

16.3 SUBDIVISION

Refer to Policy sets 5.1 - 5.3, 6.1 – 6.6, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1 - 10.3, 11.1, 11.2, 13.1, 14.1 - 14.4, 21.4, 27.5, 33.3, 33.4.

Refer to Rule sections 16.2, 16.4 - 16.6, 16.11, 18.8, 18.12, 18.13, 36.2, 36.4.

16.3.1 Scope of Section

This section deals with subdivision throughout the District. Information required with resource consent applications is stated in Chapter 19 (*refer, in particular, to 19.2.2*). The subdivision of land adjacent to the coastal marine area, or adjacent to rivers or lakes over a certain size, is a discretionary activity dealt with in Section 16.4.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. NES-FW (ca) 12/20

16.3.2 All Zones**16.3.2.1 No Permitted Subdivision (All Zones)**

No subdivision is permitted in any zone without a resource consent.

16.3.2.2 Subdivision in the Slope Instability Risk AreaC31 8/10
Op 1/15

Subdivision in the Slope Instability Risk Area is subject to the rules in section 18.12.2, in addition to the relevant rules of section 16.3.

16.3.2.3 Subdivision in the Fault Rupture Risk AreaC21 8/10
Op 1/15

Subdivision in the Fault Rupture Risk Area is subject to the rules in section 18.13.2, in addition to the relevant rules of section 16.3.

16.3.2.4 Subdivision of Hazardous Activity and Industry List Land

Subdivision of land identified as currently or previously containing, or potentially containing, hazardous activities or industries must comply with the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. This national standard may alter the activity status of an activity and impose additional standards, matters for assessment and criteria.

A copy of the Hazardous Activity and Industry List (HAIL) can be obtained from Council or through the Ministry for the Environment website.

16.3.2.5 Subdivision in any Zone Subject to Deferred Zone Rules, or Where Deferred Zoning Has Been RemovedC51 1/15
Op 9/16

In all zones, where subdivision is a controlled, restricted discretionary, or discretionary activity, and in addition to the applicable requirements of Schedule 16.3C, where land is, or was formerly, subject to Deferred Zone Rules (Section 17.14, and as set out in Schedule 17.14A), services are provided in accordance with:

EITHER

(a) Mandatory standards of the Nelson Tasman Land Development Manual 2019. C69 6/19 Op 6/20

OR

C51 1/15
Op 9/16

(b) The services requirements and concept engineering plans that formed the basis for Council's resolution to remove the deferral of the urban zone for the whole or any part of that land.

Subdivision that does not comply with (a) or (b) is a discretionary activity.

Note: Other consents may be required besides subdivision consent where services are to be provided as part of the subdivision, for example, discharge permit, land disturbance consent.

16.3.3 Residential Zone

16.3.3.1 Controlled Subdivision (Residential Zone — Standard Density Development)

C66 10/17
Op 12/18

Subdivision for standard density development in the Residential Zone is a controlled activity, if it complies with the following conditions:

Allotment Area

(a) Except as provided for in condition (n), every allotment has a minimum net area as set out in Figure 16.3A.

Figure 16.3A: Minimum Allotment Areas in the Residential Zone

DESCRIPTION OF LAND TO BE SUBDIVIDED	MINIMUM NET AREA (M ²)
Without reticulated wastewater servicing	1,000
Except Milnthorpe	1,800
With reticulated wastewater servicing	450
Except:	
(i) Motueka and Richmond complying with rule 16.3.3.1(c).	350
(ii) Allotments adjoining Rural 1 or Rural 2 zones except that on that part of land in Lot 1 DP20082 (Old Wharf Road) and as shown on the planning maps at Motueka as zoned Residential.	1,000
	700
(iia) Allotments at Rototai Road Residential Zone.	600
(iii) Allotments adjoining Industrial Zones.	800
(iiia) Allotments adjoining the Light Industrial Zone at Bird Lane, Wakefield	1,000
(iv) Allotments in St Arnaud Residential Zone not crossed by Alpine Fault (except as specified in (v)).	1,000
(v) Allotments in St Arnaud on Lake Road, Robert Street, Holland Street, Arnaud Street and Bridge Street, south of Black Valley Stream in St Arnaud.	1,800
(vi) Allotment to be used exclusively as a site for a network utility or public work.	1, with no minimum diameter
(vii) Waimea Village	<i>Refer Schedule 17.1D</i>
(viii) Richmond South, Richmond West, Motueka West and Mapua development areas.	<i>Refer rule 16.3.3.1 (n)(i)(a) – (d)</i>
(ix) Richmond East Development Area south east of Hill Street.	600
(x) Richmond East Development Area south east of Hill Street: foothill precinct, as notated on the planning maps.	900

C58 11/15
Op 7/17

C10 10/07
Op 3/14
C22 2/11 &
C43 4/13
Op 1/15
C20 8/10
Op 8/12
C20 8/10
Op 8/12

DESCRIPTION OF LAND TO BE SUBDIVIDED	MINIMUM NET AREA (M ²)	
(xi) Tahi St and Iwa St Residential Coastal Zone	One new allotment of at least 650m ² with a balance allotment of at least 650m ² may be created from a record of title existing as at 26 February 2011	C22 2/11 Op 1/15
(xii) Richmond Intensive Development Area	Refer rule 16.3.3.1(n)(i)(a) – (d)	C66 10/17 Op 12/18
(xiii) Brightwater Development Area where the parent title has a net area of 2 hectares or less.	450	C75 9/22 Op 10/23
(xiv) Brightwater Development Area where the parent title has a net area greater than 2 hectares, <u>and Wakefield Development Area.</u>	Refer to rule 16.3.3.1B Residential Zone – Specific Location: Brightwater <u>and Wakefield Development Areas</u>	C75 9/22 Op 10/23 C76 9/22 D9/24

- (b) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the minimum net area for new allotments (except for network utilities) in Motueka and Richmond is 350 square metres if reticulated wastewater servicing is available to the allotment and the following applies:

- (i) the land to be subdivided comprises less than 1 hectare and two or more allotments are to be created and the average net allotment area is at least 500 square metres in Motueka and 450 square metres in Richmond;

- (c) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), for subdivision in Motueka and Richmond where the land to be subdivided comprises more than 1 hectare:

- (i) at least 20 percent of residential allotments have a net area of 700 square metres or more;
- (ii) at least 60 percent of residential allotments have a net area between 550 and 800 square metres;
- (iii) not more than 20 percent of residential allotments have a net area of 550 square metres or less.

- (d) Except as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), the land to be subdivided does not include any allotment in Motueka or Richmond of less than 1,000 square metres created by a subdivision approved since 1 January 1987, unless the subdivision is for a network utility.

Average Net Area

- (e) Except at St Arnaud and Waimea Village and as provided in condition (n) and Figure 16.3A (ix), (x) and (xii), for subdivisions producing three or more allotments the average net area of each allotment is:

- (i) 1,200 square metres in areas without reticulated wastewater servicing;
- (ii) 600 square metres in areas with reticulated wastewater servicing;
- (iii) 500 square metres in areas with reticulated wastewater servicing in Motueka and 450 square metres in Richmond, where the land to be subdivided comprises less than one hectare;
- (iv) 800 square metres in areas shown as Rototai Road Residential Zone.

Frontage

- (f) Except as provided for in condition (n), every allotment that has a frontage has a minimum frontage width of 3.5 metres, except for Waimea Village (*see Schedule 17.1D*).

Shape Factor

- (g) Every allotment is capable of containing, within its net area, a circle with a diameter of 16 metres, except for Waimea Village (*see Schedule 17.1D*).

Lot Width

- (h) Allotments created by a subdivision that adjoins any Rural or Industrial zone have a width of at least 30 metres between the zone boundary and the farthest boundary of the allotment.

Services

- (i) Every allotment in the Richmond West, Brightwater, Motueka West, Wakefield, Richmond East, Richmond Intensive and Mapua development areas (excluding the Residential Coastal Zone) is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or road reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.
- C10 10/07 Op 3/14
C20 8/10 Op 8/12
C22 4/13 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
OP 10/23
C76 9/22
(D9/24)

Comprehensive Residential Development

- (k) The subdivision is not part of a comprehensive residential development.

Existing Buildings

- (l) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

Heritage Site or Item Present

- (m) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
- (ii) a protected tree referred to in Schedule 16.13B in the Richmond West, Brightwater, Motueka West, Wakefield, Richmond East, Richmond Intensive or Mapua development area.
- C10 10/07 Op 3/14
C16 9/09 Op 8/12
C20 8/10 Op 8/12
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D9/24)
C16 9/09
Op 8/12

Cultural Heritage Sites

- (ma) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.
- (mb) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.
- C66 10/17
Op 12/18

Notes:

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.
- C16 9/09
Op 8/12
C66 10/17
Op 12/18

Stormwater

- | | | |
|------|---|---|
| | | C7 7/07
Op 10/10 |
| (mc) | In the Residential Zone: | C10 10/07
Op 3/14 |
| | (i) EITHER: | C66 10/17
Op 12/18 |
| | Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater. | |
| | OR | |
| | The discharge complies with section 36.4 of this Plan. | |
| | AND | |
| | (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network. | |
| | (iii) A planting plan and design statement by an appropriately competent person in landscape architecture is provided with any plan submitted showing a stormwater retention area in Motueka West Development Area. | C43 4/13
Op 1/15
C66 10/17
Op 12/18 |
| | Note: A discharge consent may be required where new stormwater infrastructure is being created. | C7 7/07 Op 10/10
C10 10/07 Op 3/14
C66 10/17 Op 12/18 |
| (md) | In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the Part II Special planning map: | C66 10/17
Op 12/18 |
| | (i) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site; | |
| | (ii) the flood flow path surface is constructed or treated to prevent erosion of the surface. | |

Cross Boundary Effects

- | | | |
|------|--|---|
| | | C10 10/07
Op 3/14 |
| (me) | | C66 10/17
Op 12/18
C75 9/22
Op 10/23 |
| | (i) Sites adjoining and within 60 metres of Designation 127 are subject to a consent notice to ensure compliance with condition 17.1.3.1(c). | |
| | (ii) In the Brightwater Development Area | |
| | a) A resource consent application for subdivision within 100m of the state highway's white edge line must be accompanied by an acoustic design report, prepared by a suitably qualified and experienced acoustic specialist which details the following: | |
| | i) The measured or predicted outdoor road traffic noise level, determined in accordance with NZS 6801:2008 <i>Acoustics – Environmental Noise</i> and NZS 6806:2010 <i>Acoustics – Road Traffic Noise – New and Altered Roads</i> . | |
| | ii) Where the measured or predicted outdoor road traffic noise level exceeds 57 dB $L_{Aeq}(24h)$, the report must recommend how the subdivision can best include measures to mitigate the effects of road traffic noise on the inhabitants of any future dwellings and achieve an internal noise level of 40 dB $L_{Aeq}(24h)$ in habitable rooms. The report must add 3 dB to the measured or predicted noise level to take into account future growth and peaks in road noise. | |

For the purpose of (a):

- Habitable room is defined as per the National Planning Standards – Any room used for the purpose of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

- As a minimum, noise levels must be measured or predicted within the subdivision area at the boundary closest to the state highway, and at a point furthest from the state highway that is still within 100m of the state highway’s white edge line.
 - Any extraneous noise sources such as abnormal events (e.g., cicadas and crickets, or a neighbour mowing the lawn or doing construction work) must be removed from the noise analysis.
- b) All lots (except network utility lots) within 20m of the state highway’s white edge line must be demonstrated to be of sufficient size and dimension for a complying dwelling to be setback at least 20m from the state highway’s white edge line.

TransportC66 10/17
Op 12/18

- (mf) The transport conditions in Schedule 16.3B are complied with, unless the subdivision is for a single allotment for a network utility.

Richmond South, Richmond West, Brightwater, Motueka West, Wakefield, Mapua and Richmond Intensive Development AreasC5 3/06 Op 10/10
C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D9/24)

- (n) Subdivision for standard density development in the Richmond South, Richmond West, Motueka West, Wakefield, Mapua, Brightwater and Richmond Intensive development areas, as shown on the planning maps, complies with the following conditions:

(i) AllotmentsC5 3/06 Op 10/10
C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C75 9/22
Op 10/23
C76 9/22
D9/24

- (a) The minimum net area of every allotment is at least 350 square metres, except in the Mapua Development Area where each allotment is at least 450 square metres and in the Brightwater and Wakefield Development Areas where Rule 16.3.3.1B(a) and 16.3.3.1B (b) applies.

- (b) The minimum average net area for all allotments is 550 square metres, except in the Motueka West area where the minimum average net area is 500 square metres and in the Richmond Intensive Development Area, and in the Brightwater and Wakefield Development Areas, where there is no average.

C10 10/07 Op 3/14
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D9/24)

- (c) Every allotment is capable of containing a circle with a diameter of 16 metres or greater.

- (d) Except for the Richmond Intensive Development Area, no fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres wide. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.

C66 10/17
Op 12/18**(ii) Allotment Access and Road Network**

- (a) All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules).

C69 6/19
Op 6/20

- (b) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.

- (c) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access.

C11 10/07
Op 10/10

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

C10 10/07
Op 3/14

- (i) no road in the Richmond South Development Area is designed to connect directly with Hart/Bateup roads, Wensley/Paton roads, Hill Street or State Highway 6;

C66 10/17
Op 12/18
C75 9/22
Op 10/23

- (ii) no road in the Richmond West Development Area is designed

- to connect to State Highway 6 or Lower Queen St; and
- (iii) no road in the Richmond Intensive Development Area is designed to connect to Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street.
- (iv) no road in the Brightwater Development Area is designed to connect to State Highway 6.
- [Items (e) and (f) are deleted]* C69 6/19 Op 6/20
- (g) The transport conditions in Schedule 16.3B are complied with.
- (h) No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area, except that existing lawful access crossings may continue to be used. C10 10/07 Op 3/14
- (i) No allotment in the Motueka West Development Area created after public notification of Motueka West plan change gains direct access on to Queen Victoria Street except that existing lawful crossings may continue to be used. C43 4/13 Op 1/15
- (j) No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.
- (k) No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area, except that existing lawful access crossings may continue to be used. C10 10/07 Op 3/14
- (l) No allotment created after 28 August 2010 gains direct access from Champion Road or from Salisbury Road if the allotment is located within 215 metres or 100 metres respectively of the intersection of Champion and Salisbury roads as measured from the intersection of the extension of the road boundary tangent point, except that existing lawful crossings may continue to be used. C20 8/10 Op 8/12
- (m) No allotment in the Richmond Intensive Development Area created after 14 October 2017 gains direct access onto Salisbury Road, Wensley Road, Oxford Street, Gladstone Road or Queen Street. C66 10/17 Op 12/18
- (n) No allotment in the Brightwater Development Area gains direct access onto State Highway 6. Lawful existing accessways may continue to be used. C75 9/22 Op 10/23
- (iii) **Reserves** C5 3/06 Op 10/10
- Subject to but not limited by rule 16.4.2.1: C10 10/07 Op 3/14
- (a) land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: C5 3/06 Op 10/10
- 70 metre wide reserve along Borck Creek from the Light Industrial Zone to the Mixed Business Zone
 - 15 metre wide reserve along Poutama Drain
 - 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek
- (b) indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C5 3/06 Op 10/10 C10 10/07 Op 3/14

(c) within the Wakefield Development Area no credit against the reserve financial contributions will be provided for the Local Purpose (Esplanade) Reserve to vest based on an average total width of 40 metres relating to the Pitfure Stream. The 40 metre total esplanade width excludes Pitfure Stream's bed (as defined in the RMA).

