (Home Occupations)**

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

*[Unchanged or irrelevant text omitted]*

**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:

*[Unchanged or irrelevant text omitted]*

##### **General Adverse Effects**

(4) Adverse effects of the home occupation in terms of noise, odour, dust, visual impact, vibration, glare, loss of privacy, traffic and parking congestion.

*[Unchanged or irrelevant text omitted]*

#### **17.1.20 Principal Reasons for Rules**

*[Unchanged or irrelevant text omitted]*

##### **Home Occupations**

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

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.2: Inconsistent setbacks in the Golden Edge Rural Industrial Zone

## Explanatory Statement (not part of Plan Change text)

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The changes are to rules relating to the Golden Edge Industrial Zone to correct outdated legal reference to a site, and to clarify where the 15m and 30m setbacks from Mean High Water Springs apply.

## Plan Change Text

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### CHAPTER 17: ZONE RULES

#### 17.12 RURAL INDUSTRIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.12.2 Land Use

##### 17.12.2.1 Permitted Activities (Land Use)

Any land use is a permitted activity, except where specified in rule 17.12.2.3A, that may be undertaken without a resource consent, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

- (p) The building is set back at least 10 metres from all site boundaries, including existing and proposed legal road frontages; except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;

*(Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements)*

except also that in the following locations, the stated setbacks apply:

*[Unchanged or irrelevant text omitted]*

- (iv) Not less than 15 metres from mean high water springs on Record of Title 7254638 ~~with~~in the Golden Edge Rural Industrial Zone (520 Lower Queen Street).

*[Unchanged or irrelevant text omitted]*

## CHAPTER 18: SPECIAL AREA RULES

### 18.11 COASTAL ENVIRONMENT AREA

*[Unchanged or irrelevant text omitted]*

#### 18.11.3 Building Construction or Alteration

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

Construction of or extension to a building that does not comply with the conditions of rule 18.11.2.1 is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

- (d) On Lot 1 DP 7781 in the Rural Industrial Zone (750 Lower Queen Street), the building is set back at least 10 metres from Neiman's Creek, and on ~~Lot 1 DP 18146~~ Record of Title 7254638 in the Golden Edge Rural Industrial Zone (520 Lower Queen Street), the building is set back at least 15 metres from mean high water springs.

*[Unchanged or irrelevant text omitted]*



# Plan Change Topic 73.3: Setback rule provisions for accessory buildings, including carports, in the Residential Zone

## Explanatory Statement (not part of Plan Change text)

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The changes are to rules relating to accessory building setbacks in the Residential Zone. This is to clarify how the rules apply to multiple accessory buildings along a single boundary. It also ensures that carports are clearly managed within this rule framework.

## Plan Change Text

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### CHAPTER 17: ZONE RULES

#### 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.1.3 Building Construction or Alteration

##### 17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

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

*[Unchanged or irrelevant text omitted]*

- (t) Accessory buildings are set back at least 1.5 metres from side and rear boundaries, but less than 1.5 metres if all of the following apply:
  - (i) where any accessory building has a the wall of the building adjacent to the boundary, that wall contains no windows;
  - (ii) any accessory buildings adjacent to the an individual boundary does not exceed a cumulative total of 7.2 metres in length or 50 percent of the length of the boundary, whichever is the lesser;
  - (iii) stormwater is contained within the site.

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.4: Protected Tree Schedule – Additions, Removals and Edits

## Explanatory Statement (not part of Plan Change text)

The Plan Change seeks to add and remove trees to the schedule of protected trees in the TRMP. The additions are trees nominated by landowners and assessed as meeting the required standard for tree protection. The trees to be removed have also been assessed and no longer meet the requirements for tree protection. Other trees listed are edited where the information, such as tree name or location, has been found to be incorrect.

The changes are set out in the tables below and involve updates to TRMP Schedule 16.13B and the associated planning maps.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### Schedule 16.13B: Protected Trees

*[Unchanged or irrelevant text omitted in this schedule]*

#### Trees to remove

PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
<del>T4</del>	<del>C</del>	<del>Metrosideros robusta</del>	1 km from end of McShane Road on right, Wainui Bay	1871004403	10
<del>T5</del>	<del>B</del>	<del>Dacrycarpus dacrydioides</del>			
<del>T19</del>	<del>C</del>	<del>Metrosideros umbellata (5)</del>	Abel Tasman Drive, past Takapou on roadside, Wainui	Road Reserve	78
<del>T20</del>	<del>B</del>	<del>Dacrycarpus dacrydioides (1)</del>			
<del>T21</del>	<del>C</del>	<del>Leptospermum ericoides (1)</del>			
<del>T30</del>	<del>B</del>	<del>Castanea species</del>	Abel Tasman Drive, Takapou Village, Wainui Bay	1871005911	78
<del>T31</del>	<del>B</del>	<del>Buxus sempervirens (2)</del>		1871005900	
<del>T32</del>	<del>C</del>	<del>Jacaranda mimosifolia</del>		1871005910	
<del>T33</del>	<del>C</del>	<del>Juglans regia</del>		<del>1871005908</del>	
<del>T57</del>	<del>B</del>	<del>Metasequoia glyptostroboides</del>	83 Motupipi Street, Takaka	1874008503	112
<del>T58</del>	<del>C</del>	<del>Metasequoia glyptostroboides</del>			
<del>T59</del>	<del>B</del>	<del>Cupressus torulosa</del>			
<del>T71</del>	<del>C</del>	<del>Metrosideros umbellata</del>	<del>176 Commercial Street, Takaka</del>	<del>1874010300</del>	<del>112</del>
<del>T77</del>	<del>B</del>	<del>Populus deltoides</del>	<del>DOC Reserve, Paynes Ford</del>	<del>1871040304</del>	<del>50</del>
<del>T124</del>	<del>B</del>	<del>Elaeocarpus dentatus</del>	<del>Parapara peninsula historic reserve, Bishop Rd, Parapara</del>	<del>1862044812</del>	<del>73</del>
<del>T127</del>	<del>B</del>	<del>Metrosideros robusta</del>	<del>11 Haven Road, Collingwood</del>	<del>1862010500</del>	<del>72</del>
<del>T142</del>	<del>C</del>	<del>Quercus rubra</del>	<del>Collingwood-Bainham Main Rd, Rockville, M25-787529</del>	<del>1862021100</del>	<del>4</del>
<del>T157</del>	<del>B</del>	<del>Corynocarpus laevigatus</del>	<del>Pupu Springs Road</del>	<del>Road Reserve</del>	
<del>T168</del>	<del>C</del>	<del>Acer palmatum</del>	<del>388 Abel Tasman Drive, near Motupipi Butcher Shop, N26-972390</del>	<del>1871028400</del>	<del>76</del>
<del>T169</del>	<del>C</del>	<del>Schinus molle</del>	<del>387 Abel Tasman Drive, Takaka</del>	<del>1871026902</del>	<del>76</del>
<del>T321</del>	<del>C</del>	<del>Podocarpus totara</del>	<del>328 High Street</del>	<del>1956035900</del>	116
<del>T323</del>	<del>B</del>	<del>Aesculus hippocastanum</del>	<del>318 High Street</del>	<del>1956035901</del>	
<del>T497</del>	<del>C</del>	<del>Acer palmatum</del>	<del>6 Saxon Street, Motueka</del>	<del>1955007800</del>	<del>116</del>

### Trees to edit

PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
T125	B	Metrosideros umbellata	End of Gibbs Road beside walkway down to town <u>and 24 Gibbs Road, Collingwood and legal road</u>	Road Reserve	72
T230	B	Totara, <u>Rimu, Kahikatea, Birch</u> , Phoenix palm	494 Main Road, Riwaka, near butcher shop	1933029100	84
T363	C	<u>Eucalyptus Corymbia</u> ficifolia	423 High Street	1955033300	119
T500	<u>CB</u>	Quercus coccinea	Central Road, Lower Moutere	1928035000	18
T849	C	Magnolia <u>x</u> soulangeana	Fern Flat, Murchison	1915002000	33

### Trees to add

PROTECTED TREES					
Tree ID	Category	Species	Property Location	Valuation No.	Area Map No.
<u>T859</u>	B	<u>Quercus robu</u>	<u>110 Abel Tasman Drive</u>	<u>1871035300</u>	<u>113</u>
<u>T860</u>	A	<u>Sequoia sempervirens</u>	<u>395 Main Road, Lower Moutere</u>	<u>1928033500</u>	<u>19</u>

## Planning Maps

Amend Area maps noted in table above showing trees added or removed.

Refer Appendix 2

# Plan Change Topic 73.5: Omission of a pole height rule in the Mixed Business Zone

## Explanatory Statement (not part of Plan Change text)

This proposed change is to introduce a specific rule relating to the height, diameter and setback requirements for 'slimline, self-supporting masts and poles' when located within the Mixed Business Zone. This applies to rule 16.6.2.1(j).

## Plan Change Text

### CHAPTER 16: GENERAL RULES

*[Unchanged or irrelevant text omitted]*

#### 16.6 NETWORK UTILITIES AND PUBLIC WORKS

*[Unchanged or irrelevant text omitted]*

#### 16.6.2 Network Utilities and Public Works

#### 16.6.2.1 Permitted Activities (Network Utilities and Public Works)

Any upgrading of an existing facility or construction of a new facility for any network utility or public work, or any change in activity within an existing facility, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

- (j) Any freestanding tower, mast, pole, line, aerial, antenna and attached infrastructure does not exceed a height of 10 metres (excluding the antenna and attached infrastructure) and a diameter of 1 metre. Infrastructure (such as antenna, shrouds, lights or other equipment) attached to a freestanding tower, mast or pole, does not exceed a horizontal or vertical cross-sectional area of 4 square metres measured around a notional outline of the external parts of the infrastructure, except for the following:
- (i) This condition does not apply to the upgrading of existing overhead lines as provided for in the Plan's definition of upgrading.
  - (ii) In the Industrial zones and the Rural Industrial Zone, the zone height applies, except that for slimline, self-supporting masts or poles and attached infrastructure, the following provisions apply:

Zone	Maximum Height	Maximum Diameter	Minimum Setback from any Zone Boundary
Industrial	20m	1m	3m
Rural Industrial	25m	1m	3m

- (iii) In the Rural 1, Rural 2, **Mixed Business** and Central Business zones, slimline, self-supporting masts or poles may exceed the maximum height of 10 metres if they comply with the following:

<b>Zone</b>	<b>Maximum Height</b>	<b>Maximum Diameter</b>	<b>Minimum Separation Distance from a Dwelling</b>	<b>Minimum Setback from a Residential Zone Boundary</b>
Rural 1	25m	1m	10m	3m
Rural 2	25m	1m	10m	3m
				Minimum Setback from any Zone Boundary
Central Business	20m	450mm	—	3m
<u>Mixed Business</u>	<u>20m</u>	<u>450mm</u>	<u>—</u>	<u>3m</u>

**Note:** The maximum diameter restriction for a self-supporting mast or pole only applies to that part of the mast or pole which exceeds the standard zone height. Refer to Chapter 17. (This applies to items (ii) and (iii).)