C76 9/22
D9/24

(iv) **Indicative Stormwater Retention Area**

C5 3/06
Op 10/10

(a) Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in the Richmond South and Motueka West development areas on the planning maps to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4.

C43 4/13
Op 1/15

Notes:

C5 3/06
Op 10/10

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

C10 10/07
Op 3/14

(2) In the Richmond South and Mapua development areas, it is intended that all existing reservoirs not expressly forming part of the stormwater network will be dewatered at the time of subdivision.

C22 2/11
Op 1/15

Allotment Access and Road Network – Richmond East

C66 10/17 Op 12/18

(o) Subdivision in the Richmond East Development Area complies with conditions 16.3.3.1 (n)(ii)(a), (n)(ii)(c), and (n)(ii)(l).

C20 8/10
Op 8/12

Sites in the Coastal Environment Area - Little Kaiteriteri

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

C73 12/20
Op 6/23

In the notated area shown on the planning maps on Record of Title NL 13A/194 (Talisman Heights) or its successive titles, there shall be no more than three residential allotments.

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

C22 2/11 Op 1/15
C66 10/17 Op 12/18

(r) Where allotments are created within 150 metres of the boundary of the Heavy Industrial Zone in Old Wharf Rd (Motueka), subdivision of Pt Lot 3 DP 1654, Lot 2 DP 424497 and Lot 1 DP 20082 (High Street and Old Wharf Road) incorporates a 12-metre wide landscaped earth mound at least 3 metres high along the boundary with the Heavy Industrial Zone.

(s) Where allotments adjoin Mapua Drive between the Ruby Bay bypass (Te Mamaku Drive) and Aranui Park, amenity plantings 3 metres wide are provided, and there is no close-boarded or solid fencing.

C22 2/11
Op 1/15

Amenity Plantings within a Boundary Setback – Richmond West Development Area

C10 10/07
Op 3/14

(t) In the Richmond West Development Area, amenity plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:

(i) Adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain southwest to the point where Poutama Drain intersects with the designation.

(ii) Adjoining the Indicative Collector Road and the Mixed Business Zone, amenity plantings are 2.5 metres wide.

Amenity Plantings – Richmond West and Mapua Development Area

		C66 10/17 Op 12/18
(u)	In the Richmond West and Mapua development areas, a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback or adjoins Mapua Drive at Mapua.	C10 10/07 Op 3/14 C22 2/11 Op 1/15
(v)	In the Richmond West and Mapua development areas, the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.	C10 10/07 Op 3/14 C22 2/11 Op 1/15

A resource consent is required. The Council has reserved control over the following matters:

Traffic

(1)	Access.	
(2)	The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road, or state highway, including: <ul style="list-style-type: none"> • the number of intersections between the frontage of any site and the nearest of those roads; • the driving time between any site and the nearest of those roads; • the walking distance between any site and an arterial or principal road, along public roads, pedestrian ways, or footpaths through reserves. 	C69 6/19 Op 6/20 C69 6/19 Op 6/20
(3)	The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.	
(4)	Any mandatory or good practice matters of chapter 4 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the safe, efficient and effective provision of transportation and access.	C69 6/19 Op 6/20
(5)	The relationship of any new road with existing roads, adjoining land, and any future roading requirements.	

Services

(6)	Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary.	
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Stormwater Management

(7)	Any matter necessary to manage stormwater run-off, including low impact design solutions where appropriate.	C7 7/07 Op 10/10
(8)	The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.	C10 10/07 Op 3/14
(9)	Any mandatory or good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 necessary to ensure the efficient and effective provision of stormwater network reticulation.	C69 6/19 Op 6/20

Open Space/Reserves

(10)	The extent and location of indicative reserves.	C10 10/07 Op 3/14
(11)	The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse.	C7 7/07 Op 10/10

Access for Earthworks

- (12) Location and effects of earthworks necessary to achieve (1) and (7). C10 10/07 Op 3/14

Natural Heritage

- (13) Potential effects on heritage protection and protected trees. C10 10/07 Op 3/14
- (14) Potential adverse effects on wetland values.
- (15) Potential adverse effects on indigenous coastal vegetation and fauna values at Little Kaiteriteri/Stephens Bay.
- (16) The degree of compliance with any mandatory requirements of the Nelson Tasman Land Development Manual 2019. C69 6/19
Op 6/20

Cultural Heritage

- (17) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09
Op 8/12
C66 10/17
Op 12/18
- (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
 - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
 - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

Richmond South, Richmond West, Brightwater, Motueka West, Wakefield, Mapua and Richmond Intensive Development Areas

- (18) For subdivision for standard density development in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West, Mapua and Richmond Intensive development areas, control over the following matters apply: C5 3/06
Op 10/10
C10 10/07
Op 3/14
C22 2/11
& C43
4/13
Op 1/15
C66 10/17
Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D/24)
- (a) The extent to which the road network is interconnected within the subdivision and with adjoining networks, including the street network, walkways and cycleway connectedness.
 - (b) Except for the Richmond Intensive Development Area, the layout of allotments in terms of providing for a range of allotment densities, street-facing frontages and with access to public spaces, walkways and reserves.
 - (c) The extent to which the proposed subdivision provides for reserves and public open spaces for the use and enjoyment of communities.
 - (d) The visibility of all public spaces, including roads, walkways and reserves, and the degree of passive surveillance from future dwellings.
 - (e) The degree to which the proposed subdivision has used landscaping and vegetation plantings within public spaces, including road reserve, to provide for a high amenity environment.

- (f) The ability of each allotment to accommodate a dwelling, accessory buildings, on-site parking and access in accordance with rule 17.1.3.1.
- (g) The effective management of stormwater, including the use of low impact design solutions, where practicable.
- (ga) In the Wakefield Development Area, any matter necessary to manage flood and dam break hazard risk. C76 9/22
(D/24)
- (h) The proposed management of any temporary or permanent effects arising from vegetation removal, earthworks and landscaping.
- (i) The management of risk of property damage or nuisance from potential natural hazards.
- (j) Except for the Richmond Intensive Development Area, the degree to which the potential for reverse sensitivity of existing rural activities arising from adverse cross-boundary effects on new residential development has been accounted for in the subdivision design.
- (k) The extent of retention and integration of existing trees and groups of trees into the subdivision design.
- (l) The degree of application of the design guidelines in the Urban Design Guide (Part II, Appendix 2) to the matters identified within the document, where relevant.
- (m) Ensuring adequate ongoing maintenance and replacement of amenity plantings.
- (n) The extent to which the number of individual allotment accesses onto Hart/Bateup and Wensley/Paton roads and Hill Street has been minimised. C75 9/22
Op 10/23
- (o) In the Brightwater Development Area, where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to manage potential noise and vibration effects from the state highway.
- (p) In the Wakefield Development Area, the recommendations of the Integrated Transportation Assessment. C76 9/22
D9/22
- Note:** Further guidance about good urban design and low impact development can be found in the Urban Design Guide (Part II, Appendix 2).

Richmond East Development Area

- (19) For subdivision in the Richmond East Development Area, the following matter applies: C20 8/10
Op 8/12
- (a) The extent to which the number of individual allotment accesses onto Champion Road or Salisbury Road, if located within 215 metres or 100 metres respectively of the intersection of Champion and Salisbury roads, has been minimised. C66 10/17
Op 12/18

Amenity Plantings - Richmond West Development Area

- (20) For subdivision in the Richmond West Development Area, the following matters apply: C10 10/07
Op 3/14
- (a) Landscaping and amenity plantings for the identified allotments, including the type, height (at planting time and at maturity), girth at planting, location of species to be planted, planting plan, planting and maintenance programme, and bunding. C66 10/17
Op 12/18
- (b) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.
- (c) The extent to which the amenity plantings create a visually attractive appearance when viewed from public roads and reserves, and adjoining zones.

- (d) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.
 - (e) The depth and height of plantings.
 - (f) The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth.
 - (g) The appropriateness of the species to the local environment and conditions.
 - (h) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.
- (21) The degree to which the width and height of planting and bunding mitigates adverse effects arising from the operation of the State Highway network and contributes to the enhancement of major traffic corridors. C10 10/07 Op 3/14
C66 10/17 Op 12/18
- (22) Financial contributions. C66 10/17 Op 12/18
- (23) All matters referred to in Section 220 of the Act.
- (24) Bonds and covenants. C10 10/07 Op 3/14
C66 10/17 Op 12/18

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

C66 10/17
Op 12/18

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

Allotment Area

- (a) The minimum net allotment area is 200 square metres.

Allotment Access and Road Network

NPS-UD
9/21

- (b) The subdivision meets the controlled conditions (n)(ii)(a)-(d), (n)(ii)(g), (n)(ii)(m) and (n)(iii)(b) of rule 16.3.3.1.

Complying Building Envelope

- (c) Each application is accompanied by a complying building envelope showing a building location area and compliance with the conditions contained in rule 17.1.3.4C relating to building and site coverage, building setbacks from internal and external boundaries, building envelope, outdoor living space, fences, building height, building length and the parking and access conditions for the Richmond Intensive Development Area in Figures 16.2A.

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

C66 10/17
Op 12/18

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

C73 12/20
Op 6/23

Existing Buildings

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

A resource consent is required. The Council has reserved control over the following matters:

- (1) Matters (2) and (3) listed in 16.3.3.3 relating to site layout.
- (2) Matter (4) listed in 16.3.3.3 relating to solar access and privacy.
- (3) Matters (6) and (7) listed in 16.3.3.3 relating to servicing.
- (4) Matters (8) and (9) listed in 16.3.3.3 relating to landscape treatment.
- (5) Matter (12) listed in 16.3.3.3 relating to open space/reserves.
- (6) Matters (29) and (30) listed in 16.3.3.3 relating to energy efficiency.

General

- (7) Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.
- (8) The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.
- (9) The vesting in Council of any allotment in connection with the servicing of any other land by a stormwater network utility under the control of the Council.

Earthworks

- (10) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as water courses.
- (11) Whether the proposed earthworks will increase or decrease the risks from natural hazards either on, or outside, the land being subdivided.

Stormwater

- (12) The actual and potential adverse effects of the subdivision in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following:
 - (a) The extent to which all stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
 - (b) The extent to which the subdivision design has taken into account changes in land cover and the proposed measures to avoid, remedy or mitigate the effects of those changes on stormwater flows and water quality.
 - (c) The degree to which the subdivision has used Low Impact Design solutions in the management of stormwater.

- (d) The degree of maintenance or enhancement of natural drainage characteristics in the overall subdivision design and allotment layout.
- (e) The regard for existing and reasonably expected future land-use changes within the catchment of the subdivision.
- (f) The degree to which the design of the stormwater management network accounts for any possible future changes in development that may have an effect on, or be affected by, the development.
- (g) The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been applied to the subdivision design.
- (h) The methods proposed to avoid damage to downstream properties from altered stormwater flows and effectiveness of those methods.

Archaeological or Heritage Sites

- (13) In relation to land, including a heritage site or item referred to in Schedules 16.13A, 16.13C or 18.1A:
- (a) whether the proposed subdivision would have an adverse or beneficial effect on the integrity or heritage value of the site or item, and the extent of that effect;
 - (b) the extent to which land integral to the significance of an archaeological site or site of significance to Māori would be separated from that site;
 - (c) the provisions of any relevant management plan.

Protected Trees

- (13A) In relation to a protected tree referred to in Schedule 16.13B:
- (a) whether the proposed subdivision would have an adverse or beneficial effect on the protected tree, and the extent of that effect;
 - (b) the provisions of any relevant management plan.

Access and Roads

- (14) The extent to which an existing road needs to be upgraded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of section 18.8 rules for that particular class of road.
- (15) The ability to comply with the site access and vehicle crossing requirements of rule 16.2.2.1.
- (16) Financial contributions.
- (17) All matters referred to in Section 220 of the Act.
- (18) Bonds and covenants.

Non-Notification

Applications for resource consent that comply with the conditions of this rule (16.3.3.1A) will be decided without limited notification and without public notification.

In respect of non-compliance with condition 16.3.3.1(n)(ii)(b) [cul-de-sac length], applications for resource consent for an activity under this rule will be decided without limited notification and without public notification.

C66 10/17
Op 12/18

16.3.3.1B Controlled Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas)

C75 9/22
Op 10/23
C76 9/22
D9/24

Subdivision in the Brightwater and Wakefield Development Areas is a controlled activity, if it complies with the following conditions:

Allotment Area

- (a) In the Brightwater Development Area every allotment created by the subdivision has a net area as stated in Figure 16.3AB, except where Compact Density Provisions are used in which case there are no minimum allotment area requirements for the Compact Density Development.
- (b) In the Wakefield Development Area, at least 15% of the allotments have an average net site area of 360m² or less, with a minimum of 200m² and a maximum of 450m² (reserve lots are excluded from these calculations). The minimum net area for the remaining allotments is 200m². However, these provisions do not apply where Compact Density Provisions are used in which case there are no minimum allotment area requirements for the Compact Density Development.

Figure 16.3AB: Minimum Allotment Areas in the Brightwater Development Area:

DESCRIPTION OF LAND TO BE SUBDIVIDED	NET AREA REQUIREMENTS (M ²)
(i) Where the land to be subdivided has a net area of 2 hectares or less	Refer to Rule 16.3.3.1 Figure 16.3A (xiii) <i>Standard Density</i> Subdivision
(ii) Where the land to be subdivided has a net area greater than 2 hectares	a) A minimum of 20% of the allotments created have a net area of between 270m ² and 350m ² . And b) A minimum of 20% of the allotments created have a net area of between 350m ² and 450m ² . A maximum of 50% of the allotments created can utilise the allowances under (ii)(a) and (ii)(b) above. The minimum net area for the remaining allotments is 450m ² . NOTE: The net area requirements do not apply to Compact Density, however, Compact Density subdivision and land use rules (16.3.3.3 and 17.1.3.3) can contribute to achieving the requirements of this rule in both size categories (ii)(a) and (ii)(b).

Allotment Access and Road Network

- (b)(c) The subdivision meets ~~the controlled~~ conditions: ~~16.3.3.1(n)(i)(c-d), (n)(ii)(g), and (n)(ii)(n) of Rule 16.3.3.1. Allotment Access and Road Network.~~

C75 9/22
Op 10/23
C76 9/22
D6/24

Services, Existing Buildings, Heritage Site or Item Present, Cultural Heritage Sites, Protected Trees, Stormwater, Transport and ReservesC75 9/22
Op 10/23

~~(d)~~ In the Wakefield Development Area, no fewer than 85 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres wide. For the avoidance of doubt, this means that no more than 15 percent of allotments may be rear allotments without any road or reserve frontage.

C76 9/22
D6/24

~~(e)~~ (e) The subdivision meets the conditions of:

- (i) 16.3.3.1(i) *Services*
- (ii) 16.3.3.1(l) *Existing Buildings*
- (iii) 16.3.3.1(m) *Heritage Site or Item Present*
- (iv) 16.3.3.1(ma)-(mb) *Cultural Heritage Site*
- (v) 16.3.3.1(mc) *Stormwater*
- (vi) 16.3.3.1(me)(ii) *Cross Boundary Effects (this applies to the Brightwater Development Area only and not the Wakefield Development Area).*
- (vii) 16.3.3.1(mf) *Transport*
- (viii) 16.3.3.1(n)(iii)(a), 16.3.3.1(n)(iii)(b), 16.3.3.1(n)(iii)(c) *Reserves*
- (ix) 16.3.3.2A (f) *Comprehensive Development*

Matters of ControlC75 9/22
Op 10/23
C76 9/22
D6/24

- (i) Matters (1)-(18) and (22)-(24) listed in 16.3.3.1
- (ii) The ability to achieve a variety of housing density options.
- (iii) Financial Contributions.
- (iv) All Matters referred to in Section 220 of the Act
- (v) Bonds and covenants.

16.3.3.2 Restricted Discretionary Subdivision (Residential Zone – Listed Cultural Heritage Site)C16 9/09
Op 8/12

Subdivision in the Residential Zone that does not comply with controlled condition (ma) of rule 16.3.3.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;

- (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

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

Subdivision for standard density development in the Residential Zone that does not comply with the controlled conditions of rules 16.3.3.1 or 16.3.3.1B is a restricted discretionary activity, if it complies with the following conditions:

Stormwater

- (a) In the Residential Zone:
- (i) EITHER:
- Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
- Note:** A discharge consent may be required where new stormwater infrastructure is being created.
- (b) In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the Part II Special planning map:
- (i) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;
- (ii) the flood flow path surface is constructed or treated to prevent erosion of the surface.

Richmond South, Richmond West, Brightwater, Wakefield, and Richmond Intensive Development Areas

- (c) Land to be subdivided for standard density development in the Richmond South, Richmond West, Brightwater, Wakefield and Richmond Intensive development areas that does not comply with the conditions of rule 16.3.3.1 is a restricted discretionary activity, if it complies with the following conditions:

Minimum Allotment Size

- (i) The minimum net area for each allotment is 350 square metres, except in the Brightwater Development Area where the minimum net area for each allotment is 270 square metres, and in the Wakefield Development Area where the minimum net area for each allotment is 200 square metres.

- ~~• The minimum net area for each allotment is 450 square metres if the land to be subdivided comprises 2 hectares or less in net area.~~
- ~~• The minimum net area for each allotment is in accordance with Rule 16.3.3.2C Restricted Discretionary Subdivision (Residential Zone – Specific Location: Brightwater and Wakefield Development Areas) if the land to be subdivided is greater than 2 hectares in net area.~~

C66 10/17
Op 12/18C75 9/22
(d 6/23)
C76 9/22
D6/24C66 10/17
Op 12/18C10 10/07
Op 3/14C66 10/17
Op 12/18C75 9/22
Op 10/23
C76 9/22
D9/24

Allotment Access, Road Network, Reserves and Indicative Stormwater Retention Area

- (ii) The subdivision meets conditions 16.3.3.1(n)(ii)(a), (n)(ii)(c) to (n)(ii)(n), (n)(iii) and (n)(iv).
- (iii) Except in the Richmond Intensive Development Area, the subdivision meets condition 16.3.3.1(n)(ii)(b).

CL20A
6/24**Reverse Sensitivity**

- (iv) The subdivision must comply with 16.3.3.1(me)(ii) and (iii) Cross Boundary Effects. (This applies to the Brightwater Development Area *and not the Wakefield Development Area*).

C76 9/22
(D9/24)**Amenity Plantings within a Boundary Setback – Richmond West Development Area**

- (d) In the Richmond West Development Area amenity, plantings are provided within the boundary setbacks on allotments in the following locations and in accordance with the following specifications:
- (i) adjoining Designation 127, amenity plantings are 20 metres wide incorporating a 2.5 metre bund, with a 2:1 batter, extending from the easternmost point of Poutama Drain south west to the point where Poutama Drain intersects with the designation.
- (ii) adjoining the Indicative Collector Road and Mixed Business Zone, amenity plantings are 2.5 metres wide.
- (iii) a planting plan, cross section and design statement, prepared by an appropriately competent person in landscape architecture, are provided with every application for subdivision that show the bunding (where specified), species, height at maturity, planting and spacing layout, maintenance and replacement programme, and the planting theme where the allotment is in the amenity planting setback.
- (iv) the amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.

C10 10/07
Op 3/14
C66 10/17
Op 12/18**Tahi and Iwa Streets, Mapua**

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

C22 2/11
Op 1/15
C66 10/17
Op 12/18**Comprehensive Development**

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

C66 10/17
Op 12/18C75 9/22
Op 10/23

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

- (1) Matters (1) to (37) of rule 16.3.3.3 *Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)*.

Non-Notification

In respect of non-compliance with condition (c)(iii) [cul-de-sac length], applications for resource consent for an activity under this rule will be decided without limited notification and without public notification.

16.3.3.2B Restricted Discretionary Subdivision (Residential Zone — Specific Location: Richmond Intensive Development Area)C66 10/17
Op 12/18
C73 12/20
Op 6/23

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

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

C66 10/17
Op 12/18
C73 12/20
Op 6/23

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

C66 10/17
Op 12/18

- (1) Matters (1) to (18) of rule 16.3.3.1A.
- (2) The layout and design of a subdivision in relation to stormwater.

Non-Notification

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

16.3.3.2C Restricted Discretionary Subdivision (Residential Zone — Specific Location: Brightwater and Wakefield Development Areas)C75 9/22
Op 10/23
D9/24

- (a) Subdivision in the Brightwater Development Area and Subdivision in the Wakefield Development Area, that does not comply with the controlled conditions of rule 16.3.3.1B is a restricted discretionary activity, if it complies with the following conditions:
 - i) 16.3.3.1B(a)-(b) *Minimum Allotment Size*
 - ii) 16.3.3.1(n)(ii)(a), (n)(ii)(b), (n)(ii)(c), (n)(ii)(g) and (n)(ii)(n) *Allotment Access and Road Network*
 - iii) 16.3.3.1 (me)(ii) *Cross Boundary Effects*.
 - iv) 16.3.3.2A(a) *Stormwater*
 - v) 16.3.3.2A (f) *Comprehensive Development*
- (b) **Matters of control**
Matters (1) to (37) of Rule 16.3.3.3 (*Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)*)

16.3.3.3 Restricted Discretionary Subdivision (Residential Zone – Compact Density Specific Locations)C5 3/06
Op 10/10

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

C66 10/17
Op 12/18**Compact Density Development in Richmond, Brightwater, Wakefield, Mapua and Motueka**C5 3/06 Op 10/10
C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D9/24)

- (a) Land to be subdivided for compact density development in the Richmond South, Richmond West, Brightwater, Wakefield and Mapua Special development areas and the Motueka West Compact Density Residential Area, as shown on the planning maps, complies with the following conditions:

- (i) **Land Requirements** C5 3/06 Op 10/10
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
(D9/24)
- (a) The subject land comprises (either in one or more existing titles) at least 1500 square metres in the Richmond South, Richmond West, Brightwater, Wakefield, and Mapua Special development areas and the Motueka West Compact Density Residential Area.
- (ii) **Allotments** C5 3/06
Op 10/10
- Allotment Area* C22 2/11
Op 1/15
- (a) There is no minimum net allotment area, except that in the Mapua Special Development Area the minimum allotment area is 200 square metres and except that in the Motueka West Compact Density Residential Area to the west of Kerei Street the minimum allotment area is 270 square metres. C43 4/13
Op 1/15
C80 12/23
- Allotment Layout*
- (b) The design and layout of each allotment has been established by reference to the siting of the dwelling and any other building on the allotment, to be authorized by land use consent under rule 17.1.3.3. For the avoidance of doubt, this means that both land use and subdivision consents must be applied for and processed at the same time.
- Note:** Council will ensure that this standard can be complied with by requiring the lodgement of all land use consent applications at the same time as the subdivision consent application, under Section 91 of the Act.
- Allotment Frontage*
- (c) No fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres. For the avoidance of doubt, this means that no more than 5 percent of allotments may be rear allotments without any road or reserve frontage.
- (iii) **Allotment Access and Road Network**
- (a) All roads are constructed in accordance with the standards set out in section 18.8 (Road Area rules). C69 6/19
Op 6/20
- (b) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less.
- (c) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. C11 10/07
Op 10/10
- (d) Except for the indicative roads shown in the Richmond South and Richmond West development areas on the planning maps: C11 10/07
Op 10/10
- (i) no road in the Richmond South Development Area is designed to connect directly to Hart/Bateup roads, Wensley/Paton roads, Hill Street and State Highway 6; and
- (ii) no road in the Richmond West Development Area is designed to connect directly to State Highway 6, State Highway 60, Lower Queen Street and McShane Road.
- [Items (e) and (ea) are deleted]* C69 6/19
Op 6/20
- (f) The transport conditions in Schedule 16.3B are complied with.
- (g) No allotment created after 28 July 2007 gains direct access from State Highway 6 in the Richmond South Development Area. Existing lawful access crossings may continue to be used. C11 10/07
Op 10/10

- (h) No allotment access is located within 30 metres of the intersection of Hart/Bateup and Wensley/Paton roads, or Hart/Bateup roads and Hill Street, as measured from the intersection of the extension of the road boundary tangent points.
- (i) No allotment created after 6 October 2007 gains direct access from State Highway 6 or Lower Queen Street in the Richmond West Development Area. C10 10/07
Op 3/14
- (j) No allotment gains direct access from State Highway 6 in the Brightwater Development Area. Existing lawful access crossing may continue to be used. C75 9/22
Op 10/23
- (iv) **Reserves** C5 3/06 Op 10/10
C10 10/07 Op 3/14
- Subject to but not limited by rule 16.4.2.1:
- (a) Land that is subject to a notation on the planning maps as indicative reserve is set aside as reserve and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: C5 3/06
Op 10/10
C10 10/07
Op 3/14
- 70 metre wide reserve along Borck Creek from Light Industrial Zone to the Mixed Business Zone;
 - 15 metre wide reserve along Poutama Drain;
 - 15 metre wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;
- (b) Indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C5 3/06
Op 10/10
C10 10/07
Op 3/14
- (c) within the Wakefield Development Area no credit against the reserve financial contributions will be provided for the—Local Purpose (Esplanade) Reserve to vest based on an average total width of 40 metres relating to the Pitfure Stream. The 40 metre total esplanade width excludes Pitfure Stream’s bed (as defined in the RMA). C76 9/22
D9/24
- (v) **Indicative Stormwater Retention Area** C5 3/06
C7 7/07
Op 10/10
- (a) Where applicable, a stormwater retention area is to be provided in the location of any indicative Stormwater Retention Area shown in Richmond South and Motueka West development areas on the planning maps, to enable stormwater to be retained in order to mitigate the downstream stormwater effects such as flooding. Where the stormwater retention area overlies an indicative reserve on the planning maps, all the land in that indicative reserve will vest with Council and reserve fund contributions will be adjusted in accordance with rule 16.5.2.4. C43 4/13
Op 1/15
- (vi) **Reverse Sensitivity** C75 9/22
Op 10/23
- The subdivision must comply with 16.3.3.1(me)(ii) *Cross Boundary Effects*.

Amenity Plantings within a Boundary Setback – Richmond West Development AreaC66 10/17
Op 12/18

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

StormwaterC5 3/06
Op 10/10

- (f) In the Residential Zone:

- (i) EITHER:

C10 10/07
Op 3/14

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

AND

C5 3/06
Op 10/10

- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

C10 10/07
Op 3/14

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

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

C5 3/06
Op 10/10**Site Layout**

- (1) The extent to which the mix of allotment sizes can provide for different housing types and densities.
- (2) Whether each allotment has appropriate area and shape to enable efficient siting and construction of one or more dwellings and any ancillary buildings, provision of private outdoor space, convenient vehicle access to a public road, and adequate on-site parking.
- (3) Where the subject land adjoins any developed site with a different density character, the extent to which the allotment layout and location of any dwelling or building location area avoids or mitigates adverse amenity effects across the property boundary.

Privacy and Solar AccessC22 2/11
Op 1/15

- (4) In the case of compact density developments, whether allotments and proposed dwellings are designed and shaped to protect the privacy of and solar access for future occupiers.

Safety

- (5) The extent to which the subdivision will enhance personal safety by providing urban open spaces to be fronted and overlooked by housing and actively used facilities.

Servicing

- (6) The extent to which the street and allotment layout enables efficient provision of infrastructure to new areas.
- (7) The likely effects of the subdivision in relation to the location of significant infrastructure facilities and networks and any related constraints on nearby development, and whether they have been identified and protected.

Landscape Treatment

- (8) The extent to which the use of landscape treatment will enhance street amenity, the use and enjoyment of public spaces, and differentiate street hierarchy.
- (9) The ability to use landscaping to direct run-off from impervious areas into vegetated landscaped areas to filter and soak up stormwater.

Open Space/Reserves

- (10) The extent to which the subdivision provides well-distributed small neighbourhood reserves that contribute to the legibility and character of the area, provide for a range of uses and activities, and are cost-effective to maintain.
- (11) The extent to which greenway reserves incorporate stormwater management and use low impact stormwater management principles.
- (12) The extent and location of reserves, sportsgrounds, and urban open space and amenity reserves. C10 10/07
Op 3/14
- (12A) The extent to which mandatory and good practice matters of chapter 10 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of parks and reserves. C69 6/19
Op 6/20

Traffic (streets, access, parking, manoeuvring, loading)

- (13) Whether the road network provides a high level of internal connectivity and good external linkages for local vehicle, pedestrian and cycle movements, incorporating traffic management to control vehicle speed and create safe conditions for all street users.
- (14) The ability of roads to provide multi-purpose public spaces that are designed to balance their role for traffic with their other roles as community spaces, pedestrian environments with easy access to the town centre, parking, and as settings for residential and commercial uses. C43 4/13
Op 1/15
- (15) The extent to which roads provide an attractive streetscape which enhances the amenity of adjacent housing and development.
- (16) The extent to which the number of individual allotment accesses onto Hart/Bateup and Wensley/Paton roads, Hill Street, Salisbury Road, Wensley Road, Oxford Street, Gladstone Road and Queen Street has been minimised. C66 10/17
Op 12/18

Stormwater Management

- (17) Whether an integrated approach to stormwater management is used, by creating areas of open space (including reserves along watercourses and some streets with swales), that can be used for effective stormwater management, including enhancing water quality without compromising an efficient urban structure. In the Mapua Special Development Area, the provisions of the Site Management Plan will need to be complied with. C22 2/11
Op 1/15
- (18) The extent to which natural and artificial watercourses, wetlands and riparian vegetation are retained and enhanced, while also making alignment modification that may be appropriate to enhance the urban structure.
- (19) Any matter set out in Schedule 16.3A. C7 7/07 Op 10/10
- (19A) The extent to which mandatory and good practice matters of chapter 5 of the Nelson Tasman Land Development Manual 2019 have been achieved in the design and establishment of stormwater networks. C69 6/19
Op 6/20
- (19B) In the Wakefield Development Area, manage flood risk on and beyond the site, and dam break hazard risks. C76 9/22
D9/24

Richmond West Development Area Amenity PlantingsC10 10/07
Op 3/14

- (20) Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding.
- (21) The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate.
- (22) The extent to which the amenity plantings create a visually attractive appearance when viewed from roads, reserves and adjoining zones.
- (23) The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Residential and Mixed Business zones, and reserves.
- (24) The depth and height of plantings from the Open Space Zone and the Borck Creek indicative reserve.
- (25) The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth within the buffer in front of screen planting.
- (26) The appropriateness of the species to the local environment and conditions.
- (27) The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings.
- (28) The degree to which the width and height of planting and bunding mitigates adverse effects arising from the operation of the state highway network and contributes to the enhancement of major traffic corridors.