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.6: Inconsistency between Fire Ban Area and Fire Sensitive Area restrictions

## Explanatory Statement (not part of Plan Change text)

The Plan Change is to ensure that the list of activities excluded from the discharge restrictions in the Fire Ban Area are repeated in the Fire Sensitive Area. This applies to rules in section 36.3.2.3 'Discharge of Contaminants from Outdoor Burning'.

## Plan Change Text

### CHAPTER 36: RULES FOR CONTAMINANT DISCHARGES

#### 36.3 DISCHARGES TO AIR

*[Unchanged or irrelevant text omitted]*

#### 36.3.2 Permitted Activities (Discharges to Air)

*[Unchanged or irrelevant text omitted]*

#### 36.3.2.3 Discharge of Contaminants from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The discharge is not from:
- (i) any property or place in the Fire Ban Area shown on the planning maps; or
  - (ii) the foreshore of the coastal marine area;
- except** where the discharge is from:
- fireworks;
  - small fires used for food cooking purposes such as barbecues, hangis, and small camp fires that are no bigger than 1 square metre at the base;
  - candles, lamps or similar small-scale burners or tools;
  - outdoor fireplaces, including braziers or fires for ahi ka purposes;
  - celebratory fires in Open Space Zone or Recreation Zone;
  - any forge or kiln.

*[Unchanged or irrelevant text omitted]*

- (g) There is no discharge during the months of June to August (inclusive) in the Fire Sensitive Area, except where:
- (i) the presence of disease on a horticultural crop requires that plant waste be burnt to manage the risk of the disease spreading; or
  - (ii) the discharge is from ~~a kiln or forge~~ any of the exceptions listed in condition 36.3.2.3(a).

# Plan Change Topic 73.7: Inconsistency of various terms used for a road boundary

## Explanatory Statement (not part of Plan Change text)

This Plan Change relates to standardising the range of terms which are currently used for a Road Boundary within the TRMP. There is no change to the requirements of the rules themselves. Changes occur in a range of different sections where Road Boundaries are referenced within the TRMP.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.6 NETWORK UTILITIES AND PUBLIC WORKS

*[Unchanged or irrelevant text omitted]*

#### 16.6.2 Network Utilities and Public Works

##### 16.6.2.1 Permitted Activities (Network Utilities and Public Works)

Any upgrading of an existing facility or construction of a new facility for any network utility or public work, or any change in activity within an existing facility, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

##### Dish Antennae

- (m) The maximum diameter of a dish antenna in the Residential Zone is 0.76 metre if it is either:
- (i) located on the roof of a building; or
  - (ii) located between the building and the front road boundary, if it adjoins a public road.

*[Unchanged or irrelevant text omitted]*

### CHAPTER 17: ZONE RULES

#### 17.1 RESIDENTIAL ZONE RULES

#### 17.1.3 Building Construction or Alteration

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

Construction or alteration of a building on a site within an approved subdivision plan for a compact density development in the Richmond South, Richmond West and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

### Internal Boundaries

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

### Building Envelope

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

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

### Internal Boundaries

- (fa) Except as provided for in condition (fc) of this rule, all buildings are set back at least 2 metres from the **front road** boundary, and no more than 5 metres, except that:
- (i) all garages and carports are set back at least 5.5 metres from road **front**-boundaries if the vehicle entrance of the garage or carport faces the road;
  - (ii) there is at least a 4-metre setback from one side or rear boundary;
  - (iii) where there is no vehicular access to the rear of the site from a legal road or approved access, in addition to condition (fa)(ii) of this rule, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site.

### Building Envelope

- (fb) Except as provided for in condition (fc) of this rule, all buildings comply with the following requirements:
- (i) There is no **front road** boundary **building** envelope requirement.
  - (ii) For the most southern orientated side or rear boundary, the envelope is taken from a point 3 metres vertical above the boundary and then at an angle 45 degrees inwards from that point along the entire boundary.



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

(fc) All buildings at the boundary of every allotment comply with the building envelope and setback rules of permitted activity conditions 17.1.3.1 (m) to (o) and (r) to (v), under the following conditions:

- (i) where the land adjoining the boundary is not part of an intensive development subdivision; or
- (ii) where the land adjoining the boundary is not or is not being developed as an intensive development; or
- (iii) where the boundary is a ~~front road~~ boundary, all buildings are set back at least 2 metres from the ~~front road~~ boundary, and no more than 5 metres, except that all garages and carports are set back at least 5.5 metres from road ~~front~~-boundaries if the vehicle entrance of the garage or carport faces the road.

For the avoidance of doubt, this means that, except for a ~~front road~~ boundary, ~~or a boundary to a road~~, every side or rear boundary of the intensive development complies with permitted activity conditions for standard density development relating to the building envelope and building setbacks from boundaries where it adjoins land that is:

- (i) not part of an intensive development subdivision or an intensive development; or
- (ii) is being developed to a standard density within the same development proposal; or
- (iii) is a standard density development.

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

# Plan Change Topic 73.8: Sleepout provisions in Rural 3 Zone

## Explanatory Statement (not part of Plan Change text)

The Plan Change is necessary to resolve the current interpretation issue where sleepouts are specifically provided for in the TRMP as a controlled activity, however they are not excluded from being permitted activities. The change will specifically exclude this activity from being permitted and retain the existing controlled activity status.

## Plan Change Text

### CHAPTER 17: ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.7 RURAL 3 ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.7.3 Building Construction, Alteration, or Use

##### 17.7.3.1 Permitted Activities (Building Construction, Alteration, or Use)

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

*[Condition (a) deleted]*

##### Dwellings (including Sleepouts) and Workers' Accommodation

- (b) Any building that is constructed is not:
- (i) a dwelling or sleepout; or
  - (ii) part of any workers' accommodation; or
  - (iii) altered to become a dwelling or sleepout; or
  - (iv) used for the purpose of a dwelling or sleepout.

*[Unchanged or irrelevant text omitted]*

#### 17.7.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

##### Sleepouts

The number of sleepouts able to be constructed as a controlled activity on any given property is two sleepouts per principal dwelling ~~and or~~ second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.

# **Plan Change Topic 73.9: Redundant Road Area and resultant rezoning**

## **Explanatory Statement (not part of Plan Change text)**

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The area of land concerned was previously Legal Road held by Tasman District Council. The land was not required for roading purposes and therefore the legal road status on this land has been formally removed by stopping the road. This Plan Change is to remove the Road Area which currently remains on the former road, and to correct the zoning of this area to be compatible with the wider area.

## **Plan Change Text**

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No text change – map change only

## **Planning Maps**

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Refer Appendix 2.

# Plan Change Topic 73.10: Co-operative living rule status

## Explanatory Statement (not part of Plan Change text)

The Plan Change is to ensure the intent of Plan Change 60, which addressed co-operative living, is achieved in the TRMP. The current provisions unnecessarily trip this activity into a non-complying activity status whereas the intent was for the activity to be considered through a discretionary activity consent application. Other more minor corrections are also sought to rectify errors in the TRMP where they relate to co-operative living.

## Plan Change Text

### CHAPTER 17: ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.5 RURAL 1 ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.5.2 Land Use

*[Unchanged or irrelevant text omitted]*

#### 17.5.2.8A Discretionary Activities (Cooperative Living)

Cooperative living is a discretionary activity, ~~if it meets the following conditions:~~

- ~~(a) The activity meets permitted conditions (a)–(o) of rule 17.5.2.1.~~
- ~~(b) All buildings, including dwellings, meet permitted conditions (f)–(n) of rule 17.5.3.1.~~
- ~~(c) All dwellings meet the controlled conditions of rule 17.5.3.2 (d), (e), (f) and (g).~~

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

*[Unchanged or irrelevant text omitted]*

- ~~(4) The proposed legal arrangement regarding the collective ownership or use of the land and buildings.~~
- (4) The extent to which the proposed legal arrangement establishes, in an enduring manner:
  - (a) the purpose or intent of the cooperative living activity;
  - (b) how it will be managed now and in the future; and
  - (c) how the individual members will be bound by this arrangement.

*[Unchanged or irrelevant text omitted]*

### 17.5.2.9 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions of rules 17.5.2.1 to ~~17.5.2.8A~~ 17.5.2.3 is a discretionary activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

~~(e) — Where relevant, the conditions in rule 17.5.2.8A.~~

*[Unchanged or irrelevant text omitted]*

### 17.5.2.10 Non-Complying Activities (Land Use)

Any activity in the Rural 1 Zone that does not comply with the conditions of rule ~~17.5.2.8A~~ or 17.5.2.9 is a non-complying activity.

*[Unchanged or irrelevant text omitted]*

## 17.6 RURAL 2 ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.6.2 Land Use

*[Unchanged or irrelevant text omitted]*

### 17.6.2.8A Discretionary Activities (Cooperative Living)

Cooperative living is a discretionary activity ~~if it meets the following conditions:~~

~~(a) — The activity meets permitted conditions (a) — (o) of rule 17.6.2.1.~~

~~(b) — All buildings, including dwellings, meet permitted conditions (e) — (t) of rule 17.6.3.1, where applicable.~~

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

*[Unchanged or irrelevant text omitted]*

~~(4) — The proposed legal arrangement regarding the collective ownership or use of the land and buildings.~~

~~(4) — The extent to which the proposed legal arrangement establishes, in an enduring manner:~~

~~(a) — the purpose or intent of the cooperative living activity;~~

~~(b) — how it will be managed now and in the future; and~~

~~(c) — how the individual members will be bound by this arrangement.~~

*[Unchanged or irrelevant text omitted]*

### 17.6.2.9 Discretionary Activities (Land Use)

Any land use that does not comply with the conditions of rules 17.6.2.1 to ~~17.6.2.8A~~ 17.6.2.3 is a discretionary activity, if it complies with the following conditions:

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

~~(b) Where relevant, the conditions in rule 17.6.2.8A.~~

*[Unchanged or irrelevant text omitted]*

### 17.6.2.10 Non-Complying Activities (Land Use)

Any activity in the Rural 2 Zone that does not comply with the conditions of rule ~~17.6.2.8A~~ or 17.6.2.9 is a non-complying activity.

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

*[Unchanged or irrelevant text omitted]*

## 17.8 RURAL RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.8.2 Land Use

#### 17.8.2.1 Permitted Activities (Land Use - General)

*[Unchanged or irrelevant text omitted]*

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

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

*[Unchanged or irrelevant text omitted]*

~~(vii) cooperative living.~~

*[Unchanged or irrelevant text omitted]*

#### 17.8.2.6A Discretionary Activities (Cooperative Living)

Cooperative living is a discretionary activity ~~if it meets the following conditions:~~

~~(a) The activity meets permitted conditions (a) – (p) of rule 17.8.2.1.~~

~~(b) All buildings, including dwellings, meet permitted conditions (e) – (q) of rule 17.8.3.1 where applicable.~~

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

~~(1) The proposed legal arrangement regarding land and building ownership.~~

- (1) The extent to which the proposed legal arrangement establishes, in an enduring manner:
- (a) the purpose or intent of the cooperative living activity;
  - (b) how it will be managed now and in the future; and
  - (c) how the individual members will be bound by this arrangement.