Energy Efficiency

- (29) The extent to which street and allotment orientation and dimensions facilitate the siting and design of dwellings that are energy efficient.
- (30) The extent to which the orientation and design of buildings facilitates energy efficiency.

Urban Design Guide (Part II, Appendix 2)

C10 10/07 Op 3/14

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

C22 2/11 Op 3/14

Reverse Sensitivity Effects

- (32) Where the allotment adjoins any rural zone, the extent to which the potential for adverse cross-boundary effects from rural activities have been avoided, remedied or mitigated.
- (32A) In the Brightwater Development Area where dwellings will be located within 100m of the state highway's white edge line, the type and extent of methods utilised to manage potential noise and vibration effects from the state highway.

C75 9/22
Op 10/23**Cul-de-sac Road Access**C5 3/06
Op 10/10

- (33) The extent to which road access by a cul-de-sac that is greater than 80 metres is appropriate, due to physical or legal constraints such as land topography and geographical features, restrictions on road access to the external network, sight, shape and size, and land ownership.

Miscellaneous

- (34) Any relevant matter in Schedule 16.3A.
- (35) Financial contributions.

- (36) All matters referred to in Section 220 of the Act.
- (37) Any matters relevant to the current Engineering Standard.

(38) In the Motueka West Compact Density Residential Area south of Whakarewa Street the effects on sites of cultural significance to Māori. C80 12/23

Non-Notification

Where condition (b) of this rule applies, and only in respect of non-compliance with condition 16.3.3.1(n)(ii)(b) (being cul-de-sac length), applications for resource consent for an activity under this rule will be decided without public notification and without limited notification.

In the Brightwater and Wakefield Development Areas, applications for resource consent that comply with the conditions of this rule (16.3.3.3) will be decided without limited notification (RMA s95B) or public notification (RMA s95A).

C5 3/06
Op 10/10C75 9/22
Op 10/23
C76 9/22
(9/24)

16.3.3.4 Discretionary Subdivision (Residential Zone)

- (a) Except as provided for in conditions (b), (ba) and (c) of this rule, subdivision in the Residential Zone that does not comply with the restricted discretionary conditions of 16.3.3.2A for standard density development or the restricted discretionary conditions of rule 16.3.3.2 is a discretionary activity. C66 10/17
Op 12/18
- (aa) Subdivision which is part of a comprehensive residential development and is the subject of concurrent resource consent applications for all other resource and building consents required for the development is a discretionary activity.

Richmond South, Richmond West, Wakefield, Motueka West, Mapua, Brightwater, and Mapua Special Development Areas

C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15

- (b) Subdivision in the Richmond South, Richmond West, Brightwater, Wakefield, Motueka West and Mapua development areas and Mapua Special Development Area that does not comply with rules 16.3.3.2A, 16.3.3.2C and rule 16.3.3.3, ~~rule 16.3.3.1B, or 16.3.3.2C~~ is a discretionary activity, if it complies with the following conditions: C66 10/17 Op 12/18
C75 9/22
Op 10/23
C76 9/22
D9/24

EITHER

C10 10/07
Op 3/14

- (i) The subdivision has a minimum net area of 350 square metres for each allotment, except that the Mapua Development Area has a minimum net area of 450 square metres and the Mapua Special Development Area has a minimum net area of 200 square metres and Motueka Compact Density Residential Area has a minimum net area of 270 square metres, and the Brightwater and Wakefield Development Areas has site areas complying with 16.3.3.1B(a) and 16.3.3.1B(b).

C22 2/11
Op 1/15C43 4/13
Op 1/15
C75 9/22
Op 10/23
C76 9/22
D9/24

OR

- (ii) The subdivision is a compact density subdivision proposal and complies with rule 16.3.3.3(a)(iii)(a), (a)(iii)(c) to (a)(iii)(j), (a)(iv), and (a)(v).

C10 10/07
Op 3/14
C75 9/22
Op 10/23

Richmond Intensive Development Area

C66 10/17
Op 12/18

- (ba) Subdivision in the Richmond Intensive Development Area that does not comply with the restricted discretionary conditions of rule 16.3.3.2A for standard density development or the restricted discretionary conditions of rule 16.3.3.2B for intensive development is a discretionary activity, if it complies with the following conditions:
- (i) The subdivision proposal complies with conditions 16.3.3.1(n)(ii)(c) and 16.3.3.1(n)(iii)(b).

Tahi and Iwa Streets, Mapua

C22 2/11
Op 1/15

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

C66 10/17
Op 12/18

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act. In considering applications and determining conditions, Council will have particular regard to the following matters:

C10 10/07 Op 3/14
C43 4/13 Op 1/15
C66 10/17 Op 12/18

- (1) The degree of compliance with the applicable conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.1B, 16.3.3.2, 16.3.3.2A, 16.3.3.2B, 16.3.3.2C, and 16.3.3.3.
- (2) The reasons for non-compliance with the conditions of rules 16.3.3.1, 16.3.3.1A, 16.3.3.1B, 16.3.3.2, 16.3.3.2A, 16.3.3.2B, 16.3.3.2C, and 16.3.3.3 that have not been met.
- (3) The extent to which the matters in Schedules 16.3A and 16.3B have been met.
- (4) Consistency with the Urban Design Guide (Part II, Appendix 2).
- (5) In the Wakefield Development Area, the ability to achieve a variety of lot and house sizes.

C66 10/17
Op 12/18
C75 9/22
Op 10/23

C10 10/07 Op 3/14
C22 2/11 Op 1/15
C76 9/22
D9/24

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

Non-Notification

C58 11/15
Op 7/17

Applications for resource consent for an activity on two specified locations close to the centre of Wakefield, shown on Zone maps 91 and 58, will be decided without public notification and without limited notification.

16.3.3.5 Discretionary Subdivision (Residential Zone – Specific Location)

C20 8/10
Op 8/12

Subdivision in the Residential Zone in the Richmond East Development Area that does not comply with rule 16.3.3.1 is a discretionary activity, if it complies with the following condition:

- (a) Conditions 16.3.3.1(i) and (n)(ii)(a), (n)(ii)(c) and (n)(ii)(l).

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.3.6 Discretionary Subdivision (Residential Closed Zone)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Residential Closed Zone is a discretionary activity, if it complies with the following conditions:

- (a) It does not create any additional allotments on which a dwelling can be built.
- (b) Following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

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

16.3.3.7 Non-Complying Subdivision (Residential Zone)]

Subdivision in the Richmond South, Richmond West, Richmond East, Richmond Intensive, Brightwater, Wakefield, Motueka West, Mapua and Mapua Special development areas and comprehensive subdivision that does not comply with rule 16.3.3.4 or rule 16.3.3.5 is a non-complying activity.

C10 10/07 Op 3/14
C20 8/10 Op 8/12
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C51 1/15 Op 9/16
C66 10/17 Op 12/18
C75 9/22
Op 10/23)
C76 9/22
(D9/24)

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

C5 3/06 Op 10/10

16.3.3.8 Prohibited Subdivision (Residential Closed Zone)

Except as provided for in rule 16.3.3.4, subdivision in the Residential Closed Zone at Anchorage and Ruby Bay is a prohibited activity for which no resource consent will be granted.

C22 2/11
Op 1/15

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

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

C22 2/11
Op 1/15

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16.3.4 Business and Industrial Zones

16.3.4.1 Controlled Subdivision (Business and Industrial Zones)

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones is a controlled activity, if it complies with the following conditions:

C10 10/07
Op 3/14

Location

C58 11/15
Op 7/17

- (aa) The subject land is not in the Heavy Industrial Closed Zone at Wakefield or in the Light Industrial Zone or Rural Industrial Zone at Brightwater at specified sites (as shown on the planning maps).

C57 11/15
Op 12/18

Electricity Transmission Corridor

C10 10/07
Op 3/14

- (a) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line as shown on the planning maps.

Area

- (b) Every allotment created by the subdivision has a minimum net area and can contain a circle within its net area of at least the minimum diameter stated in Figure 16.3B.

Figure 16.3B: Minimum Allotment Areas in Central Business, Commercial, Mixed Business, Tourist Services, and Heavy, Light and Rural Industrial Zones

ZONE	MINIMUM NET AREA (M ²)	MINIMUM DIAMETER OF CIRCLE IN NET AREA OF ALLOTMENT (M)
Central Business and Commercial Zones	200	8
Mixed Business Zone		
- Activities other than retail	1000	20
- Activities other than retail on Lot 1 DP 10599 (Alliance Land)	750	20
- Retail activities (including Retail Frontage [Ⓞ])	1250	30
Light Industrial Zone: Richmond West, Motueka West and Mapua Development Areas	750	15
Tourist Services Zone	2,000	15
Heavy Industrial/Rural Industrial Zones	1,000	15
Light Industrial Zone	500	15
All zones listed above – allotment to be used exclusively as a site for a network utility or public work	1	—
Footnote: Ⓞ Richmond West Development Area.		

C10 10/07
Op 3/14

C22 2/11
Op 1/15
C43 4/13
Op 1/15

Services

- (c) Every allotment is provided with services as set out in Schedule 16.3C, except for allotments created for access, utility, segregation, road or reserve purposes. The appropriate trenches, ducts, cables, pipes and other necessary works are provided to the internal boundary of each allotment.

Transport

- (d) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

Transport - Richmond West and Motueka West Development AreasC10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15

- (e) All roads are constructed with reference to the Urban Design Guide (Part II, Appendix 2).
- (f) Every road is through-connected, unless it is a cul-de-sac of 80 metres or less, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension where no maximum length applies. C10 10/07 Op 3/14
- (g) Except for the indicative roads shown in the Richmond West Development Area on the planning maps, no road is designed to connect directly with Lower Queen Street and McShane Road.
- (h) Except for Lower Queen Street and McShane Road, every road has a maximum block length of 200 metres and a maximum perimeter distance of 800 metres.
- (i) No allotment created after 6 October 2007 (except Record of Title 459167 (580 Lower Queen Street) gains direct access from McShane Road or Lower Queen Street, except in the retail frontage shown on the planning maps in the Richmond West Development Area where access is restricted to one access per frontage. C10 10/07 Op 3/14
C73 12/20 Op 6/23
- (ia) No allotment created after 27 April 2013 gains direct access from Queen Victoria Street. C43 4/13 Op 1/15
- (j) Where any property adjoining the subdivision may require complying road access across the common boundary with the subdivision, roads are located so that no adjoining property is left without a complying road access. C10 10/07 Op 3/14

Transport – Mapua Development AreaC22 2/11
Op 1/15

- (k) No lot gains direct access from Stafford Drive.

Frontage

- (l) Every allotment that has a frontage has a minimum frontage width of six metres.
- (m) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps), the minimum frontage width for allotments in the: C10 10/07 Op 3/14
C43 4/13 Op 1/15
- (i) Mixed Business Zone is 30 metres, except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, which is 25 metres, excluding the Retail Frontage; C10 10/07 Op 3/14
- (ii) Mixed Business Zone Retail Frontage (as shown on the planning maps) is 40 metres;
- (iii) Light Industrial Zone is 10 metres.

- (n) In the Richmond West and Motueka West development areas (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) no fewer than 95 percent of all allotments have direct frontage to a public road or public reserve that is at least 10 metres (except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension) where no fewer than 80 percent of all allotments have direct access to a public road. For the avoidance of doubt, this means that no more than 5 percent of all allotments may be rear allotments without any road or reserve frontage.

C10 10/07
Op 3/14
C43 4/13
D 8/14

Heritage Site or Item Present

- (o) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
 - (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

C10 10/07
Op 3/14
C16 9/09
Op 8/12

Existing Buildings

- (p) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with the relevant zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the relevant general rules.

Amenity Plantings within a Boundary Setback - Light Industrial Zone in Richmond West, Motueka West and Mapua Development Areas

C10 10/07 Op 3/14
C22 2/11 Op 1/15
C43 4/13 Op 1/15

- (q) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications:
- (i) In the Light Industrial Zone north of Headingly Lane, bounded by Lower Queen Street, Sandeman Road, Borck Creek and the Open Space Zone, amenity plantings are:
 - (a) 2.5 metres wide adjoining Borck Creek comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);
 - (b) 12 metres wide adjoining the Open Space Zone comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from the Open Space Zone (requires knowledge of the building location);
 - (c) 2.5 metres wide adjoining Sandeman Road and Artillery Place, including any indicative road extension;
 - (d) 15 metres wide adjoining Lower Queen Street, except where an indicative reserve adjoins Lower Queen Street. A framework of large trees is provided continuing the theme of existing Oak trees, within which other plantings are incorporated to provide an 'avenue' park-like setting.
 - (ii) In the Light Industrial Zone bounded by Lower Queen Street, McShane Road and Swamp Road, amenity plantings are:
 - (a) 20 metres wide incorporating a 2.5 metre bund adjoining the Rural 1 Zone and Swamp Road;
 - (b) 15 metres wide adjoining Lower Queen Street, except for that allotment containing the group of protected trees (Tree ID 872);
 - (c) 2.5 metres wide adjoining McShane Road.

C10 10/07
Op 3/14

- (iii) In the Light Industrial Zone bounded by Borck Creek and McShane Road, amenity plantings are:
 - (a) 2.5 metres wide adjoining Borck Creek, comprising species consistent with those of the Waimea Inlet Indigenous Ecosystem, and which at maturity ensure buildings are screened from Borck Creek (requires knowledge of the building location);
 - (b) 2.5 metres wide adjoining McShane Road and the Mixed Business Zone.
- (iv) In the Light Industrial Zone bounded by State Highway 60, State Highway 6, Borck Creek and the Residential Zone, amenity plantings are:
 - (a) 6 metres adjoining the Residential Zone;
 - (b) 2.5 metres adjoining Borck Creek;
 - (c) 10 metres adjoining State Highway 60.
- (v) In all Light Industrial Zone locations, amenity plantings are 2.5 metres wide adjoining Indicative Collector Road reserve boundaries, except at access points.
- (vi) Amenity plantings at least 2.5 metres wide are provided on boundaries adjoining Stafford Drive and Seaton Valley Stream. The latter shall be locally sourced indigenous plantings. C22 2/11
Op 1/15
- (r) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. C10 10/07
Op 3/14
- (s) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument.

Amenity Plantings within a Boundary Setback - Mixed Business Zone, Richmond West Development Area

C10 10/07
Op 3/14

- (t) Amenity plantings are provided within the boundary setbacks on allotments in the following locations in accordance with the following specifications:
 - (i) Adjoining the Open Space Zone and the Recreation Zone north east of Lower Queen Street, amenity plantings are at least 10 metres wide for the full length of the boundary adjoining those zones, except that on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, amenity plantings adjoining the Open Space Zone are not required. Amenity plantings are to comprise species consistent with those of the Waimea Inlet Coastal Flats Indigenous Ecosystem, and planting ensures that buildings are screened from the Open Space Zone, Recreation Zone, and State Highway 6.
 - (ii) Adjoining McShane Road and State Highway 60, amenity plantings are 10 metres wide for the full length of the zone boundary. A framework of large trees is provided continuing the theme of Lower Queen Street, within which other plantings are incorporated to provide a park-like setting and partial screening of buildings from McShane Road, State Highway 60 and the Rural 1 Zone.
 - (iii) Adjoining Borck Creek indicative reserve, amenity plantings are 2.5 metres wide and adjoining Poutama Drain indicative reserve, amenity plantings are 2.0 metres wide, for the full length of the zone.

- (iv) Amenity plantings west of Borck Creek comprise species that, at maturity, provide a visual screen, the height of which averages at least 50 percent of the building height.
- (v) Adjoining the Lower Queen Street road reserve boundary in the Retail Frontage shown on the planning maps, amenity plantings are 2.5 metres wide.
- (vi) Adjoining the Residential Zone and the Light Industrial Zone, amenity plantings are at least 2.5 metres wide, except that this requirement does not apply on Lot 1 DP 457909 at the eastern end of the McPherson Street extension.
- (u) A planting plan, cross section and design statement prepared by an appropriately competent person in landscape architecture are provided with every application for subdivision that show the species, height at maturity, planting and spacing layout, maintenance and replacement programme and the planting theme, where the allotment is in the amenity planting setback. C10 10/07
Op 3/14
- (v) The amenity planting of the setback is carried out prior to the issue of the Section 224(c) certificate, with such amenity planting managed and maintained on an ongoing basis under an appropriate legal instrument. C10 10/07
Op 3/14

Reserves

- (w) Subject to but not limited by rule 16.4.2.1, in the Richmond West Development Area and Mapua Light Industrial Zone, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where these are specified as follows: C10 10/07
Op 3/14
C22 2/11
Op 1/15
 - (i) 70 metre wide reserve along Borck Creek to Lower Queen Street and a 61 metre wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet; C10 10/07
Op 3/14
 - (ii) 6 metre wide reserve on Part Lot 1 DP 94 linking the existing indicative road to Borck Creek reserve;
 - (iii) 15 metre wide reserve along the northwest boundary of Lot 1 DP 17704, Lot 1 DP 20017 and Lot 1 DP 20497;
 - (iv) 5,500 square metre reserve along the southwest boundary of Part Lot 1 DP 94 fronting Lower Queen Street;
 - (v) 15 metre wide reserve incorporating Poutama Drain;
 - (vi) 5 metre wide reserve adjoining the western side of Seaton Valley Stream. C22 2/11
Op 1/15
- (x) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C10 10/07
Op 3/14

Building Platform Levels

- (y) In the Richmond West Development Area, the building platform level is 4.6 metres above mean sea level and constructed in a way which provides a gradual transition between the ground level (datum reference: NVD55) and 4.6 metres to achieve a visually natural appearance, except that the 4.6 metre building platform level does not apply to those parts of Lot 1 DP 18146 and Lot 4 DP 18918 (Nelson Pine Industries), Lot 3 DP 18918 (Dynea NZ Ltd) and land held in Record of Title 459167 (580 Lower Queen Street) that are protected from inundation from the sea by a seawall; nor in the Light Industrial Zone location at Beach Road as shown on the planning maps. C10 10/07
Op 3/14
C73 12/20
Op 6/23

C10 10/07
Op 3/14

A consent notice is to be registered on the record of title for any allotment for which

a building platform is required by this condition, pursuant to Section 221 of the Act.

Filling of Allotments

C10 10/07
Op 3/14

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

Development Plan

- (za) Allotments in the Rural Industrial Zone form part of an overall development plan for each zone.
- (zb) In the Tourist Services Zone at Salisbury Road, Richmond, access to Salisbury Road from Lot 2 DP 18824 (123 Salisbury Road, occupied by the Baptist Church) and Lot 3 DP 18824 (141 Salisbury Road, occupied by the Aquatic Centre) is by way of a joint access.

Stormwater

C7 7/07
Op 10/10

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

C10 10/07
Op 3/14

- (i) EITHER

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

C7 7/07
Op 10/10

AND

- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

C10 10/07
Op 3/14

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

C10 10/07
Op 3/14

Note: Design information for stormwater interceptor treatment devices and stormwater treatment and collection systems is provided in the Nelson Tasman Land Development Manual 2019.

C10 10/07
Op 3/14

C69 6/19
Op 6/20

- (iv) A planting plan and design statement by an appropriately competent person in landscape architecture is provided with any plan submitted showing a stormwater greenway and/or retention area.

C43 4/13
Op 1/15

- (v) **Indicative Stormwater Retention Area**

Where applicable, a stormwater retention area is to be provided in the location of any indicative stormwater retention area shown in the Motueka West Development Area on the planning maps in order to mitigate downstream stormwater effects such as flooding.

C43 4/13
Op 1/15

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

C7 7/07
Op 10/10

Cultural Heritage Sites

C16 9/09
Op 8/12

(zd) An Authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.

(ze) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

A resource consent is required. The Council has reserved control over the following matters:

- (1) Access.
- (2) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road.
- (3) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.
- (4) The relationship of any new road with existing roads, adjoining land and any future roading requirements. C69 6/19
Op 6/20
- (5) Availability and provision of services, including the appropriate trenches, ducts, cables, pipes and other ancillary works provided to the road boundary for each allotment, except for rear allotments or those located off shared accesses where the services shall be provided to an internal boundary.
- (6) Location and effects of earthworks necessary to achieve matters (1) and (5).
- (7) Potential effects on heritage protection and protected trees. C10 10/07 Op 3/14
- (8) Financial contributions.
- (9) All matters referred to in Section 220 of the Act.

- | | | |
|------|---|---------------------|
| (10) | The degree of compliance with any mandatory and good practice matters of any Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |
| (11) | Matters relevant to the development of a neighbourhood centre, in the Urban Design Guide (Part II, Appendix 2). | C22 3/11
Op 1/15 |
| (12) | Effective stormwater management, including the use of Low Impact Design solutions and any other mandatory or good practice matter of chapter 5 of the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |

Amenity Plantings - Richmond West and Motueka West Development Areas

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

- | | | |
|------|---|----------------------|
| (13) | Landscaping and amenity plantings for the identified allotments, including the type, height and location of species to be planted, planting plan, planting and maintenance programme, and bunding. | C10 10/07
Op 3/14 |
| (14) | The variation in the use of trees, shrubs and groundcovers to create a planting framework, including the utilisation of existing plantings, where appropriate. | |
| (15) | The extent to which the amenity plantings create a visually attractive appearance when viewed from public roads and reserves, adjoining zones and the coastal environment. | |
| (16) | The degree of application of a consistent landscape theme that links amenity plantings with plantings within the Light Industrial and Mixed Business zones. | |
| (17) | The depth and height of plantings and the extent of the screening effect of industrial buildings from the adjoining roads, Rural 1 and Open Space zones, and Borek Creek reserve. | |
| (18) | The extent of use of both fast-growing species for initial screening and suitable longer-lasting species, and the use of open-grassed areas or low vegetation of varying depth within the buffer in front of screen planting. | |
| (19) | The appropriateness of the species to the local environment and conditions. | |
| (20) | The degree of site contouring in association with planting to assist with screening buildings and car parks from view. | |
| (21) | The legal instrument for ensuring ongoing management, maintenance and replacement of amenity plantings. | |

Traffic - Richmond West Development Area

- | | | |
|------|--|----------------------|
| (22) | The assessment and management of traffic safety of the cross intersection created by the formation of the indicative road in the Richmond West Development Area on the west of lower Queen Street opposite Headingly Lane. | C10 10/07
Op 3/14 |
|------|--|----------------------|

Cultural Heritage

- | | | |
|------|---|---------------------|
| (23) | Where there is a listed cultural heritage site present on any part of the land being subdivided: | C16 9/09
Op 8/12 |
| | (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41; | |

- (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
- (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
- (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

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

C10 10/07
Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (a) of rule 16.3.4.1 is a restricted discretionary activity.

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

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

16.3.4.3 Restricted Discretionary Subdivision (Business and Industrial Zones – Cultural Heritage Sites)

C16 9/09
Op 8/12

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services, Rural Industrial, Heavy Industrial and Light Industrial zones that does not comply with controlled condition (zd) of rule 16.3.4.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

- (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.4.3A Restricted Discretionary Subdivision (Industrial Zones – Specified sites at Brightwater)

C57 11/15
Op 12/18

Subdivision in the Rural Industrial and Light Industrial zones in specified sites in Brightwater is a restricted discretionary activity, where the subdivision complies with controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze).

A resource consent is required. Consent may be refused or conditions imposed, only in respect of controlled activity conditions 16.3.4.1(b), (c), (d), (l), (o), (p), (zc), (zd) and (ze) and the following matter:

- (1) (a) Protection for flood flow paths during a 1 percent Annual Exceedance Probability event;
- (b) the effects of a 1 percent Annual Exceedance Probability flood event are mitigated so that any identified building location is not subject to inundation; and
- (c) the effects of any proposed mitigation on other properties.

16.3.4.4 Discretionary Subdivision (Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial and Light Industrial Zones)

C10 10/07
Op 3/14

Subdivision in the Central Business, Commercial, Mixed Business, Tourist Services (except at Mapua), Rural Industrial, Heavy Industrial, or Light Industrial zones that does not comply with the controlled conditions of rule 16.3.4.1 is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.5 Discretionary Subdivision (Tourist Services Zone - Mapua)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Tourist Services Zone at Mapua is a discretionary activity, if it complies with the following conditions:

- (a) It does not create any additional allotments on which a dwelling can be built.
- (b) It does not require works that would exacerbate erosion or inundation.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.5A Discretionary Subdivision (Heavy Industrial Closed Zone – Wakefield)

C58 11/15
Op 7/17

Subdivision by means of the relocation or adjustment of an allotment boundary in the Heavy Industrial Closed Zone at Wakefield is a discretionary activity, if it complies with the following conditions:

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

- (b) Following subdivision, existing buildings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.4.6 Non-Complying Subdivision (Tourist Services Zone - Mapua)

Except as provided for in rule 16.3.4.5, subdivision in the Tourist Services Zone at Mapua is a non-complying activity.

16.3.4.7 Prohibited Subdivision (Heavy Industrial Closed Zone – Wakefield)

C58 11/15
Op 7/17

Except as provided for in rule 16.3.4.5A, subdivision in the Heavy Industrial Closed Zone at Wakefield is a prohibited activity for which no resource consent will be granted.

16.3.5 Rural 1 Zone**16.3.5.1 Controlled Subdivision (Rural 1 and Rural 1 Coastal Zones)**

Subdivision in the Rural 1 and Rural 1 Coastal zones is a controlled activity, if it complies with the following conditions: C22 2/11
Op 1/15

Area

(a) Except as provided by conditions (aa), or (ca), the minimum area of allotments created by the subdivision is 12 hectares provided that the subdivision is of a title that existed on or before 30 January 2016. C60 1/16 &
VI-C60 7/18
Op 6/19
C73 12/20
Op 6/23

(aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement. C60 1/16
Op 6/19

Item (b) removed as part of plan change 73. C22 2/11
Op 1/15
C73 12/20
Op 6/23

Item (c) removed as part of plan change 73 C73
Op 6/23

(ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone. C60 1/16
Op 6/19

Frontage

(d) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment, or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

Building Location Area C60 1/16
Op 6/19

(dd) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries except where the boundary is to the Residential, Rural Residential or Rural 3 zone.

Heritage Site or Item Present C10 10/07
Op 3/14

(e) The land being subdivided does not include: C16 9/09
Op 8/12

(i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or

(ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

Existing Buildings and Trees

- (f) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.
- (g) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

Allotments in relation to Existing DamsC17 2/10
Op 4/13

- (h) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

Transport

- (i) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

*Item (J) removed as part of plan change 73*C73 12/20
Op 6/23**Reserves**C10 10/07
Op 3/14
C10 10/07
Op 3/14

- (k) Subject to but not limited by rule 16.4.2.1, in the Richmond South and Richmond West development areas, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows:
- (i) 70-metre-wide reserve along Borck Creek to Lower Queen Street and a 61-metre-wide reserve from Lower Queen Street to the Open Space Zone adjoining Waimea inlet;
 - (ii) 15-metre-wide reserve along the northwest boundary of Lot 1 DP 17704, Lot 1 DP 20017 and Lot 1 DP 20497;
 - (iii) 15-metre-wide reserve along Poutama Drain;
 - (iv) 15-metre-wide reserve along Eastern Hills Drain adjoining State Highway 6 to Borck Creek;
 - (v) 2.5-hectare recreation reserve adjoining State Highway 6;
 - (vi) 10-metre-wide reserve adjoining the Mixed Business and Rural 1 zones.

- (l) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C10 10/07
Op 3/14

Building Platform Levels

- (m) In the Richmond West Development Area the building platform level is 4.6 metres above mean sea level (datum reference: NVD55) and is constructed in a way which provides a gradual transition between the ground level and 4.6 metres to achieve a visually natural appearance.

A consent notice is to be registered on certificates of title for allotments pursuant to Section 221 of the Act for any allotment below the 4.6 metres contour above mean sea level.

Filling of Allotments

- (n) In the Richmond West Development Area, lower Seaton Valley Rural 1 Closed Zone at Mapua and Rural 1 Coastal Zone, allotments below the 4.6 metre contour above mean sea level (datum reference: NVD55) are not filled, except to create a building platform area. C10 10/07
Op 3/14
C22 2/11
Op 1/15

Electricity Transmission Corridor

- (o) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line as shown on the planning maps. C10 10/07
Op 3/14

Cultural Heritage Sites

- (p) An Authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary. C16 9/09
Op 8/12
- (q) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

A resource consent is required. The Council has reserved control over the following matters. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

- (1) Shape.

(1A)	Effects on productive potential, including the effects of fragmentation of productive land.	C60 1/16 Op 6/19
(2)	Low impact design principles and methods.	
(3)	The relationship of any new road with existing roads, adjoining land and any future roading requirements.	C69 6/19 Op 6/20
(4)	Availability and provision of services, including road access, water supply and wastewater and stormwater systems.	C60 1/16 Op 6/19
(4A)	Where any land is subject to any deferred urban zone, the adverse effects of the subdivision on future opportunities for efficient subdivision, use and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.	C51 1/15 Op 9/16
(4B)	Effects on the road network.	C60 1/16 Op 6/19
(5)	Location of building platforms.	
(6)	Location and effects of earthworks necessary to achieve (2), (4) and (5).	
(7)	Potential effects on rural character, coastal natural character and amenity values.	C60 1/16 Op 6/19
(7A)	The potential for adverse cross-boundary effects, including reverse sensitivity.	
(7B)	Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.	
	<i>Item (8) removed as part of plan change 73</i>	C73 12/20 Op 6/23
(9)	Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage	C60 1/16 Op 6/19
(10)	The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.	C10 10/07 Op 3/14
(11)	The extent and location of indicative reserves.	
(12)	The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.	C17 2/10 Op 4/13
(13)	Financial contributions.	
(14)	All matters referred to in Section 220 of the Act.	
(15)	The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019.	C69 6/19 Op 6/20
(16)	Effective stormwater management, including the use of Low Impact Design solutions.	C7 7/07 Op 10/10

- (17) Where there is a listed cultural heritage site present on any part of the land being subdivided:
- (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
 - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
 - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

C16 9/09
Op 8/12**16.3.5.2 Restricted Discretionary Subdivision (Rural 1 Zone – Richmond West Development Area)**C10 10/07
Op 3/14

Subdivision in the Rural 1 Zone that does not comply with controlled condition (o) of rule 16.3.5.1 is a restricted discretionary activity.