*[Unchanged or irrelevant text omitted]*

### **17.8.3 Building Construction, Alteration, or Use**

#### **17.8.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

*[Unchanged or irrelevant text omitted]*

#### **Sleepouts**

- (ba) There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling.
- (c) The gross floor area of each sleepout is no more than 36 square metres.
- (d) The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling on the site.
- (da) The sleepout is not part of a cooperative living activity.

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.11: Richmond Intensive Development Area (RIDA) Rules

## Explanatory Statement (not part of Plan Change text)

The proposed Plan Changes are to correct matters arising from rules introduced through Plan Change 66 'Richmond Housing Choice'. The changes include:

- Rectifying an incorrect cross-reference - 16.3.3.1A(d) and 16.3.3.2B(a)
- Clarification around the application of setback rules - 17.1.3.4C (fa)(ii), 17.1.3.4C (fa) and (fc)
- Removal of a minimum site area requirement, and retention of this in the subdivision rules - 17.1.3.4C(c)
- Clarification of wall recess requirements - 17.1.3.4C(h)
- General changes to repeat provisions rather than relying on cross referencing.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

*[Unchanged or irrelevant text omitted]*

#### 16.3 SUBDIVISION

##### 16.3.3 Residential Zone

##### 16.3.3.1A Controlled Subdivision (Residential Zone – Specific Location: Richmond Intensive Development Area)

Subdivision for intensive development in the Richmond Intensive Development Area is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

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), ~~(j)~~, (m) to (mf).

##### Existing Buildings

~~(e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a Restricted Discretionary activity with the 17.1.3.4C zone rules relating to site and building coverage, fences, outdoor living space, setbacks, building envelope, building height and length, stormwater; and with parking and access requirements under the relevant general rules.~~

*[Unchanged or irrelevant text omitted]*

##### 16.3.3.2B Restricted Discretionary Subdivision (Residential Zone — Specific Location: Richmond Intensive Development Area)

Subdivision for intensive development in the Richmond Intensive Development Area that does not comply with the controlled conditions of rule 16.3.3.1(mc) is a restricted discretionary activity, if it complies with the following conditions:



- (a) The subdivision meets controlled conditions 16.3.3.1(i), ~~(j)~~, (m) to (mb), (md) to (mf) and 16.3.3.1A (a) to (c).
- ~~(b) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a Restricted Discretionary activity with the 17.1.3.4C zone rules relating to site and building coverage, fences, outdoor living space, setbacks, building envelope, building height and length; and with parking and access requirements under the relevant general rules.~~

*[Unchanged or irrelevant text omitted]*

## CHAPTER 17: ZONE RULES

### 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.1.3 Building Construction or Alteration

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

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

##### **Location**

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

##### **Dwellings on a Site**

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

##### **Allotment Area**

- ~~(c) The minimum net area for each allotment is at least 200 square metres.~~

##### **Site Coverage**

- (d) The maximum site coverage is 70 percent.

##### **Building Coverage**

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

##### **Fences**

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

##### **Outdoor Living Space**

- ~~(eb) Each dwelling complies with the following requirements:~~

<u>Units at Ground Floor</u>	<u>Units Above Ground Floor</u>
<u>At least 20 square metres of contiguous private outdoor living space which is capable of containing a 4-metre diameter circle within its shape.</u>	<ul style="list-style-type: none"> <li><u>(i) At least 7 square metres of balcony with a minimum depth of 1.5 metres, with at least a 1 metre wide roof or overhang (including balcony above).</u></li> <li><u>(ii) Any balcony, including a roof top balcony, is no closer than 4 metres from an internal or side boundary.</u></li> </ul>

- (ec) Outdoor living spaces are readily accessible or contiguous from a living area of the dwelling.
- (ed) Outdoor living spaces are not obstructed by buildings, vehicular access, manoeuvring or parking areas, from the ground level upwards.
- (ef) Outdoor living spaces are not located on the southern or eastern side of the dwelling.
- (eg) Outdoor living spaces are designed in accordance with the Urban Design Guide (Part II, Appendix 2).

### **Outdoor Living Space and Fences**

- (f) Conditions (ga) – (l) of rule 17.1.3.3 apply.

### **Internal Boundaries**

- (fa) Except as provided for in condition (fc) of this rule, all buildings are set back at least 2 metres from the front boundary, and no more than 5 metres, except that:
  - (i) all garages and carports are set back at least 5.5 metres from road front boundaries if the vehicle entrance of the garage or carport faces the road;
  - (ii) there is at least a 4-metre setback from one side or rear boundary;
  - (iii) where there is no vehicular access to the rear of the site from a legal road or approved access, in addition to condition (fa)(ii) of this rule, a side boundary setback of at least 1.5 metres on at least one side is provided, enabling access to the rear of the site.

### **Road Boundary Setback**

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

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

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

### **Building Envelope for Boundaries where Adjoining Land does not contain a Standard Density Dwelling**

- (fb) Except as provided for in where condition (fd) of this rule applies, all buildings comply with the following requirements:
  - (i) There is no front road boundary building envelope requirement.

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

~~(fe) All buildings at the boundary of every allotment comply with the building envelope and setback rules of permitted activity conditions 17.1.3.1 (m) to (o) and (r) to (v), under the following conditions:~~

- ~~(i) where the land adjoining the boundary is not part of an intensive development subdivision; or~~
- ~~(ii) where the land adjoining the boundary is not or is not being developed as an intensive development; or~~
- ~~(iii) where the boundary is a front boundary, all buildings are set back at least 2 metres from the front boundary, and no more than 5 metres, except that all garages and carports are set back at least 5.5 metres from road front boundaries if the vehicle entrance of the garage or carport faces the road.~~

~~For the avoidance of doubt, this means that, except for a front boundary or a boundary to a road, every side or rear boundary of the intensive development complies with permitted activity conditions for standard density development relating to the building envelope and building setbacks from boundaries where it adjoins land that is:~~

- ~~(i) not part of an intensive development subdivision or an intensive development; or~~
- ~~(ii) is being developed to a standard density within the same development proposal; or~~
- ~~(iii) is a standard density development.~~

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

**Adjoining Land that Contains a Dwelling that was Not Constructed as Part of an Intensive Development**

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

**Building Envelope – daylight over and around**

- ~~(i) No building projects beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries. The angle to be used is to be determined using the diagram in Schedule 17.1A.~~
- ~~(ii) For any roof with a slope of 15 degrees or greater and the roof ridge is generally at right angles to the boundary, the end of the ridge may be up to 1.5 metres above the indicator plane and the end area up to 2.5 square metres when viewed in elevation.~~
- ~~(iii) As an alternative to conditions (i) and (ii), buildings on south-facing slopes (between west and east) over 10 degrees comply with the following on any nominated boundary:  
A building must fit within the arms of a 110-degree angle shape placed 35 degrees from the boundary (as shown in Schedule 17.1B). Only one angle may be used on any one boundary.~~

~~Permitted intrusions into the daylight around angle are:~~

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

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

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

#### **Side and Rear Boundary Setbacks**

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

#### **Note:**

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

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

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

#### **Setback from a rural or industrial zone**

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

### **Setbacks from a river**

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

### **Privacy Setback**

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

### **Height**

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

### **Building Length**

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

### **Privacy**

- ~~(i) Notwithstanding condition (fa) of this rule and conditions 17.1.3.3 (f) and (g), residential buildings shall be set back at least 3 metres from the nearest part of any other residential building except that no separation is required when there is a common wall.~~

*[Unchanged or irrelevant text omitted]*

# Schedule of Amendments

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## Plan Change Topic 73.12: Building extension provisions in the Coastal Environment Area (Height)

### Explanatory Statement (not part of Plan Change text)

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The change is necessary to improve the application of the existing rule and matters of control relating to the height of extensions to existing buildings in the Coastal Environment Area. The change clarifies that the matter of control does relate to the effects of the height of extensions to existing buildings.

### Plan Change Text

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## CHAPTER 18: SPECIAL AREA RULES

*[Unchanged or irrelevant text omitted]*

### 18.11 COASTAL ENVIRONMENT AREA

*[Unchanged or irrelevant text omitted]*

#### 18.11.3 Building Construction or Alteration

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

*[Unchanged or irrelevant text omitted]*

#### Height

- (f) The maximum height of new buildings, and building extensions, in Rural 1, Rural 1 Coastal, Rural 2, Rural 3, Rural Residential and Residential zones (except at Kaiteriteri and Torrent Bay and the Mapua Special Development Area), and the Mixed Business, Light Industrial and Open Space zones in the Richmond West Development Area is:
- (i) 6.5 metres for a building sited between 100 metres and 200 metres from mean high water springs;
  - (ii) 5 metres where the setback in rule 18.11.3.1 provides for a building to be sited less than 100 metres from mean high water springs;
- and at Kaiteriteri and Torrent Bay and the Mapua Special Development Area:
- (iii) 6.5 metres for a building sited less than 200 metres from mean high water springs.
- Note:** Rural Residential Closed and Residential Closed zones are included in this condition.

*[Unchanged or irrelevant text omitted]*

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

- (1) The effects of the location, design and appearance of the building, or building extension, including its scale, height (in the Richmond West Development Area except in the Light

Industrial Zone location at Beach Road as shown on the planning maps), materials, landscaping and colour, on the amenity and natural character of the locality, having regard to effects on:

- (a) natural features;
- (b) landscape and seascape values;
- (c) significant natural values;
- (d) the nature of any existing development;

except that in the Residential Zone the matters are limited to materials, landscaping and colour of buildings, and in the three industrial zones the matters are limited to landscaping and colour of buildings, except for the Light Industrial Zone in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) where all matters apply.

*[Unchanged or irrelevant text omitted]*

**18.11.3.2 Restricted Discretionary Activities (Building Construction or Alteration)**

Construction of a new building, or building extension, that does not comply with the conditions of rule 18.11.3.1 is a restricted discretionary activity.

# Plan Change Topic 73.13: Building extensions in the Coastal Environment Area

## Explanatory Statement (not part of Plan Change text)

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The change is necessary to create a more effective and necessary permitted activity trigger point. Many minor consents are required by the current rule where little or no adverse effect is created. The proposed trigger point relies on existing controlled activity setbacks for new buildings within the Coastal Environment Area. The result is existing buildings which are still within the Coastal Environment Area, but outside of the controlled activity setback requirements can be extended towards the coast without resource consent being required.

## Plan Change Text

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### CHAPTER 18: SPECIAL AREA RULES

*[Unchanged or irrelevant text omitted]*

#### 18.11 COASTAL ENVIRONMENT AREA

*[Unchanged or irrelevant text omitted]*

#### 18.11.2 Land Use

#### 18.11.2.1 Permitted Activities (Land Use)

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

- (a) The activity is not the construction of a new building or the disposal of refuse.
- (b) The activity is an extension to an existing building that does not:
  - (i) increase the ground floor area (as at 25 May 1996) by more than 50 percent; or
  - (ii) reduce the existing building setback to mean high water springs in cases where part or all of the extension is within the setbacks specified in conditions 18.11.3.1 (b) – (e);
  - (iii) increase the existing building height (not applicable in Commercial and Industrial zones with the exception of the Industrial zone and the Mixed Business Zone in the Richmond West Development Area, other than in the Light Industrial Zone location at Beach Road as shown on the planning maps).



# Plan Change Topic 73.14: Remediation of relocated building sites in the Coastal Risk Area

## Explanatory Statement (not part of Plan Change text)

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The change improves the application of the existing rule and restricted discretionary matter to ensure appropriate consideration can be given to the eventual relocation of buildings within the Coastal Risk Area.

## Plan Change Text

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### CHAPTER 18: SPECIAL AREA RULES

*[Unchanged or irrelevant text omitted]*

#### 18.9 COASTAL RISK AREA

*[Unchanged or irrelevant text omitted]*

#### 18.9.2 Building Construction or Alteration

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

**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:

*[Unchanged or irrelevant text omitted]*

- (3) The effects of the proposed activity, including the effects of eventual building relocation and site remediation, on natural character.

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.15: Exemptions to height and daylight controls for solar panels

## Explanatory Statement (not part of Plan Change text)

This change is to allow solar panels mounted flush to a roof surface to exceed existing height limits and daylight controls in the Residential Zone. The changes to the permitted activity rules and definition of height set limits to this exceedance.

## Plan Change Text

### CHAPTER 2: MEANINGS OF WORDS

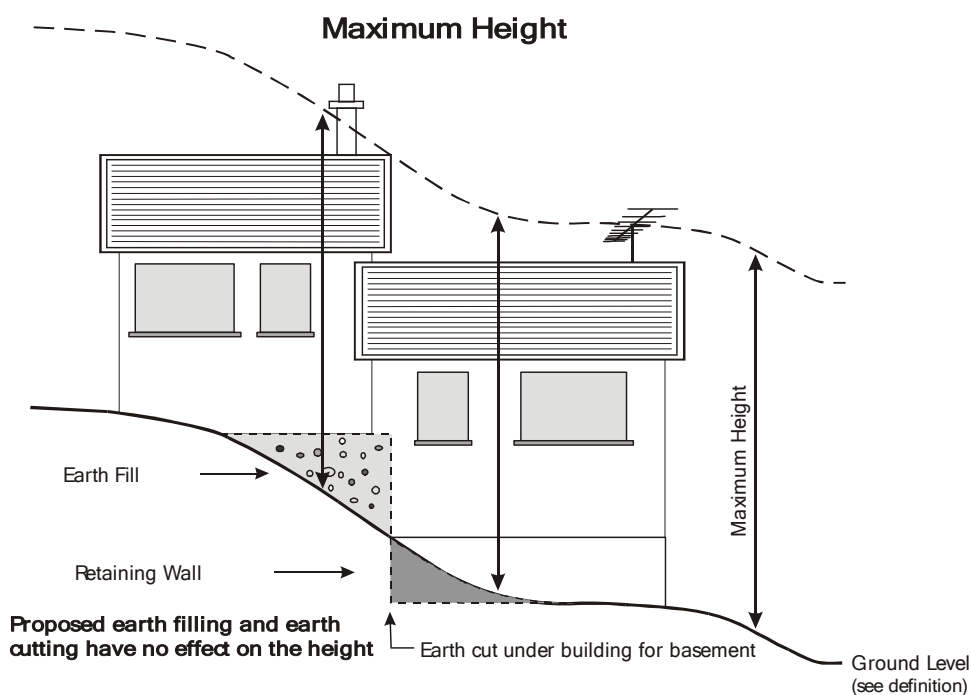
*[Unchanged or irrelevant text omitted]*

#### 2.2 DEFINED WORDS

*[Unchanged or irrelevant text omitted]*

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

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



# CHAPTER 17: ZONE RULES

## 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.1.3 Building Construction or Alteration

#### 17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

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

*[Unchanged or irrelevant text omitted]*

#### Building Envelope – Daylight Over and Around

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

#### EXCEPT

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

*[Unchanged or irrelevant text omitted]*

### 17.1.20 Principal Reasons for Rules

#### Building Height

*[Unchanged or irrelevant text omitted]*

#### Daylight Admission

Daylight admission lines are intended to reduce shading of adjoining sites by ensuring that buildings fall within an angle that allows sunlight to penetrate onto the adjoining site. The angle of the line is based on obtaining some sun onto sites even in mid-winter at midday. The angles ensure reasonable amenity protection, whilst allowing reasonable development potential on adjoining sites. Some exceedances of the daylight admission lines are allowable for the end of a roof ridge or for solar panels, recognising the limited dimensions of these items. These allowances only apply to standard density development in the Residential Zone. Exceedance of daylight admission lines in compact density, intensive, and comprehensive residential developments may have a greater level of effect that should be considered through a resource consent process.

# Plan Change Topic 73.16: Protection of indicative road and reserves, and updating positioning and existence

## Explanatory Statement (not part of Plan Change text)

These changes relate to indicative roads and reserves in the TRMP. The first set of changes is to ensure that these items have a degree of protection regardless of which zone or area they are located in. Currently, protection from buildings being constructed in the path or location of an indicative road or reserve is only provided in certain zones and areas.

The second change is to correct the location of some of these indicative items, or to remove them from the TRMP maps when they are no longer required or have been developed.

Additional changes are also proposed to the subdivision assessment criteria in Schedule 16.3A and transport conditions in Schedule 16.3B to more clearly outline the intended operation of the indicative road provisions.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### SCHEDULES

#### Schedule 16.3A: Assessment Criteria for Subdivision

*[Unchanged or irrelevant text omitted]*

- (42) The adequacy of road layout, including road access to adjoining land. In the case of any change from the indicative road positions shown on the planning maps, whether the change will retain the ability to achieve the desired connectivity (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network.

*[Unchanged or irrelevant text omitted]*

#### Schedule 16.3B: Transport Conditions

*[Unchanged or irrelevant text omitted]*

- (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.

The requirement to lay out and construct a road on the general alignment of the indicative road means that desired connectivity, (to both the transport and reserves network), resilience,

drainage and access requirements of the future roading network can still be achieved even if the final road location changes from that of the indicative road (except as specified in (i) – (iv) above).

## CHAPTER 17: ZONE RULES

### 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.1.3 Building Construction or Alteration

##### 17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

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

*[Unchanged or irrelevant text omitted]*

~~(b) — The activity is not the construction or alteration of any building within or 10 metres from any indicative road or indicative reserve in the Richmond West, Richmond South or Richmond East or Motueka West development areas as shown on the planning maps.~~

*[Unchanged or irrelevant text omitted]*

(w) The building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay, except that on CT 11A/641 and CT 9B/454 the minimum setback is 16.5 metres.

~~(wa) The building is not located within, or within 10 metres of any indicative road or indicative reserve, except for the following:~~

~~(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~

~~(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~

~~(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.~~

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

**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:

*[Unchanged or irrelevant text omitted]*

### Setbacks from Indicative Roads and Reserves

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

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

**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:

*[Unchanged or irrelevant text omitted]*

#### (3) **Scale and Bulk**

- (a) Whether an increase in building coverage will increase the bulk of the building in such a way that it may cause dominance or intrusion on adjoining properties.
- (b) Whether an increase in building coverage will adversely affect the amenity values and streetscape in the vicinity.
- (c) Whether the proposed height of buildings and other structures, such as front fences, will be compatible with the height and visual character of the surrounding area and streetscape.

#### (3A) Setbacks from Indicative Roads and Reserves

- (a) The extent to which alternative practical locations are available for the building.
- (b) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.
- (c) The extent to which alternative practical locations are available for future reserves.
- (d) The effect of the building being sited within the setback of the indicative road or reserve.

*[Unchanged or irrelevant text omitted]*

### **17.1.20 Principal Reasons for Rules**

*[Unchanged or irrelevant text omitted]*

#### Indicative Roads and Reserves

The indicative road and reserve networks are a critical element to managing growth within the Tasman District. A planned network provides well-connected and accessible living and business environments. The design and placement of roads and reserves also has the potential to contribute to the level of amenity and character of each area. The building setback requirement protects the future alignment and ability to establish these roads and reserves. In one area (Pohara area between Richmond Road and Falconer Road) the final location of the indicative roads has a degree of uncertainty greater than that which justifies protection of the

future transportation corridor through managing building placement. As such, the building setback requirements do not apply in that area. The final location and construction of indicative roads and reserves (and walkways) are managed through the subdivision consenting process in Chapter 16.3. Other rules relevant to indicative roads and reserves can be found in Chapter 28.

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

### **17.2.4 Building Construction or Alteration**

#### **Setback from Roads**

*[Unchanged or irrelevant text omitted]*

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

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

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

*[Unchanged or irrelevant text omitted]*

- (i) The building is set back at least:
  - (i) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iii) 20 metres from the top of the bank of any river with a bed between 5 and 20 metres in width.
- ~~(ia) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
  - ~~(i) This rule does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~
  - ~~(ii) No building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~
  - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.~~

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

**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:

*[Unchanged or irrelevant text omitted]*

##### (13A) Setbacks from Indicative Roads and Reserves

- (a) The extent to which alternative practical locations are available for the building.
- (b) The extent to which alternative practical routes are available to achieve the road network intended by the indicative road.
- (c) The extent to which alternative practical locations are available for future reserves.
- (d) The effect of the building being sited within the setback of the indicative road or reserve.

*[Unchanged or irrelevant text omitted]*

#### 17.2.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

##### **Building Setbacks**

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

*[Unchanged or irrelevant text omitted]*

##### Indicative Roads and Reserves

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

*[Unchanged or irrelevant text omitted]*

#### 17.3 MIXED BUSINESS ZONE RULES

*[Unchanged or irrelevant text omitted]*



### 17.3.3 Building Construction or Alteration

#### 17.3.3.1 Permitted Activities (Building Construction or Alteration)

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

- (a) The activity is not the construction or alteration of any building:
  - ~~(i) within, or 10 metres from, any indicative road or indicative reserve;~~
  - (ii) where any side of the building is more than 50 metres in length (regardless of any wall off set provided in condition 17.3.3.1(i));
  - (iii) where the gross floor area is greater than 2,000 square metres.

*[Unchanged or irrelevant text omitted]*

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

~~(ha) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:~~

~~(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~

~~(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~

~~(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.~~

*[Unchanged or irrelevant text omitted]*

#### 17.3.3.4 Discretionary Activities (Building Construction or Alteration)

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

- (a) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from lower Queen Street, behind the amenity planting.
- (b) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone are set back behind the width of amenity plantings required in condition 16.3.4.1(t) and condition 17.3.3.1(n)(iii), and are no higher than 1.8 metres.