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

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

16.3.5.3 Restricted Discretionary Subdivision (Rural 1 Zone – Listed Cultural Heritage Site)

C16 9/09
Op 8/12

Subdivision in the Rural 1 Zone that does not comply with conditions (p) or (q) of rule 16.3.5.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
 - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.5.3A Restricted Discretionary Subdivision (Rural 1 Zone)

C60 1/16 &
V1-C60 7/18
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with condition (a) of rule 16.3.5.1 is a restricted discretionary activity, if it meets the following conditions:

- (a) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and
EITHER
- (b) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (c) The subdivision is of a title that existed on or before 30 January 2016, except where that title was created by way of subdivision decision not made under the Act or any equivalent previous legislation;
OR
- (d) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.
OR
- (e) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

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

- (1) Any matter listed in rule 16.3.5.1.

Item (16.3.5.4) removed as part of plan change 73

C22 2/11
Op 1/15
C60 1/16
Op 6/19
C73 12/20
Op 6/23

16.3.5.4A Discretionary Subdivision (Rural 1 Zone)

C60 1/16 &
V1-C60
7/18
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with rule 16.3.5.3A is a discretionary activity, if it complies with the following conditions:

EITHER

- (a) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (b) The subdivision is of a title that existed on or before 30 January 2016, except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.

OR

- (c) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.

C60 1/16 &
V1-C60 7/18
Op 6/19

OR

- (d) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

OR

- (e) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.5.2.8A has been submitted with the application for subdivision consent; and

- (f) The subdivision is of a title that existed on or before 30 January 2016 except where that title was created by way of a subdivision decision not made under the Act or any equivalent previous legislation.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.5.5 Discretionary Subdivision (Rural 1 Closed and Rural 1 Coastal Zones)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 1 Closed Zone or Rural 1 Coastal Zone is a discretionary activity if:

C22 2/11
Op 1/15
C73 12/20
Op 6/23

- (a) it does not create any additional allotments on which a dwelling can be built; and
- (b) following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.5.5A Non-Complying Subdivision

C60 1/16 &
V1-C60 7/18
Op 6/19

Subdivision in the Rural 1 Zone that does not comply with rule 16.3.5.4A is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed. In considering the applications and determining conditions, Council will have regard to the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

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

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

- in the Rural 1 Closed Zone, or
- the Rural 1 Coastal Zone

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

C22 2/11
Op 1/15
C73 12/20
Op 6/23

16.3.6 Rural 2 Zone

16.3.6.1 Controlled Subdivision (Rural 2 Zone)

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

Area

- (a) Except as provided by the minimum area of allotments created by the subdivision is 50 hectares provided that the subdivision is of a title that existed on or before 30 January 2016.
- (aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement.

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

Item (b) removed as part of plan change 73

Existing Buildings and Trees

- (c) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.
- (d) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

Building Location Area

- (dd) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries except where the boundary is to the Residential, Rural Residential or Rural 3 zone.

C60 1/16
Op 6/19

Allotments in relation to Existing Dams

- (e) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

C17 2/10
Op 4/13

Transport

- (f) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.
- (g) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

Heritage Site or Item

- (h) The land being subdivided does not include: C10 10/07
Op 3/14
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or C16 9/09
Op 8/12
- (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B [Protected Trees].

Reserves

- (i) Subject to but not limited by rule 16.4.2.1, in the Richmond West Development Area, land subject to a notation on the planning maps as indicative reserve is set aside and vested in the Council upon subdivision in general alignment with the indicative reserve areas shown on the maps and dimensions where specified, as follows: C10 10/07
Op 3/14
- (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; C10 10/07
Op 3/14
- (ii) 5,500 square metre reserve along the southwest boundary of Part Lot 1 DP 94 fronting Lower Queen Street;
- (iv) 10 metre wide reserve on Part Lot 1 DP 94 linking the existing indicative road to Borck Creek reserve;
- Item (iv) removed as part of plan change 73* C73 12/20
Op 6/23
- (j) Subject to but not limited by rule 16.4.2.1, indicative reserve areas are to be vested in the Council as Local Purpose Reserve (walkway/recreation) and Local Purpose Reserve (drainage) and the part of the area vested as Local Purpose Reserve (walkway/recreation) will form part of the financial contribution for reserves and community services in accordance with rule 16.5.2.4. C10 10/07
Op 3/14

Building Platform Levels

- (k) In the Richmond West Development Area the building platform level is 4.6 metres above mean sea level (datum reference: NVD55) and constructed in a way which provides a gradual transition between the ground level and 4.6 metres to achieve a visually natural appearance.
- A consent notice is to be registered on certificates of titles for allotments pursuant to Section 221 of the Act for any allotment below the 4.6 metres contour above mean sea level.

Filling of Allotments

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

Electricity Transmission CorridorC10 10/07
Op 3/14

- (m) In the Richmond West Development Area, any land to be subdivided is located at least 12 metres from the centre of any electricity transmission line shown on the planning maps.

Cultural Heritage SitesC16 9/09
Op 8/12

- (n) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary.
- (o) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:C16 9/09
Op 8/12

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

A resource consent is required. The Council has reserved control over the following matters:

- (1) Shape.

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

C60 1/16
Op 6/19

- (2) Low impact design principles and methods.

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

C69 6/19
Op 6/20

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

C60 1/16
Op 6/19

- (4A) Where any land is subject to any deferred urban zone, the adverse effects of the subdivision on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.

C51 1/15
Op 9/16

(4B)	Effects on the road network.	C60 1/16 Op 6/19
(5)	Location of building platforms.	
(6)	Location and effects of earthworks necessary to achieve (2), (4) and (5).	
(7)	Potential effects on rural character, coastal natural character and amenity values.	C60 1/16 Op 6/19
(7A)	The potential for adverse cross-boundary effects, including reverse sensitivity.	
(7B)	Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.	
(8)	Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage.	C10 10/07 Op 3/14 C60 1/16 Op 6/19
(9)	The physical and legal protection of primary and secondary stormwater flow paths and indicative reserves.	C10 10/07 Op 3/14
(10)	The extent and location of reserves.	
(11)	The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.	C17 2/10 Op 4/13
(12)	Financial contributions.	
(13)	All matters referred to in Section 220 of the Act.	
(14)	The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019.	C69 6/19 Op 6/20
(15)	Effective stormwater management, including the use of Low Impact Design solutions.	C7 7/07 Op 10/10
(16)	Where there is a listed cultural heritage site present on any part of the land being subdivided:	C16 9/09 Op 8/12
	(a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;	
	(b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;	
	(c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;	
	(d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;	
	(e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.	

In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.6.2 Restricted Discretionary Subdivision (Rural 2 Zone – Richmond West Development Area)

C10 10/07
Op 3/14

Subdivision in the Rural 2 Zone that does not comply with controlled condition (m) of rule 16.3.6.1 is a restricted discretionary activity.

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

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

16.3.6.3 Restricted Discretionary Subdivision (Rural 2 Zone – Listed Cultural Heritage Site)

C16 9/09
Op 8/12

Subdivision in the Rural 2 Zone that does not comply with condition (n) or (o) of rule 16.3.6.1 is a restricted discretionary activity.

C60 1/16
Op 6/19

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

C16 9/09
Op 8/12

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
 - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)

C60 1/16 &
V1 to C60
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (a) of rule 16.3.6.1 is a Restricted Discretionary Activity, if it meets the following conditions:

- (a) The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and

EITHER

- (b) The average net area of all allotments that are created by the subdivision is 50 hectares or greater and no allotment that is created is less than 5,000 square metres; and

- (c) The subdivision is of a title that existed on or before 31 January 2016, except where that title was created by way of subdivision decision not made under the Act or equivalent previous legislation;

OR

- (d) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision and no allotment that is created is less than 5,000 square metres.

OR

- (e) The subdivision is of a title that was created by the amalgamation of two or more titles that are physically contiguous.

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

- (1) Any matter listed in 16.3.6.1.

16.3.6.4 Discretionary Subdivision (Rural 2 Zone)

Except as provided for by rule 16.3.6.4A, subdivision in the Rural 2 Zone that does not comply with the conditions of rule 16.3.6.3A (other than condition (c)) is a discretionary activity.

C60 1/16
Op 6/19

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

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

C60 1/16
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (b) of rule 16.3.6.3A is a discretionary activity, if it complies with the following conditions:

- (a) The subdivision is of a title that existed on or before 30 January 2016.

- (b) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.6.2.8A has been submitted with the application for subdivision consent.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.6.5 Discretionary Subdivision (Rural 2 Closed Zone)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 2 Closed Zone off Pupu Valley Road is a discretionary activity if: C73 12/20
Op 6/23

- (a) it does not create any additional allotments on which a dwelling can be built;
- (b) following subdivision, existing buildings and dwelling meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.6.5A Non-Complying Subdivision

C60 1/16
Op 6/19

Subdivision in the Rural 2 Zone that does not comply with condition (c) of rule 16.3.6.3A or condition (a) of rule 16.3.6.4A is a non-complying activity.

A resource consent is required. Consent may be refused or conditions imposed. In considering the applications and determining conditions, Council will have regard to the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

16.3.6.6 Prohibited Subdivision (Rural 2 Closed Zone)

Item (16.3.6.6 a&b) removed as part of plan change 73

C73 12/20
Op 6/23

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

16.3.7 Rural 3 Zone

16.3.7.1 Controlled Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone is a controlled activity, if it complies with the following conditions:

Area

(a) In the Rural 3 Zone, the minimum area of allotments created by the subdivision is 50 hectares, except for allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) which have no minimum area requirement.

P

(b) The minimum area of allotments created by subdivisions on those parts of records of title 8B/1025, 8B/1026 and 11A/465 shown in the annotated area on the planning maps at Ruby Bay is 2500 square metres, and the land is subdivided in a way that results in the following number of allotments:

Area “A”: 3

Area “B”: 6

Area “C”: 2

Note: For Area “D”, rule 16.3.7.3 applies.

Frontage

(c) Every allotment that has a frontage has a minimum frontage width of 100 metres in the case of a front allotment, or 5 metres in the case of a single rear allotment, or 6.5 metres in the case of two or more rear allotments that have a combined frontage.

Building Location

(d) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are adjoining the Rural 1 or Rural 2 zone.

C60 1/16
Op 6/19

Existing Buildings and Trees

(e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.

(f) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity, with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.

Allotments in relation to Existing Dams

(g) Where a new allotment contains an existing structure for damming water, the boundaries of the allotment are drawn relative to the spillway and fullest extent of impounded water so that the spillway and the fullest extent of impounded water are set back at least 10 metres from road boundaries and 5 metres from internal boundaries.

C17 2/10
Op 4/13

Transport

- (h) The subdivision complies with the transport conditions in Schedule 16.3B, or unless the subdivision is for a single allotment for a network utility.

Special Requirement

- (i) Each application for subdivision consent within those parts of RT 8B/1025 and RT 8B/1026 shown as Areas “A” and “B” in the annotated area on the planning maps at Ruby Bay, must be accompanied by a report prepared by an appropriately qualified and experienced engineering geologist or geotechnical engineer and must show a building platform of no less than 200 square metres in area suitable for the location of a dwelling in each allotment.

StormwaterC7 7/07
Op 10/10

- (j) In the Rural 3 Zone:

- (i) EITHER

Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan

AND

- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

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

Cultural Heritage SitesC16 9/09
Op 8/12

- (k) An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an authority is not considered necessary.
- (l) Where the listed cultural heritage site is a wāhi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party.

Notes:

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

A resource consent is required. The Council has reserved control over the following matters. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

- (1) Shape.
- (2) Access.
- (3) The relationship of any new road with existing roads, adjoining land and any future roading requirements. C69 6/19
Op 6/20
- (4) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.
- (5) Location of buildings.
- (6) Location and effects of earthworks necessary to achieve (2) to (5).
- (7) Potential effects on rural character and amenity values.
- (8) Effects on natural character and coastal values.
- (9) Provision for esplanade reserves and strips, and pedestrian, cycle and equestrian networks or ways.
- (9A) The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures. C17 2/10
Op 4/13
- (10) Potential effects on natural and cultural heritage protection.
- (10A) Management of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards. C60 1/16
Op 6/19
- (11) Bonds, covenants, and financial contributions in addition to those specified in the standards for the Zones.
- (12) All matters referred to in Section 220 of the Act.
- (13) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19
Op 6/20
- (14) Where there is a listed cultural heritage site present on any part of the land being subdivided: C16 9/09
Op 8/12
 - (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;
 - (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;
 - (c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

16.3.7.2 Restricted Discretionary Subdivision (Rural 3 Zone)C16 9/09
Op 8/12

Subdivision in the Rural 3 Zone that does not comply with condition (k) of rule 16.3.7.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
 - (e) any matter relevant to the absence of an Authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

16.3.7.3 Restricted Discretionary Subdivision (Rural 3 Zone)

[16.3.9D Proposed]

Subdivision in the Rural 3 Zone that does not comply with the controlled conditions of rule 16.3.7.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment in which any building is intended to be located has a building location area shown.
- (b) The subject land has not been the subject of a subdivision consent granted after 20 December 2003.
- (c) The subject land is not RT 8B/1025, RT 8B/1026 or RT 11A/465, shown as Area "D" in the annotated area on the planning maps at Ruby Bay.

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

- (1) The extent to which the proposed subdivision retains and protects land with actual and potential productive values.
- (2) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.
- (3) Effects on the rural landscape, on amenity values and on coastal character and values.
- (4) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' (Part II, Appendix 3).
- (5) The interim provision of water supply for the land to be subdivided pending the availability of Council-provided reticulated services.

C6 7/07
Op 10/10

- (6) The provision for suitable on-site wastewater treatment and disposal services for dwellings likely to be constructed as a result of the subdivision, taking into account the provisions of rules 36.1.3.2 and 36.1.4.2.
- (7) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.
- (8) Long-term legal and physical protection of identified undeveloped open space from inappropriate subdivision and development.
- (9) Management of natural hazards within and beyond the boundaries of the area.
- (10) The ability of the wider landscape to absorb the extent of development proposed without significant loss of rural character.
- (11) Effects of likely land contamination, such as by pesticide residues, on future activities of land.
- (12) Actual and potential cumulative adverse effects.
- (13) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19
Op 6/20
- (14) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
- (15) Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.
- (16) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.
- (17) Actual and potential cross-boundary effects, including the potential impact that complaints from new residential activities can have on existing productive activities.
- (18) Noise exposure to the road network.

16.3.7.4 Discretionary Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone that does not comply with the restricted discretionary conditions of rule 16.3.7.3 is a discretionary activity, if it complies with either of the following conditions:

- (a) The subdivision is the relocation or adjustment of an allotment boundary that complies with the following conditions:
 - (i) The subdivision does not create any additional allotment on which a dwelling can be built.
 - (ii) Following subdivision, existing buildings and dwellings meet the relevant permitted conditions for services and boundary setbacks.

OR:

- (b) The subject land is a record of title that is at least 50 hectare in area.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as any other provisions of the Plan and the Act.

16.3.7.5 Non-Complying Subdivision (Rural 3 Zone)

Subdivision in the Rural 3 Zone that does not comply with the discretionary conditions of rule 16.3.7.4, is a non-complying activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering the applications and determining conditions, Council will have regard to the criteria set out in Schedule 16.3A, as well as any other provisions of the Plan or Act.