~~(e) The activity is not the construction or alteration of a building within, or 10 metres from, any indicative road or indicative reserve shown on the planning maps.~~

~~(c) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:~~

~~(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~

~~(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~

- (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.3.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

### Indicative Roads and Reserves

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

*[Unchanged or irrelevant text omitted]*

## 17.4 INDUSTRIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.4.3 Building Construction or Alteration

#### 17.4.3.1 Permitted Activities (Building Construction or Alteration)

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

- (a) The building is not on any of the Specified Sites in the Light Industrial Zone at Brightwater (as shown on the planning maps).
- ~~(b) The activity is not the construction or alteration of any building either within or 10 metres from any indicative road or indicative reserve in the Richmond West Development Area and the Richmond South Development Area shown on the planning maps.~~

*[Unchanged or irrelevant text omitted]*

- (k) The building is set back from road boundaries at least:
- (i) 3 metres in the Light Industrial Zone, except that in the Richmond West Development Area (other than in the Light Industrial Zone location at Beach Road as shown on the planning maps) buildings are set back at least 10 metres from roads, and in Motueka West Development Area buildings along the east side of Queen Victoria Street are set back at least 15 metres.
- (ii) 10 metres in the Heavy Industrial Zone;
- except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement.

**Note:** Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements.

- (ka) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at least 10 metres from indicative roads and 5 metres from indicative reserves, except for the following:
- (i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.
  - (ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
  - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.
- (l) In the Light Industrial Zone, the building is set back from roads and zone boundaries at least:
- ~~(i) 5 metres from indicative reserves;~~
  - (ii) 20 metres from the boundaries of sites in an adjoining Rural 1 Zone, except adjoining Swamp Road where the setback is 15 metres and adjoining McShane Road, where the setback is 10 metres;
  - (iii) 10 metres from the Open Space Zone.

*[Unchanged or irrelevant text omitted]*

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

Construction or alteration of a building that does not comply with the conditions of rules 17.4.3.1, 17.4.3.2(a) or 17.4.3.3A is a restricted discretionary activity.

**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:

*[Unchanged or irrelevant text omitted]*

#### Setbacks from Indicative Roads and Reserves

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

*[Unchanged or irrelevant text omitted]*

### **17.4.20 Principal Reasons for Rules**

*[Unchanged or irrelevant text omitted]*

#### **Building Setbacks**

[Unchanged or irrelevant text omitted]

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

### **Indicative Roads and Reserves**

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

[Unchanged or irrelevant text omitted]

## **17.5 RURAL 1 ZONE RULES**

[Unchanged or irrelevant text omitted]

### **17.5.3 Building Construction, Alteration, or Use**

#### **17.5.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

- (a) ~~The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road or indicative reserve in the Richmond West Development Area and the Richmond South Development Area.~~

[Unchanged or irrelevant text omitted]

- (h) The building is set back at least:
- (i) 10 metres from road boundaries (15 metres from the east side of Queen Victoria Street between Green Lane and Whakarewa Street) and, except as provided for under condition (ka) or condition (kc), 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.5.4.1(b)), except:
    - that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement, *(Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements)*
    - as provided for in Schedule 17.5A (Hope Depot site);
  - (ii) 20 metres from the margins of lakes, Open Space, Recreation and Conservation zones;
  - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
  - (v) 30 metres from a plantation forest.

(vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:

(a) This rule does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.

(b) No building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.

(c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

### **17.5.3.2 Controlled Activities (Building Construction, Alteration, or Use)**

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

*[Unchanged or irrelevant text omitted]*

(p) The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road, indicative reserve (including Borek Creek) or amenity planting setback in the Richmond West Development Area. The building is not located within, or within 10 metres of, any indicative road or indicative reserve (including Borek Creek) or amenity planting setback in the Richmond West Development Area, except for the following:

(i) This rule does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.

(ii) No building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.

(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

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

*[Unchanged or irrelevant text omitted]*

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

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

#### Indicative Roads and Reserves

The indicative road and reserve networks are a critical element to managing growth within the Tasman District. A planned network provides well-connected and accessible living and business environments. The design and placement of roads and reserves also has the potential to contribute to the level of amenity and character of each area. The building setback requirement protects the future alignment and ability to establish these roads and reserves. In one area (Pohara area between Richmond Road and Falconer Road) the final

location of the indicative roads has a degree of uncertainty greater than that which justifies protection of the future transportation corridor through managing building placement. As such, the building setback requirements do not apply in that area. The final location and construction of indicative roads and reserves (and walkways) are managed through the subdivision consenting process in Chapter 16.3. Other rules relevant to indicative roads and reserves can be found in chapter 28.

*[Unchanged or irrelevant text omitted]*

## 17.6 RURAL 2 ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.6.3 Building Construction, Alteration, or Use

#### 17.6.3.1 Permitted Activities (Building Construction, Alteration, or Use)

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

- ~~(a) The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road or indicative reserve in the Richmond West Development Area and the Richmond South Development Area.~~

*[Unchanged or irrelevant text omitted]*

#### Setbacks

- (j) The building is set back at least:
- (i) 10 metres from road boundaries and, except as provided for under condition (ma), condition (n) or condition (na), 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.6.4.1(b)), except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;  
*(Refer to 16.6.2.1(j)(iii) for applicable telecommunication and radio-communication facility setback requirements)*
  - (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
  - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
  - (v) 30 metres from a plantation forest.
  - ~~(vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:~~
    - ~~(a) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.~~
    - ~~(b) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~
    - (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

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

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

*[Unchanged or irrelevant text omitted]*

- (i) ~~The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road, indicative reserve (including Borek Creek) or amenity planting setback in the Richmond West Development Area. The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:~~
  - ~~(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~
  - ~~(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~
  - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.6.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

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

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

### Indicative Roads and Reserves

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

## 17.7 RURAL 3 ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.7.3 Building Construction, Alteration, or Use

#### 17.7.3.1 Permitted Activities (Building Construction, Alteration, or Use)

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

*[Unchanged or irrelevant text omitted]*

#### Setbacks

- (f) The building is set back at least:
- (i) 10 metres from road boundaries and 5 metres from internal boundaries except:
    - (a) where conditions (ga) and (gaa) apply and subject, in the case of artificial shelter, to condition 17.7.4.1(b); and
    - (b) that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;
  - (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
  - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;



- (v) 30 metres from a plantation forest.
- (vi) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:
  - (a) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
  - (b) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
  - (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## **17.7.20 Principal Reasons for Rules**

*[Unchanged or irrelevant text omitted]*

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

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

### **Indicative Roads and Reserves**

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

*[Unchanged or irrelevant text omitted]*

## **17.8 RURAL RESIDENTIAL ZONE RULES**

*[Unchanged or irrelevant text omitted]*

### **17.8.3 Building Construction, Alteration, or Use**

#### **17.8.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

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

*[Unchanged or irrelevant text omitted]*

## Setbacks

- (g) The building is set back at least:
- (i) 10 metres from road boundaries and 5 metres from internal boundaries except:
    - (a) where condition (h)(i) applies and subject, in the case of artificial shelter, to condition 17.8.2.1(f); and
    - (b) that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;
  - (ii) 20 metres from the margins of lakes and from the boundaries of Open Space, Recreation and Conservation zones;
  - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
  - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
  - (v) 30 metres from a plantation forest;
  - (vi) 10 metres from internal boundaries in the case of buildings housing livestock.
  - (vii) 32 metres from the centreline of any electricity transmission line in the Richmond East Development Area (notwithstanding condition (g)(i)) as shown on the planning maps);
  - (viii) 10 metres from the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following:
    - (a) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
    - (b) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
    - (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.8.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

### Building Setback from Rivers

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips.

Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

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

### Indicative Roads and Reserves

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

*[Unchanged or irrelevant text omitted]*

## 17.9 OPEN SPACE ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.9.2 Land Use

#### 17.9.2.1 Permitted Activities (Land Use)

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

*[Unchanged or irrelevant text omitted]*

- (da) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
- (i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.
  - (ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
  - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.10 RECREATION ZONE RULES

### 17.10.3 Building Construction or Alteration

#### 17.10.3.1 Permitted Activities (Building Construction or Alteration)

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

- (a) The activity is not the construction or alteration of any building in, or 10 metres from:
- (i) the boundary of any indicative road or indicative reserve ~~in the Richmond West Development Area as shown on the planning maps;~~
  - (ii) any amenity planting setback in the Richmond West Development Area;
  - (iii) the 10-metre wide reserve through the Recreation Zone adjoining the Rural 2 and Open Space zones.

Except in regard to item (i) above:

- (1) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
- (2) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
- (3) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.11 CONSERVATION ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.11.2 Land Use

#### 17.11.2.1 Permitted Activities (Land Use)

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

*[Unchanged or irrelevant text omitted]*

##### Setback

(d) The building is set back at least 10 metres from any boundary, except that telecommunication and radio-communication facilities which are less than 10 square metres in area and 3 metres in height; and masts and poles and their antennas and mounting structures less than 7 metres in height, must be set back a minimum of 10 metres from a zone boundary.

~~(da) The building is not located within, or within 10m of, any indicative road or indicative reserve, except for the following:~~

~~(i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.~~

~~(ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.~~

(iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*[Unchanged or irrelevant text omitted]*

## 17.12 RURAL INDUSTRIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.12.2 Land Use

#### 17.12.2.1 Permitted Activities (Land Use)

Any land use is a permitted activity, except where specified in rule 17.12.2.3A, that may be undertaken without a resource consent, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

(p) The building is set back at least 10 metres from:

(i) all site boundaries, including existing and proposed legal road frontages; except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;

- (ii) the boundary, and not within the boundary, of any indicative road or indicative reserve, except that:
  - (a) this rule does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply;
  - (b) no building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
  - (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

*(Refer to 16.6.2.1(j)(ii) for applicable telecommunication and radio-communication facility setback requirements)*

except also that in the following locations, the stated setbacks apply:

- (iii) Not less than 100 metres from Waimea West Road (for the Eves Valley Rural Industrial Zone).
- (iv) Not less than 3 metres from the north-eastern toe of the bund mound erected parallel to Lower Queen Street, or at least 5 metres from Queen Street, whichever is the greater distance, within the Golden Edge Rural Industrial Zone.
- (iv) Not less than 3 metres from the boundary of any new legal road within the Golden Edge Rural Industrial Zone.
- (vi) Not less than 15 metres from mean high water springs within the Golden Edge Rural Industrial Zone.
- (vii) Elsewhere in the Zone, not less than 30 metres from the Coastal Marine Area boundary, except that this rule only applies to buildings constructed after 25 May 1996.

### Electricity Transmission Corridor

- (q) In the Richmond West Development Area, notwithstanding the exemption in condition (p)(~~ii~~(iii)) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of the electricity transmission line as shown on the planning maps.

## 17.13 PAKAINGA ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.13.2 Land Use

#### 17.13.2.1 Permitted Activities (Land Use)

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

*[Unchanged or irrelevant text omitted]*

- (ea) The building is not located within, or within 10m of, any indicative road or indicative reserve, except for the following:

- (i) This rule does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.
- (ii) No building setback is required under this rule on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
- (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

## Planning Maps

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Refer Appendix 2.

# Plan Change Topic 73.17: Deferred zone rules to enable automatic removal of indicative road, reserves and walkways once vested

## Explanatory Statement (not part of Plan Change text)

This change is to enable the removal of indicative roads, reserves or walkways from the TRMP planning maps once land is vested for the purpose intended.

## Plan Change Text

### CHAPTER 17: ZONE RULES

#### 17.14 DEFERRED ZONE RULES

##### 17.14.1 Scope of Section

This section deals with the procedure for removal of deferrals of future urban or rural residential zones on rural, residential or rural residential zoned land in the Deferred Residential, Deferred Mixed Business, Deferred Light Industrial, Deferred Rural Residential, Deferred Tourist Services, Deferred Heavy Industrial and Deferred Papakainga zones.

This section also provides the ability to remove the indicative road, reserve or walkway symbology from the planning maps once land for the purpose of those items has been vested in Council, or the land has been otherwise acquired by Council for these purposes.

##### 17.14.2 Procedure for Removal of Deferral

*[Unchanged or irrelevant text omitted]*

(e) Indicative road, reserve or walkway symbology shall be removed once land has been vested with Council for the purpose of the intended road, reserve, or walkway, or the land has been otherwise acquired by Council for these purposes.

*[Unchanged or irrelevant text omitted]*

##### 17.14.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

Indicative roads, reserves and walkways are able to be removed from the planning maps once the land for these purposes is vested with Council as part of the subdivision and development process, or the land has been otherwise acquired by Council for these purposes. This ensures redundant items on the planning maps can be simply removed.



# Plan Change Topic 73.18: Automatic lifting of Fire Ban and Fire Sensitive Area deferral

## Explanatory Statement (not part of Plan Change text)

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This change is to allow for automatic lifting of Fire Ban and Fire Sensitive Area deferral status once the underlying zoning's deferral has also been lifted.

## Plan Change Text

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### CHAPTER 17: ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.14 DEFERRED ZONE RULES

##### 17.14.1 Scope of Section

*[Unchanged or irrelevant text omitted]*

In conjunction with the removal of a zone's deferral, this section enables the removal of the associated deferral of the Fire Ban or Fire Sensitive Area status that may apply to the same location.

##### 17.14.2 Procedure for Removal of Deferral

*[Unchanged or irrelevant text omitted]*

(d) When a resolution of Council is made for the removal of the deferred status of an area's zoning, this will also apply to the removal of the deferred status of the applicable Fire Ban or Fire Sensitive Area where either exist.

**Note:** ~~The land subject to deferred zone rules in the Richmond West Development Area will become Fire Ban Area once the deferral has been removed.~~

*[Unchanged or irrelevant text omitted]*

# CHAPTER 36: RULES FOR CONTAMINANT DISCHARGES

*[Unchanged or irrelevant text omitted]*

## 36.3 DISCHARGES TO AIR

### 36.3.2 Permitted Activities (Discharges to Air)

#### 36.3.2.3 Discharge of Contaminants from Outdoor Burning

The discharge of any contaminant to air from outdoor burning, including burning in an incinerator, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

#### Notes

1. The Fire Sensitive Area and Fire Ban Area, including areas with deferred status, are shown on the planning maps. ~~Land subject to deferred zoning rules in the Richmond West and Richmond East development areas will become Fire Ban Area once the deferral has been uplifted.~~

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.19: Permitted activity rule for accessory structures in the Tourist Services, Recreation and Open Space Zones and the Coastal Environment Area

## Explanatory Statement (not part of Plan Change text)

The Tourist Services, Recreation and Open Space zones have a list of activities in the TRMP which are permitted to occur within each of them. The proposed change is to also allow for other facilities and buildings which are accessory to those existing permitted activities. The change also includes an allowance, as a permitted activity, for rubbish and recycling collection facilities up to specified dimensions to be positioned in the Coastal Environment Area.

## Plan Change Text

### CHAPTER 17: ZONE RULES

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

*[Unchanged or irrelevant text omitted]*

#### 17.2.3 Land Use - Tourist Services Zone

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

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

- (a) Except as provided for in (b) and (c), the activity is one of the following:
- (i) tourist accommodation, including those licensed to sell liquor, and associated office, service, tourist and recreation promotion and sales activities;
  - (ii) hire and servicing of sport and recreational equipment;
  - (iii) tutoring and training in outdoor recreational pursuits and life skills;
  - (iv) sale of souvenirs, and arts and crafts;
  - (v) recreational activities and recreational tour bases;
  - (vi) open space areas, walkways and children's play areas;
  - (vii) visitor car and bus parking areas;
  - (viii) restaurants, including those licensed to sell liquor;
  - (ix) one caretaker's or manager's dwelling per site;
  - (x) motor garage and service station on the area of land described as Lot 1 DP 10923 and Lot 1 DP 2821 (Main Road, Riwaka);
  - (xa) public toilets;
  - (xb) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height;

and in relation to CTs NL5C/273 and 11C/391 (Sandy Bay-Marahau Road, Marahau):

- (xi) conference and function facilities;
- (xii) cultural centre.

*[Unchanged or irrelevant text omitted]*

## **17.9 OPEN SPACE ZONE RULES**

*[Unchanged or irrelevant text omitted]*

### **17.9.2 Land Use**

#### **17.9.2.1 Permitted Activities (Land Use)**

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

##### **Activities**

- (a) The activity is one of the following:
  - (i) a playground, picnic facility, public shelter or neighbourhood open space;
  - (ii) a public garden and accessory buildings;
  - (iii) a walkway or cycleway;
  - ~~(iv) public toilets;~~
  - ~~(v) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height~~

## **17.10 RECREATION ZONE RULES**

*[Unchanged or irrelevant text omitted]*

### **17.10.2 Land Use**

#### **17.10.2.1 Permitted Activities (Land Use)**

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

##### **Activities**

- (a) The activity is one of the following:
  - (i) indoor or outdoor sporting and recreation activity;
  - (ii) public gardens;
  - (iii) playground, picnic facility or public shelters;
  - (iv) public car park, walkway or cycleway;
  - (v) craft fair, gala or fête;
  - ~~(va) public toilets;~~
  - ~~(vb) a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height~~

- (vi) buildings for any of the above activities, or for purposes accessory to the above activities, and for the storage of equipment for reserve maintenance.

## CHAPTER 18: SPECIAL AREA RULES

### 18.11 COASTAL ENVIRONMENT AREA

*[Unchanged or irrelevant text omitted]*

#### 18.11.2 Land Use

##### 18.11.2.1 Permitted Activities (Land Use)

[18.14.2 Proposed]

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

- (a) Except as provided by condition (c), the activity is not the construction of a new building or the disposal of refuse.
- (b) The activity is an extension to an existing building that does not:
- (i) increase the ground floor area (as at 25 May 1996) by more than 50 percent; or
  - (ii) reduce the existing building setback to mean high water springs; or
  - (iii) increase the existing building height (not applicable in Commercial and Industrial zones with the exception of the Industrial zone and the Mixed Business Zone in the Richmond West Development Area, other than in the Light Industrial Zone location at Beach Road as shown on the planning maps).
- (c) The activity is a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height.

*[Unchanged or irrelevant text omitted]*

#### 18.11.20 Principal Reasons for Rules

*[Unchanged or irrelevant text omitted]*

##### Collection and Disposal of Refuse

Public refuse and recycling collection facilities, up to the specified dimensions, are provided for as a permitted activity to ensure these public facilities can be installed in the areas they are required. This recognises the need to ensure adequate facilities for rubbish and recycling collection are provided within the coastal margin. However, the final disposal of refuse~~This activity~~ can be unsightly in the coastal environment and can result in the contamination of coastal waters and this is not provided for as a permitted activity.

# Plan Change Topic 73.20: Signage in Recreation, Open Space and Conservation Zones as a permitted activity – specific rule

## Explanatory Statement (not part of Plan Change text)

The change is to allow for signage that is required on a reserve as a permitted activity provided the signage relates to the reserve and its use, and meets specified requirements in the permitted activity rule. The current limit of one outdoor sign per site is not practicable for reserve requirements.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.1 OUTDOOR SIGNS AND ADVERTISING

*[Unchanged or irrelevant text omitted]*

#### 16.1.5 Outdoor Signs in the Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space and Papakainga Zones

#### 16.1.5.1 Permitted Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ and Papakainga Zones)

The erection of one outdoor sign per site in the Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ or Papakainga zone is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

#### 16.1.5.1A Permitted Activities (Outdoor Signs for Public Purposes in Conservation, Recreation and Open Space Zones)

The erection of signage by, or on behalf of, Council or the Department of Conservation in the Conservation, Recreation or Open Space zone, or on land that is vested in Council for the purpose of a reserve, is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

- (a) The sign or signs relate to an activity consistent with a reserve management plan, conservation management plan, or conservation strategy approved by Council or the Department of Conservation respectively, or is consistent with the classification purpose of the vested land; and
- (b) The sign or signs are located on the site where the activity occurs; and
- (c) The sign or signs are limited to that necessary for giving direction, identifying the site or facility, displaying public information or assisting public safety; and
- (d) No sign shall exceed 2 square metres in area or 3 metres in height; and

- (e) For signs intended to be read from a public road, the minimum lettering height is 150 millimetres if located in an area where the speed limit does not exceed 70 kilometres per hour and 200 millimetres where the speed limit exceeds 70 kilometres per hour; and
- (f) A free-standing sign is not erected within 10 metres of any road intersection, does not restrict visibility at any intersection or access, and does not overhang the legal road; and
- (g) Conditions (d) to (g) in rule 16.1.3.1.

#### **16.1.5.2 Controlled Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ and Papakainga Zones)**

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ or Papakainga zone that does not comply with condition (c) of rule 16.1.5.1 is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

#### **16.1.5.3 Controlled Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ and Papakainga Zones)**

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, ~~Conservation, Recreation, Open Space~~ or Papakainga zone is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

#### **16.1.5.4 Restricted Discretionary Activities (Outdoor Signs in Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space and Papakainga Zones)**

The erection of an outdoor sign in the Rural 1, Rural 2, Rural 3, Rural Residential, Conservation, Recreation, Open Space or Papakainga zone that does not comply with the permitted conditions of rule 16.1.5.1 or 16.1.5.1A or the controlled conditions of rules 16.1.5.2 or 16.1.5.3 is a restricted discretionary activity.

### **16.1.20 Principal Reasons for Rules**

*[Unchanged or irrelevant text omitted]*

#### **Conservation, Recreation and Open Space ~~Areas~~Zones and Land Vested for Reserves**

The need for some signs on Conservation, Recreation and Open Space ~~areas-zones, and land that is vested for the purpose of a reserve,~~ is recognised. These signs should relate to activities on site and care should be taken to ensure that the signs do not detract from the visual amenity of the site.

*[Unchanged or irrelevant text omitted]*

# Plan Change Topic 73.21: Permitted activity rule for activities included in Reserve Management Plans in Open Space and Recreation zones

## Explanatory Statement (not part of Plan Change text)

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The change is to allow activities in the Open Space and Recreation zones when those activities are included within a Reserve Management Plan for that area. This is to ensure that duplication of regulatory processes does not occur. Under the current rules an activity may be included in a Reserve Management Plan after a public process in the Reserves Act, but then still require a resource consent.