16.3.8 Rural Residential and Closed Zones

16.3.8.1 Controlled Subdivision (Rural Residential Zone)

Subdivision is a controlled activity, if it complies with the following conditions:

Area

- (a) Every allotment has a minimum net area as stated in Figure 16.3C.

Figure 16.3C: Minimum Allotment Areas in Rural Residential Zone

[Refer to planning maps for locations]

LOCATION IN RURAL RESIDENTIAL ZONE	MINIMUM NET AREA	
Allotments in: George Kidd Street Champion Road & Hill Street North Hill Street South annotated area, Richmond, where wastewater servicing is required to be provided and in the Richmond East Development Area where Schedule 16.3C servicing is required to be provided.	2,000 m ²	C20 8/10 Op 8/12
Allotments in other areas with reticulated wastewater servicing or where wastewater servicing is required to be provided, as follows: Pinehill Heights, Ruby Bay Pohara Valley Road Korepo Road, Ruby Bay Ligar Bay South Collingwood Central Takaka	2,500 m ²	
Allotments at Motueka with reticulated wastewater servicing. Allotments at Milnthorpe without reticulated wastewater servicing.	3,000 m ²	
Allotments without reticulated wastewater servicing at: Puponga Tukuru/Parapara Mackay Pass Road, Bainham Upper Moutere Eliot Creek, Aorere Valley	4 ha	
Allotments without reticulated wastewater servicing at: Kina Craigieburn Road, West Takaka Redwood Valley Upper Haile Lane, Pohara Ligar Bay North Parapara Valley Patons Rock Rocklands Road North, Clifton Mapua (including Seaton Valley Road) and Waimea Inlet Murchison	2 ha	C77 9/22 Op 10/23
Allotments in all other parts of the Rural Residential Zone without reticulated wastewater servicing, as follows: Eighty Eight Valley Alpine Meadows Hill Street South, Richmond Tophouse Road Extension Haycock Road, Richmond Onekaka Kina Triangle Bay Vista Drive, Pohara Permin Road Spot Zone Riwaka-Kaiteriteri Road, Kaiteriteri Pangatotara Old Coach Road, Mariri (Deferred)	5,000 m ²	
Allotments without reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred	5,000 m ²	C65 10/17 Op 4/18
Allotments with reticulated wastewater servicing at Higgins Road, Wakefield (part Lot 1 DP 303114) Deferred	1,500 m ²	
Allotments at Tata Headland North and Upper Ligar Bay. Allotments without reticulated wastewater servicing in Permin Road (excluding Permin Road Spot Zone).	1 ha	
Allotments to be used exclusively as a site for a network utility or public work.	1 m ²	

Frontage

- (b) Every allotment that has a frontage width of at least 25 metres (reducible for serviced allotments to 5 metres in a cul-de-sac head) for front allotments, or at least 5 metres in the case of rear allotments.
- (bb) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are adjoining the Rural 1, Rural 2 or Rural 3 zone. C60 1/16
Op 6/19

Heritage Site or Item

- (c) The land being subdivided does not include a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]. C16 9/09 Op 8/12
C20 8/10 Op 8/12

Existing Buildings and Trees

- (d) Where a new allotment contains an existing shelter or spray belt, horticultural plantings or plantation forest, the boundaries of the allotment are drawn relative to these trees so that the shelter or spray belt, horticultural plantings or plantation forest complies as a permitted activity with all applicable zone rules relating to height and setbacks from boundaries, roads, dwellings, schools and early childhood education facilities.
- (e) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.

Transport

- (f) The subdivision complies with the transport conditions in Schedule 16.3B, unless the subdivision is for a single allotment for a network utility.

Stormwater

- (g) In the Rural Residential Zone: C7 7/07
Op 10/10
- (i) EITHER
- Stormwater from every allotment is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
- Note:** A discharge consent may be required where new stormwater infrastructure is being created.
- (h) Subdivision in the Richmond East Development Area as shown on the planning maps complies with conditions 16.3.3.1(i) and (n)(ii)(a), (n)(ii)(c) and (n)(ii)(l). C20 8/10
Op 8/12

- | | | |
|-----|---|---------------------|
| (i) | In the Richmond East Development Area, any land to be subdivided is located at least 32 metres from the centreline of any electricity transmission line as shown on the planning maps. | C20 8/10
Op 8/12 |
| (j) | In the Richmond East Development Area, where a new or balance allotment contains a protected tree or the minimum root protection zone of a protected tree, the boundaries of that allotment are drawn so that the minimum root protection zone of the protected tree, as determined by an appropriately competent person in arboriculture, is wholly contained within the allotment, and the allotment is: <ul style="list-style-type: none"> (i) capable of containing a 20 metre by 20 metre building location area outside the minimum root protection zone; or (ii) to vest as road reserve or other local purpose utility reserve and is capable of containing the required extent of the road or the relevant utility in the reserve outside the minimum root protection zone; or (iii) to vest as local purpose reserve for recreation. | C20 8/10
Op 8/12 |

Cultural Heritage Sites

C16 9/09
Op 8/12

- | | |
|-----|---|
| (k) | An authority from Heritage New Zealand Pouhere Taonga has been obtained under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy a cultural heritage site; or, written evidence from Heritage New Zealand Pouhere Taonga has been obtained to show that such an Authority is not considered necessary. |
| (l) | Where the listed cultural heritage site is a wahi tapu site, manawhenua iwi have given their written approval to the proposed activity as an affected party. |

Notes:

- (1) An assessment may be required in accordance with requirement 19.2.2.41.
- (2) The modification, damage or destruction of any cultural heritage site that is an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014 must be authorised by an authority from Heritage New Zealand Pouhere Taonga.
- (3) If any cultural heritage site is exposed during site works then all site works must cease immediately. The areas must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua Iwi, Heritage New Zealand Pouhere Taonga, Department of Conservation, and Tasman District Council must be notified, and the Police in the case of human remains, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given reasonable time to record and recover archaeological features discovered before work may recommence on the site.

Transmission Lines

C77 9/22
Op 10/23

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| (m) | In Mangles Valley, Murchison, every allotment on which any habitable building is intended to be located, has a building location area shown which is set back at least 32 metres from the centreline of any electricity transmission line. |
|-----|--|

A resource consent is required. The Council has reserved control over the following matters:

- | | | |
|-----|--|---------------------|
| (1) | Shape. | |
| (2) | Access. | |
| (3) | The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road. | C69 6/19
Op 6/20 |

- | | | |
|-------|--|---------------------|
| (3A) | Effects on the road network. | C60 1/16 Op 6/19 |
| (4) | The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads. | |
| (5) | The relationship of any new road with existing roads, adjoining land and any future roading requirements. | C69 6/19
Op 6/20 |
| (6) | Availability and provision of services, including adequacy of water for fire-fighting purposes. | |
| (7) | Location of building platforms. | |
| (8) | Location and effects of earthworks necessary to achieve matters (2), (3) and (4). | |
| (9) | Potential effects on rural character and amenity values. | |
| (10) | In the Richmond East Development Area, the potential effects on the landscape value of the hill slope backdrop to Richmond. | C20 8/10
Op 8/12 |
| (11) | Potential effects on heritage protection. | |
| (11A) | Management of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards. | C60 1/16
Op 6/19 |
| (11B) | Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone. | |
| (11C) | Potential for reverse sensitivity effects on an existing, lawfully established quarry which was a quarry on or before 30 January 2016. | |
| (12) | Financial contributions, and for subdivision in the Mapua and Waimea Inlet Rural Residential zones, bonds, covenants and financial contributions in addition to those specified in the standards for the zones. | |
| (13) | All matters referred to in Section 220 of the Act. | |
| (14) | The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |
| (15) | Effective stormwater management, including the use of Low Impact Design solutions. | C7 7/07
Op 10/10 |
| (16) | The appropriate setback of allotment boundaries from the top of the bank of any open drain or natural watercourse. | |
| (17) | Where there is a listed cultural heritage site present on any part of the land being subdivided: | C16 9/09
Op 8/12 |
| | (a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41; | |
| | (b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity; | |
| | (c) any matter necessary to ensure the appropriate management, protection or enhancement of a Cultural Heritage Site; | |
| | (d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area; | |

- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.
- (18) In the Richmond East Development Area, where land which is the subject of a subdivision proposal contains a protected tree or the minimum root protection zone of a protected tree, any matter necessary to:
- (i) ensure the integrity of the protected tree and its associated amenity values; and
 - (ii) ensure that general construction activities are set back from the protected tree so that adverse effects on the protected tree are appropriately avoided, remedied or mitigated; and
 - (iii) give effect to any matter raised in a report of an appropriately competent person in arboriculture.

C20 8/10
Op 8/12

In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.8.2 Restricted Discretionary Subdivision (Rural Residential Zone – Listed Cultural Heritage Site)

C16 9/09
Op 8/12

Subdivision in the Rural Residential Zone that does not comply with condition (k) of rule 16.3.8.1 is a restricted discretionary activity.

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

- (1) Where there is a listed cultural heritage site present on any part of the land being subdivided:
 - (a) any matters raised in a report prepared in accordance with requirement 19.2.2.41;
 - (b) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;
 - (c) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;
 - (d) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction;
 - (e) any matter relevant to the absence of an authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

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

C20 8/10
Op 8/12

Subdivision in the Richmond East Development Area in the Rural Residential Serviced Zone that does not comply with conditions (i) and (j) of rule 16.3.8.1 is a restricted discretionary activity.

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

- (1) In the Richmond East Development Area:

- (a) the extent to which the design and construction of the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
- (b) the extent to which the design and construction of the subdivision (including landscaping) allows for activities to be set back from high voltage transmission lines to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied or mitigated;
- (c) where land, which is the subject of a subdivision proposal, contains a protected tree or the minimum root protection zone of a protected tree:
 - (i) the extent to which the design of the proposed subdivision beneficially or adversely affects the protected tree and its amenity values; and
 - (ii) the extent to which the subdivision proposal provides for activities, including general construction activities, to be set back from the protected tree to ensure that adverse effects on the protected tree are appropriately avoided, remedied or mitigated; and
 - (iii) the extent to which any matter raised in a report of an appropriately competent person in arboriculture is addressed.

C20 8/10
Op 8/12**Non-Notification**

Applications for resource consent for an activity under this rule will be decided without public notification.

Note: The owner/operator of the transmission line is likely to be the only affected person to be determined in accordance with Section 95B of the Resource Management Act.

16.3.8.4 Restricted Discretionary Subdivision (Rural Residential Zone – Specified Locations)
C19 5/10
Op 8/12

Subdivision in the Mapua and Waimea Inlet Rural Residential zones that does not comply with the conditions of rule 16.3.8.1 is a restricted discretionary activity.

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

- (1) The relationship between the subdivision proposed and the subsequent development, including effects of location and scale of buildings and other structures.
- (2) Effects on the rural landscape, on amenity values and on coastal character and values.
- (3) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' for the area.
- (4) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.
- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees and cultural heritage sites.
- (6) Management of natural hazards within and beyond the boundaries of the area.
- (7) The ability of the wider landscape to absorb the extent of the development proposed.
- (8) Effects of likely land contamination by pesticide residues on future activities on the land.

C6 7/07
Op 10/10

- (9) Actual and potential cumulative adverse effects.
- (10) The degree of compliance with any mandatory and good practice matters of the Nelson Tasman Land Development Manual 2019. C69 6/19
Op 6/20
- (11) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
- (12) Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.
- (13) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.

16.3.8.4A Restricted Discretionary Subdivision (Rural Residential Zone)

C60 1/16
Op 6/19

Subdivision in the Rural Residential Zone that does not comply with condition (a) of rule 16.3.8.1 is a restricted discretionary activity.

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

- (1) Any matter contained in 16.3.8.1.
- (2) Any matter relating to natural hazard, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards.
- (3) Adverse effects of the proposed development on character and amenity values within the Rural Residential Zone.
- (4) Any matter relating to the effect of the development on rural, landscape or coastal amenity values in the surrounding environment.
- (5) The ability of the land to manage onsite wastewater.

16.3.8.4B Discretionary Subdivision (Rural Residential Zone – Cooperative Living)

C60 1/16
Op 6/19

Subdivision in the Rural Residential Zone that does not comply with the conditions of rule 16.3.8.1 other than where it is only subject to rule 16.3.8.2, 16.3.8.3, 16.3.8.4 or 16.3.8.4A is a discretionary activity if it complies with the following conditions

- (a) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.8.2.8A has been submitted with the application for subdivision consent.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.8.5 Discretionary Subdivision (Rural Residential Zone)C19 5/10
Op 8/12

Subdivision in the Rural Residential Zone that does not comply with the conditions of rule 16.3.8.1, other than where it is only subject to rule 16.3.8.2, 16.3.8.3, or 16.3.8.4, or prohibited by rule 16.3.8.7, is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.8.6 Discretionary Subdivision (Rural Residential Closed Zone)C19 5/10
Op 8/12

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural Residential Closed Zone is a discretionary activity if:

- (a) it does not create any additional allotments on which a dwelling can be built; and
- (b) following subdivision, existing buildings and dwellings meet the relevant permitted conditions for wastewater, water supply and boundary setbacks, and there is adequate provision for stormwater.

A resource consent is required. Consent may be refused or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.8.7 Prohibited Subdivision (Rural Residential Closed Zone)C19 5/10
Op 8/12

Except as provided for in rule 16.3.8.6:

- (a) Subdivision in the Rural Residential Closed Zone in Whanganui Inlet, Rangihaeata, Gorge Creek (East Takaka), Tata Headland South, Tata Heights, Awaroa, Boundary Bay, Rocklands Road (south end), Toko Ngawa, Tophouse Road, Marlborough Crescent and Cropp Place (Richmond) and Motueka Quay is a prohibited activity for which no resource consent will be granted.
- (b) Subdivision to an allotment size below 5,000 square metres in the Tophouse Road Extension Rural Residential Zone is a prohibited activity for which no resource consent will be granted, except for a single allotment to be used exclusively as a site for network utilities and/or public works.

16.3.9 All Other Zones**16.3.9.1 Discretionary Subdivision (Other Zones)**

Subdivision in any zone other than as provided in rules 16.3.3.1 to 16.3.8.5 is a discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.20 Principal Reasons for Rules

Subdivisions Affecting Heritage Items

Subdivision is a process that results in physical works on a site that can be potentially damaging to heritage items and protected trees. It is also a time when arrangements can be negotiated between landowners and the Council for the protection of heritage items and protected trees.

C10 10/07
Op 3/14

The subdivision provisions for the Richmond East Development Area Rural Residential Zone introduce a new controlled condition to ensure that protected trees are not adversely affected by subdivision. The standard is based on the Australian Standard AS 4970 2009 'Protection of Trees on Development Sites' and Guidelines. It determines the minimum root protection zone required to safeguard the health and stability of a tree which should be protected from land development activities. The controlled condition is introduced to avoid a subdivision application for land on which a protected tree is located, defaulting to a higher level (restricted or discretionary) activity status. It is intended that these rules will be introduced for general application across the District.

C20 8/10
Op 8/12

Residential Subdivision

The minimum net site area ensures a variety of section sizes and a proportion of sections larger than the minimum size prescribed, to provide for the different lifestyles and housing types required by the residents of the District and to provide some visual variety in the settlements. The requirement for larger allotment sizes adjoining industrial and rural zones ensures that these allotments are large enough to enable the location of dwellings with reasonable separation from activities in these adjoining zones.