## Plan Change Text

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### CHAPTER 17: ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.9 OPEN SPACE ZONE RULES

*[Unchanged or irrelevant text omitted]*

##### 17.9.2 Land Use

##### 17.9.2.1 Permitted Activities (Land Use)

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

#### Activities

- (a) The activity is one of the following:
- (i) a playground, picnic facility, public shelter or neighbourhood open space;
  - (ii) a public garden and accessory buildings;
  - (iii) a walkway or cycleway;
  - (iv) an activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation.

#### 17.10 RECREATION ZONE RULES

*[Unchanged or irrelevant text omitted]*

##### 17.10.2 Land Use

##### 17.10.2.1 Permitted Activities (Land Use)

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



## Activities

- (a) The activity is one of the following:
- (i) indoor or outdoor sporting and recreation activity;
  - (ii) public gardens;
  - (iii) playground, picnic facility or public shelters;
  - (iv) public car park, walkway or cycleway;
  - (v) craft fair, gala or fête;
  - (vi) buildings for any of the above activities, or for purposes accessory to the above activities, and for the storage of equipment for reserve maintenance;
  - (vii) an activity consistent with any reserve management plan approved for the land under the Reserves Act or any subsequent legislation.

# Plan Change Topic 73.22: Relocated buildings as a permitted activity

## Explanatory Statement (not part of Plan Change text)

This change is to allow all buildings to be relocated as a permitted activity provided all applicable rules for buildings at the destination site are met. In addition, the proposed permitted activity rule sets out specific requirements for buildings which are dwellings, or intended to be used as a dwelling. The change is supported by a definition of a relocated building which clarifies that this does not include new prefabricated buildings which are moved to a site.

## Plan Change Text

### CHAPTER 2: MEANINGS OF WORDS

*[Unchanged or irrelevant text omitted]*

#### 2.2 DEFINED WORDS

*[Unchanged or irrelevant text omitted]*

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

*[Unchanged or irrelevant text omitted]*

### CHAPTER 16: GENERAL RULES

*[Unchanged or irrelevant text omitted]*

#### 16.8 TEMPORARY ACTIVITIES AND RELOCATED DWELLINGS BUILDINGS

*[Unchanged or irrelevant text omitted]*

##### 16.8.3 Relocation of Dwellings Buildings

##### 16.8.3.1 ~~Controlled Permitted~~ Activities (Relocation of Dwellings Buildings)

The relocation of a ~~dwelling~~ any building to a new site, or the new position within a current site, is a ~~controlled permitted~~ activity, if it complies with the following conditions: A resource consent may be granted, if the activity complies with the following conditions:

- (a) The ~~dwelling~~ building complies with any rules applicable to the construction or alteration of buildings at the new site or new position within the current site; and

For a building which is, or is intended to be, used as a dwelling:

- (b) A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

- (c) A report shall accompany the application for a building consent for the destination site, or new position within the current site, that identifies all reinstatement works that are to be completed to the exterior of the building.
- (d) The Council is notified in writing no later than 48 hours prior to the building being relocated to its destination site, or new position within the current site.
- (e) The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.
- (f) All other reinstatement work required by the report referred to in (c) and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site or new position within the current site.

**Note:** The requirements of the Building Act and the New Zealand Building Code also apply.

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

- (1) Building appearance, construction, landscaping and site layout.
- (2) The ability of the dwelling to be relocated.
- (3) The time frame for specified external and internal reinstatement work to be completed.
- (4) The imposition of a refundable bond equal to the cost of specified reinstatement work to maintain the visual amenity of the area.
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 16.8.3.2 Discretionary Activities (Relocation of ~~Dwellings~~Buildings)

The relocation of a dwelling to a new site, or new position within the current site, that does not comply with the conditions (b) of rule 16.8.3.1 ii) is a discretionary activity. Relocated buildings, other than dwellings, that may not comply with rules applicable to the construction or alteration of buildings at the new site as per rule 16.8.3.1(a) will be considered under those specific zone rules with no particular resource consent required due to its relocated nature.

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

## 16.8.20 Principal Reasons for Rules

### Relocated Buildings

Relocated dwellings, have the potential to adversely affect the visual amenity of the area in which they are intended to be relocated. The rule addresses this by ensuring the dwelling is placed on permanent foundations and have external reinstatement completed within set time periods. The rule also requires that a building to be used as a dwelling was previously designed, built and used as a dwelling. This is to ensure that to be permitted, the building already appears and functions as a dwelling, which improves compatibility with the destination site or location. Relocated buildings which are not currently a dwelling but are intended to be converted for this purpose require a discretionary activity resource consent. This enables consideration of the visual appearance, appropriateness for the site and neighbourhood, and the timeframe for the conversion to occur. Other bulk and location matters are controlled through zone and area-based rules in the Plan. Relocated buildings which are not to be used as a dwelling are permitted if they meet these other rules. Other relocated buildings that may not comply with rules applicable to the construction or alteration of buildings at the new site, or new position within the current site, will be considered under those specific zone rules with no particular resource consent required due to its relocated nature. The rules address this by regulating placement and finishing of relocated dwellings, particularly with respect to layout and appearance.

*[Unchanged or irrelevant text omitted]*

# CHAPTER 19: INFORMATION REQUIRED WITH CONSENT APPLICATIONS

*[Unchanged or irrelevant text omitted]*

## 19.2 INFORMATION REQUIRED FOR LAND USE OR SUBDIVISION CONSENT APPLICATIONS

*[Unchanged or irrelevant text omitted]*

### 19.2.13 Relocated ~~Dwellings~~ Buildings

Applicants must submit, and the Council may seek further information, on the following matters relevant to rules for seeking land use consent for a relocated dwelling:

- 19.2.13.1 Colour photographs of the dwelling to be relocated showing all external walls.
- 19.2.13.2 A plan showing the location on the new site.
- ~~19.2.13.3 A “pre-purchase” report from a suitably qualified person that considers appearance and structural integrity of the building.~~
- 19.2.13.3<sup>4</sup> Details of any building foundation or reinstatement work to be carried out and the intended time period for completing this work~~together with quotes for such work, if applicable.~~

# Plan Change Topic 73.23: Removal of rule requiring rainwater collection systems for toilet flushing in Mapua and Ruby Bay

## Explanatory Statement (not part of Plan Change text)

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This change is to remove a current rule from the TRMP which requires the collection of rainwater within a specified area for the purpose of toilet flushing. This requirement is not applied across the district, or specifically required in the identified area. Future methods for achieving water conservation would be applied more consistently across the district in a holistic manner.

## Plan Change Text

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### CHAPTER 17: ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.8 RURAL RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.8.3 Building Construction, Alteration, or Use

#### 17.8.3.1 Permitted Activities (Building Construction, Alteration, or Use)

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

*[Unchanged or irrelevant text omitted]*

- (n) ~~In the Mapua and Waimea Rural Residential zones, the dwelling has a rainwater collection system which is used for toilet flushing.~~

# **Plan Change Topic 73.24: Rezone 397 Lower Queen St and Mapua Waterfront Park**

## **Explanatory Statement (not part of Plan Change text)**

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This change is to change the boundaries of existing zones at two locations.

The first is to resolve the current split zoning of 397 Lower Queen St, Richmond. The property is currently zoned in part Rural 1 deferred Mixed Business and in part Residential. The proposed zone is Mixed Business which is consistent with the Mixed Business Zoning of the balance of the property. NB. The balance of the property is currently having the deferment uplifted, so with this change the entire property will be Mixed Business Zone.

The second is at the Mapua Waterfront Park and involves realignment of the current boundary of the existing Recreation and Commercial Zones.

## **Plan Change Text**

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No text change – map change only

## **Planning Maps**

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Refer Appendix 2.

# **Plan Change Topic 73.25: Rezone existing reserve land as Open Space or Recreation**

## **Explanatory Statement (not part of Plan Change text)**

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This change relates to ensuring the reserves identified have the correct zoning applied. The zoning proposed matches the use of that zone across the district and the purpose of the specific reserve.

## **Plan Change Text**

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No text change – map change only

## **Planning Maps**

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Refer Appendix 2.



# Plan Change Topic 73.26: Site Specific Provisions – Little Kaiteriteri (Talisman Heights)

## Explanatory Statement (not part of Plan Change text)

The changes are to correct the title reference for a specific site at Talisman Heights, Kaiteriteri. The title reference has changed over the years due to progressive subdivision of the site. This is then been updated in the Tasman Resource Management Plan. The result has been a progressive reduction in the area of land to which the site-specific rules apply. This was not the original intent of the Environment Court consent order (12 May 2003). The changes below revert the title reference to the original reference. In addition, minor changes are made to clarify specific aspects of the rules.

## Plan Change Text

### CHAPTER 16: GENERAL AREA RULES

*[Unchanged or irrelevant text omitted]*

#### 16.3 SUBDIVISION

*[Unchanged or irrelevant text omitted]*

#### 16.3.3 Residential Zone

#### 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:

*[Unchanged or irrelevant text omitted]*

#### Sites in the Coastal Environment Area - Little Kaiteriteri

(q) For residential sites on ~~computer register 782346~~ [Record of Title NL 13A/194 \(Talisman Heights, Kaiteriteri\)](#) or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little Kaiteriteri and within the Coastal Environment Area, no more than 20 percent of indigenous coastal shrubland or coastal forest on a site may be cleared.

In the notated area shown ~~hatched~~ on the planning maps on ~~computer register 782346~~ [Record of Title NL 13A/194 \(Talisman Heights\)](#) or its successive titles, there shall be no more than three residential allotments.

# CHAPTER 17: ZONE RULES

## 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.1.2 Land Use

#### 17.1.2.1 Permitted Activities (Land Use - General)

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

##### Particular Activities

- (a) The activity is not one of the following:
- (i) an activity that emits odour causing a nuisance beyond the site boundary;
  - (ii) intensive livestock farming or commercial boarding or breeding of animals;
  - (iii) an industrial or commercial activity, except:
    - as allowed as a home occupation; or
    - as provided for in rule 16.6.2.1(o);
  - (iv) spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal work, bottle or scrap storage, rubbish collection, motor body building, or fish or meat processing;
  - (v) a landing area or pad for helicopters (other than for medical or fire-fighting purposes), an aircraft landing strip, aerodrome or airport;
  - (vi) a papakainga development;
  - (vii) clearance of more than 20 percent of indigenous coastal shrubland or coastal forest on [CT 782346 Record of Title NL 13A/194 \(Talisman Heights, Kaiteriteri\)](#) or its successive titles between Cook Crescent at Stephens Bay and Rowling Road at Little Kaiteriteri and in the Coastal Environment Area;

*[Unchanged or irrelevant text omitted]*

### 17.1.3 Building Construction or Alteration

#### 17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

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

*[Unchanged or irrelevant text omitted]*

- (u) Dwellings are set back at least 25 metres from a rural zone boundary and at least 10 metres from an industrial zone boundary, except that:
- (i) on [CT Record of Title NL 13A/194 Ltd \(Talisman Heights, Kaiteriteri\)](#) or its successive titles, the setback from the rural zone is at least 5 metres,

# Plan Change Topic 73.27: Site Specific Provisions – 32 Broadsea Ave, Ruby Bay

## Explanatory Statement (not part of Plan Change text)

The changes are proposed as the site has been subdivided in accordance with site specific rules within the TRMP. As this subdivision has occurred, these rules are now redundant (Subdivision consent RM130579). This Plan Change proposes to remove those redundant rules, and associated references, from the TRMP. Any further subdivision will be managed by existing rules relating to the Rural 1 Coastal Zone. These rules are 16.3.5.5 which allows for boundary adjustments as a discretionary activity, provided certain requirements are met, and rule 16.3.5.6 which prohibits any further subdivision beyond boundary adjustments.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.3 SUBDIVISION

#### 16.3.5 Rural 1 Zone

#### 16.3.5.1 Controlled Subdivision (Rural 1 and Rural 1 Coastal Zones)

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

##### 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.~~

*[Unchanged or irrelevant text omitted]*

#### ~~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.~~

### 16.3.5.6 Prohibited Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)

Except as provided for in rules ~~16.3.5.1(ca) and~~ 16.3.5.5, subdivision of any allotment ~~created:~~

- ~~• under condition 16.3.5.1(b) from former Lot 7 DP 16467 in Mapua,~~
- ~~• under condition 16.3.5.1(e) from former Lot 1 DP 12203 in Golden Hills Road,~~
- ~~• under condition 16.3.5.1(ea) in the Rural 1 Closed Zone at Mapua, or~~

~~i) in the Rural 1 Coastal Zone at Mapua~~

is a prohibited activity for which no resource consent will be granted.

# Plan Change Topic 73.28: Site Specific Provisions – Golden Hills Road, Waimea West

## Explanatory Statement (not part of Plan Change text)

The changes are made as the site has been subdivided in accordance with site specific rules within the TRMP. As this subdivision has occurred, these rules are now redundant (Subdivision consent RM020113, plus subsequent consents RM030898 and RM110656). This Plan Change proposes to remove those redundant rules, and associated references, from the TRMP. Any further subdivision will be managed by existing rules relating to the Rural 1 Closed Zone. These rules are 16.3.5.5 which allows for boundary adjustments as a discretionary activity, provided certain requirements are met, and rule 16.3.5.6 which prohibits any further subdivision beyond boundary adjustments.

The existing rule (17.5.3.2 (i)) which relates to these sites is to be retained due to the ongoing obligation in relation to the colour of buildings.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.3 SUBDIVISION

#### 16.3.5 Rural 1 Zone

#### 16.3.5.1 Controlled Subdivision (Rural 1 and Rural 1 Coastal Zones)

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

##### Area

- (a) Except as provided by conditions (aa), (b), ~~(e)~~ 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.~~

*[Unchanged or irrelevant text omitted]*

##### 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.~~

*[Unchanged or irrelevant text omitted]*

**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.

*[Unchanged or irrelevant text omitted]*

- ~~(8) On Lot 1, DP 12203 in Golden Hills Road, retention of existing trees, and future landscaping and planting.~~

*[Unchanged or irrelevant text omitted]*

### **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.

*[Unchanged or irrelevant text omitted]*

### **16.3.5.6 Prohibited Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)**

Except as provided for in rules ~~16.3.5.1(ca) and~~ 16.3.5.5, subdivision of any allotment ~~created:~~

- ~~• under condition 16.3.5.1(b) from former Lot 7 DP 16467 in Mapua,~~
- ~~• under condition 16.3.5.1(c) from former Lot 1 DP 12203 in Golden Hills Road,~~
- ~~• under condition 16.3.5.1(ea) in the Rural 1 Closed Zone at Mapua, or~~
- ~~ii) in the Rural 1 Coastal Zone at Mapua~~

is a prohibited activity for which no resource consent will be granted.

# CHAPTER 17: ZONE RULES

## 17.5 RURAL 1 ZONE RULES

*[Unchanged or irrelevant text omitted]*

### 17.5.3 Building Construction, Alteration, or Use

*[Unchanged or irrelevant text omitted]*

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

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

*[Unchanged or irrelevant text omitted]*

- (c) The site has a minimum area of 12 hectares or the site was created by a subdivision which was approved by the relevant territorial authority prior to 25 May 1996, ~~except for sites created pursuant to condition 16.3.5.1(e) on Lot 1, DP 12203 in Golden Hills Road, where there can be up to seven dwellings on separate sites, each of which is no less than four hectares in area.~~

*[Unchanged or irrelevant text omitted]*

- (i) ~~On Lot 1, DP 12203 in~~ the Rural 1 Closed Zone at Golden Hills Road, the exterior cladding of dwellings and ancillary buildings (including roofing) is to be in recessive colour tones.

# Plan Change Topic 73.29: Site Specific Provisions – Milnthorpe Residential Zone

## Explanatory Statement (not part of Plan Change text)

This change is to remove redundant section references in rules relating to the Milnthorpe area. Subdivision has occurred over time which results in these references being redundant.

## Plan Change Text

### CHAPTER 17: ZONE RULES

#### 17.1 RESIDENTIAL ZONE RULES

*[Unchanged or irrelevant text omitted]*

#### 17.1.3 Building Construction or Alteration

##### 17.1.3.1 Permitted Activities (Building Construction or Alteration — Standard Density Development)

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

*[Unchanged or irrelevant text omitted]*

##### Maximum Dwellings per Site

- (g) At Milnthorpe, a maximum of one dwelling for ~~CT-Record of Title 11A/641 (20 Nelson St, Milnthorpe)~~ and one dwelling for each certificate of title issued before 12 November 1987; ~~except for Sections 24, 28, 29 and 30 which are in one title where there is one dwelling for Section 24 and one dwelling for the other sections combined.~~
- (w) Every building is set back a minimum of 25 metres from any boundary with Milnthorpe Quay ~~Esplanade Reserve~~, except that on ~~CT-Record of Title 11A/641 (20 Nelson St, Milnthorpe)~~ and ~~CT-Record of Title NL 9B/454 (14 Nelson St, Milnthorpe)~~ the minimum setback is 16.5 metres.

*[Unchanged or irrelevant text omitted]*

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

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

*[Unchanged or irrelevant text omitted]*

- (d) At Milnthorpe, a maximum of one dwelling for ~~CT-Record of Title 11A/641 (20 Nelson St, Milnthorpe)~~ and one dwelling for each certificate of title issued before 12 November 1987;



~~except for Sections 24, 28, 29 and 30 which are in one title where there is one dwelling for Section 24 and one dwelling for the other sections combined.~~

# Plan Change Topic 73:30

## Site Specific Provisions

### – Closed Rural 2 Zone, Pupu Springs

#### Explanatory Statement (not part of Plan Change text)

The changes are made as the site has been subdivided in accordance with site specific rules within the TRMP. As this subdivision has occurred, these rules are now redundant (Subdivision consent RM031090). This Plan Change proposes to remove those redundant rules, and associated references, from the TRMP. Any further subdivision will be managed by existing rules relating to the Rural 2 Closed Zone. These rules are 16.3.6.5 which allows for boundary adjustments as a discretionary activity, provided certain requirements are met, and rule 16.3.6.6 which prohibits any further subdivision beyond boundary adjustments.

#### Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.3 SUBDIVISION

*[Unchanged or irrelevant text omitted]*

#### 16.3.6 Rural 2 Zone

##### 16.3.6.1 Controlled Subdivision (Rural 2 Zone)

Subdivision in the Rural 2 Zone is a controlled activity, if it complies with the following conditions:

#### Area

- (a) Except as provided by 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.~~

*[Unchanged or irrelevant text omitted]*

##### 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:

*[Unchanged or irrelevant text omitted]*

### **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.~~

~~Except as provided for in rule 16.3.6.5, subdivision in the Rural 2 Closed Zone is a prohibited activity.~~

## **PLANNING MAPS**

**Amend** rule reference on **Maps 9 and 50** as follows:

*Rural 2 Closed, subject to site specific provisions in rules ~~16.3.5.5 and 16.3.5.6, 16.3.6.1, 16.3.6.3, 16.3.6.4~~*

**Amend** rule reference on **Map 31** as follows:

*Rural 2 Closed, subject to site specific provisions in rule ~~16.3.6.6 16.3.6.4~~*

# Plan Change Topic 73.31: Site Specific Provisions – 580 Lower Queen Street

## Explanatory Statement (not part of Plan Change text)

The change is to update title references for this specific site and to remove a redundant rule from the TRMP. The redundant rule related to the previous zoning of the site.

## Plan Change Text

### CHAPTER 16: GENERAL RULES

#### 16.3 SUBDIVISION

#### 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:

*[Unchanged or irrelevant text omitted]*

- (i) No allotment created after 6 October 2007 (except ~~Lot 1 DP 13405 Record of Title 459167 (580 Lower Queen Street)~~) gains direct access from McShane Road or Lower Queen Street, except in the retail frontage shown on the planning maps in the Richmond West Development Area where access is restricted to one access per frontage.

*[Unchanged or irrelevant text omitted]*

#### Building Platform Levels

- (y) In the Richmond West Development Area, the building platform level is 4.6 metres above mean sea level and constructed in a way which provides a gradual transition between the ground level (datum reference: NVD55) and 4.6 metres to achieve a visually natural appearance, except that the 4.6 metre building platform level does not apply to those parts of Lot 1 DP 18146 and Lot 4 DP 18918 (Nelson Pine Industries), Lot 3 DP 18918 (Dynea NZ Ltd) and ~~land held in Record of Title 459167 (580 Lower Queen Street) 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.

*[Unchanged or irrelevant text omitted]*

## 16.3.6 Rural 2 Zone

### 16.3.6.1 Controlled Subdivision (Rural 2 Zone)

Subdivision in the Rural 2 Zone is a controlled activity, if it complies with the following conditions:

*[Unchanged or irrelevant text omitted]*

#### 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.~~

# CHAPTER 18: SPECIAL AREA RULES

## 18.11 COASTAL ENVIRONMENT AREA

### 18.11.3 Building Construction or Alteration

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

Construction of or extension to a building that does not comply with the conditions of rule 18.11.2.1 is a controlled activity, if it complies with the following conditions:

- (a) The activity is an extension to an existing building that does not comply with condition 18.11.2.1(b).

#### Setbacks

- (b) New buildings are set back from mean high water springs the following minimum distances:
  - (i) 100 metres in the Waimea Inlet Rural Residential Zone and the Rural 1, Rural 1 Coastal, Rural 2 and Rural 3 zones; and in the Open Space, Rural 1, Rural 2 and Light Industrial zones in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps).
  - (ii) 80 metres for Light Industrial zoned land ~~for Lot 1 DP 13405 (Tasman District Council)~~ held in Record of Title 459167 (580 Lower Queen Street) in the Richmond West Development Area.