The larger allotment size at St Arnaud is a means of protecting vegetation from removal and maintaining low-density character. Allotments crossed by the Alpine Fault are not subdivisible to reduce hazard risk to future landowners.

The wider allotments adjoining Rural and Industrial zones are to ensure that the wider setbacks required can be accommodated.

The purpose of the landscaped earth mound adjoining the Heavy Industrial Zone in Old Wharf Road, Motueka, is to maintain residential amenities.

The purpose of the Special Development Area at Mapua is to allow for a more compact and different style of residential development to be located within walking distance of the facilities provided in the town centre, rather than in more remote locations.

C22 2/11
Op 1/15

Mapua Development Area

The Mapua Development Area is an expansion of the Mapua urban area intended to cater for residential and business growth to 2031 and beyond. It provides for residential and rural residential development on the hills behind Mapua. It includes an extensive network of streets, walkways and cycleways to connect with the facilities in Mapua, the Rural 3 community and the wider region.

C22 2/11
Op 1/15

Richmond South Development Area and Richmond West Development Area

The Richmond South and Richmond West development areas are expansions to the Richmond urban area intended to cater for future residential and business growth to 2026. They provide a choice of living and business opportunities, including the opportunity to establish intensive compact and standard density residential developments similar to the existing Residential Zones, local retail nodes, and a range of mixed business and industrial activities (with the latter two in the Richmond West Development Area) in a high quality, high amenity environment.

C5 3/06
Op 10/10

C10 10/07
Op 3/14

C66 10/17
Op 12/18

The rules reflect the different opportunities and environments being created, including the level of amenity values, infrastructure services, and effects on or from other values and environments.

C5 3/06 Op 10/10
C10 10/07 Op 3/14

The indicative reserve network is a critical element for the Richmond South Development Area and the Richmond West Development Area. Borck Creek links both development areas and provides an important role in managing stormwater flows in the greater catchment area to reduce the adverse effects of flooding. It also provides an important alternative movement path for pedestrians and cyclists, a link between the two areas and to the coast, as well as supporting and enhancing existing ecological values.

C5 3/06
Op 10/10
C10 10/07
Op 3/14

The indicative road network is also a critical element as it provides well connected and accessible living and business environments. The design of roads also has the potential to contribute to the level of amenity and character of each area. In the Richmond South Development Area and the Richmond West Development Area, the road hierarchy has been identified on the planning maps. The location and construction of indicative roads are subject to rules in chapters 16 and 18, including street tree-planting and landscaping in respect of Richmond West Development Area.

C5 3/06
Op 10/10
C10 10/07
Op 3/14

As subdivision takes place it is important that the bigger picture for both development areas in respect of the environmental outcomes envisaged is considered, the reserve and road networks are created and vested with the Council upon subdivision in accordance with the standards for development or higher standards, and the amenity values of the areas are enhanced.

C5 3/06 Op 10/10
C10 10/07 Op 3/14

The purpose of condition 16.3.4.1(n) is to discourage the creation of rear allotments, ensuring that each allotment has frontage to a public road or reserve, and thus minimising the use of private rights of way. This facilitates the urban design principles of connectivity, permeability and re-use, where urban environments provide efficient, safe and functional accessibility for all users and also maintain flexibility for future redevelopment of sites and transport options. This rule closely aligns with condition 16.3.4.1(f) where through-connected roads are required and the length of a cul-de-sac is limited to achieve the same urban design outcomes expressed above. There may be some sites where, by virtue of their location, they are unable to comply with this standard. These sites will be assessed on a case-by-case basis as a discretionary consent, alongside any other Plan conditions for which consent is required.

C10 10/07
Op 3/14

Richmond Intensive Development Area

C66 10/17
Op 12/18

The purpose of the Richmond Intensive Development Area (RIDA) is to increase the choice of living opportunities and to allow for residential intensification in central Richmond close to the facilities provided in the town centre.

RIDA is intended to absorb some of the further residential growth of Richmond, together with Richmond South, West and East development areas.

In addition to standard density residential development the area provides the opportunity for intensive residential development. Consents for subdivision and residential building activity for intensive development in RIDA can be applied for separately. Subdivision for Intensive housing in RIDA is a Controlled activity provided that a complying building envelope is shown and key standards are met, while land use (building construction) is a Restricted Discretionary activity if key standards are met.

In RIDA, development is managed so that stormwater from additional development does not cause flooding or contribute to any damage caused by flooding. To this end, a permitted stormwater standard provides for onsite stormwater detention for additional site coverage resulting from new development and for specified stormwater flood flow path protection.

Electricity Transmission CorridorC20 8/10
Op 8/12
C77 9/22
Op 10/23

The Richmond West and Richmond East development areas are traversed by high voltage transmission lines which are important elements of the National Grid. Rural Residential areas in Mangles Valley, Murchison, are also within close proximity to a high voltage transmission line. These transmission lines need to be protected from adverse effects of development. As well, development needs to be protected from risks of the electricity transmission lines.

Richmond East Development AreaC20 8/10
Op 8/12

The Richmond East Development Area forms part of the Nelson South/Richmond East precinct which spans both Nelson City and Tasman District.

The Plan change enables part expansion and part intensification of the Richmond urban area. It is intended to cater for the further residential growth of Richmond, together with Richmond South and Richmond West and intensification of central Richmond.

The Plan change proposes utilising the area efficiently for residential development, while retaining and providing a quality urban environment. Specific residential densities are proposed for specific areas within Richmond East, depending on their location and character. South east of Hill Street:

- (a) standard density residential development (minimum lot size of 600 square metres) is a means of retaining the character of the existing residential environment while enabling a measure of intensification;
- (b) low density residential development (minimum lot size of 900 square metres) is a means of enabling a measure of development on relatively shallow sloping land in the east of the Development Area adjoining the Rural Residential Serviced Zone.

The Rural Residential Serviced zoning is being retained for the Highfield Grove precinct where existing development is rural residential in character.

The landscape value of the hills behind Richmond East is being retained by limiting development to the lower hill slopes and providing for lower density rural residential development at the interface with the rural land.

The planning maps show a connected network of streets, walking and cycling routes that traverse and connect the area with the rest of Richmond and Nelson South, particularly the existing green space networks, the proposed Saxton Creek greenway in Richmond and Nelson, and the Saxton Field sports complex.

Brightwater Development AreaC75 9/22
Op 6/23

The Brightwater Development Area is intended to provide for additional residential land to meet the growth projections for the township and the wider region. It is located on land between State Highway 6, Pitfure Stream, and Lord Rutherford Road. For any urban expansion, particularly into the Rural Zones, there is a need to ensure this land is efficiently used. There is also a strong community view, and government policy direction, that residential land needs to be more intensively used, and a diversity of lot sizes and range of housing options achieved. To help achieve this objective, the Brightwater Development Area includes subdivision rules requiring a variety of lot sizes, including smaller lots, when larger blocks are subdivided.

These rules mean areas of urban expansion are expected to develop with higher density housing options and a greater variety of lot sizes than may occur through the standard minimum lot size approach. This provides for a more varied neighbourhood of differing types of housing and properties.

Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Brightwater Development Area applies. This responds to the objectives and policies in the TRMP which:

- Seek efficient use of land and infrastructure,

- Encourage medium density housing development of a high standard in suitable locations,
- Seek a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Brightwater Development Area because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density Development along the external boundaries of the proposal site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario.

The Brightwater Development Area includes indicative roads and reserves to ensure appropriate connections are achieved; recreational, amenity and ecological functions are provided for; and stormwater is effectively managed. Flood flows from Pitfure Stream and Watertank Hill (the Katania Heights area) are able to be accommodated within the indicative reserve areas.

In relation to State Highway 6, reverse sensitivity is managed through a requirement to set development back from the state highway, and to provide an acoustic report for subdivision within 100m of the state highway's white edge line. Rules also restrict additional direct vehicle access to the state highway.

Wakefield Development Area

C76 9/22
D9/24

The Wakefield Development Area is intended to provide for additional residential land supply to meet the growth projections for the township and the wider region. It is located on land between Pitfure Road, Edward Street, and Higgins Road. For any urban expansion, particularly into the Rural Zones, there is a need to ensure this land is efficiently used. There is also a strong community view, and government policy direction that residential land needs to be more intensively used, and a diversity of lot sizes and range of housing options achieved. To help achieve this objective, the Wakefield Development Area includes subdivision rules requiring a variety of lot sizes, including smaller lots, when larger blocks are subdivided. These rules mean areas of urban expansion are expected to develop with a variety of housing options and a greater variety of lot sizes than may occur through the standard minimum lot size approach. This provides for a more varied neighbourhood of differing types of housing and properties.

Non-notification (both public (s95A) and limited (s95B)) of Compact Density Development within the Wakefield Development Areas applies. This responds to the objectives and policies in the Tasman Resource Management Plan which:

- Seek efficient use of land and infrastructure.
- Encourage medium density housing development of a high standard in suitable locations.
- Seek a range of living opportunities and residential densities.

The non-notification provision is used for Compact Density Development in the Wakefield Development Area because the structure of Compact Density Development rule 17.1.3.3 g) means that Compact Density Development along the external boundaries of the proposal site must meet the standard permitted activity bulk and location criteria in the Tasman Resource Management Plan unless the land adjoining the specific boundary is being developed as a Compact Density Development. Therefore, any properties outside of the Compact Density Development will not experience a change in terms of the bulk and location of buildings from what could be developed under a permitted activity scenario.

The Wakefield Development Area includes indicative roads and reserves to ensure appropriate connections are achieved; recreational, amenity and ecological functions are provided for; and

stormwater is effectively managed. The indicative road connection to Higgins Road ensures that the provision of emergency vehicle access via Higgins Road will be provided for.

C76 9/22
D9/24

Motueka West Development Area

C43 4/13
Op 1/15

The Motueka West Development Area is designed to provide for the expansion of Motueka to 2056. Additional land provides opportunities to establish a mix of business and living environments between Pah Street and King Edward Street. Because the area is relatively close to the town centre there is an opportunity to establish compact density residential development as well as medium density residential development similar to the existing Residential Zone. Favourable consideration will be given to higher density residential proposals located within walking distance (400 metres) of the town centre. Employment opportunities will be provided in the adjacent business and industrial zones. Larger business sites are designed to provide for the storage and retailing of bulky or larger goods in a Mixed Business Zone.

Several new stormwater features will provide the framework for an integrated linear open space greenway network that will encourage walking and cycling.

The planning maps show a connected indicative road network and rules limit access to Queen Victoria Street.

Pedestrian or Cycle Linkages

The development of safe, convenient and attractive networks of pedestrian or cycle routes is a key component of the development of a more sustainable transport system.

At Mapua, Seaton Valley Stream links Mapua, Ruby Bay, Seaton Valley and the Waimea Inlet and has an important role in managing stormwater, providing opportunities for off-road cycling and walking along its margins and enhancing ecological values.

C22 2/11
Op 1/15

Central Business, Commercial and Tourist Services Zones

In Central Business, Commercial and Tourist Services zones, minimum site areas are set to ensure that sites are created which are usable for a range of likely activities and allow adequate space for landscaping and car parking.

In the Tourist Services Zone, Mapua, the coastline on Lot 1 DP 20295 (area of land at the end of Toru Street) is in part susceptible to erosion and accretion and in low-lying areas to inundation, so further subdivision is discouraged.

In the Tourist Services Zone, Salisbury Road, Richmond, a development plan is required to show how access to Salisbury Road will be limited (i.e. building sites and site accesses to be shown). Access to Salisbury Road is to be limited for traffic safety reasons. Any access onto Salisbury Road from Lot 3 DP 18824 (141 Salisbury Road, occupied by the Aquatic Centre), other than any joint access with Lot 2 DP 18824 (123 Salisbury Road, occupied by the Baptist Church), shall be considered as a restricted discretionary activity for the reasons above.

Industrial Zones

Larger sites are required in industrial zones to accommodate the larger buildings and parking, storage, and loading areas associated with industrial activities. An overall development plan will be required for subdivision in any of the Rural Industrial Zones to show that the proposal will meet the needs of rural industries.

Individual site access to Stafford Drive is limited between Seaton Valley Stream and Warren Place because of its proximity to the shared path leading to Mapua School.

C22 2/11
Op 1/15

Rural Zones

In order to maintain the productive values of land, controls are required on subdivision which allow for a range of soil-based production opportunities to be retained, despite shifts over time in the economic prospects for particular production activities. The Rural 1 Zone contains the small area of the District's land which has high productive value and which is suited to a wide range of uses, including both soil-based production and other uses such as residential. The rules protect this land's productive value for a range of soil-based productive uses. The soils in the Rural 1 Zone are suited to intensive production and the subdivision limits reflect this land's potential for such use. Rural 2 land is less versatile for the range of soil-based productive uses that Rural 1 land is suited for. The land in Rural 2 is more extensively farmed. While most agricultural farm properties are greater than 50 hectares, the subdivision limits for Rural 2 land allow for an optimal range of land uses.

In the Rural 3 Zone, the Plan provides a specific framework (including design guidance through the 'Coastal Tasman Area Subdivision and Development Design Guide') to enable more intensive subdivision and development in appropriate circumstances.

C6 7/07
Op 10/10

Applications for subdivision in the Rural 3 Zone that meet the conditions will be evaluated as restricted discretionary activities. Applicants are expected to demonstrate compliance with Plan policy and consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' through innovative design approaches.

The Rural 3 Zone is intended to be serviced with a restricted community water supply reticulation and programmed road upgrading, with requirements for long term onsite wastewater servicing, to avoid the cumulative adverse effects of residential development in this rural area. The Council's long term infrastructure services programme for the Rural 3 Zone is contained in the Tasman District Long Term Plan, prepared under the Local Government Act 2002.

The frontage requirements in rural zones ensure access and spaciousness in rural areas, which contributes to its character and amenity values, as well as minimising loss of the land and soil resource, and contributing towards limiting cross-boundary effects such as dust, shading and spray drift, in gaining access to rear properties.

In the Wastewater Management Area that applies to the Rural 3 and adjacent Rural Residential zones, the provisions for considering on-site wastewater options at the time of subdivision enable a consistent and integrated approach to management of land use effects as well as management of effects of discharges.

The Council will particularly require developers to pay attention to site constraints for on-site treatment at the time subdivision plans are being considered. Long-term sustainable provision for on-site wastewater systems will need to be addressed at the time of subdivision. Where future land use or dwelling details are not known, the Council will adopt a default design of a 10-person household.

If the wastewater treatment system is intended to service more than one household, the Council will require discharge permits to be sought at the same time as consent for subdivision is sought. This is to ensure subdivision design and wastewater provision will be integrated into design and construction. It will also consider requiring discharge permits to be sought at the same time as subdivision consents where the wastewater treatment systems are to service single households and where adverse effects of single on-site systems are likely to be significant, or where the default design for a 10-person household is not adopted.

Rural Residential Zones

The minimum net site area ensures a variety of allotment sizes to cater for different lifestyle needs in different parts of the District.

Two Rural Residential Zone locations in proximity to the Rural 3 Zone are also intended to be serviced with water and wastewater reticulated services, for the same reason as in those zones. Until Council services are available, interim provision of services will be considered in applications for subdivision and residential development. In the Mapua Rural Residential Zone, development to greater densities than provided for on the basis of the subdivision controlled activity lot size is envisaged, subject to detailed

design consideration. In the Waimea Inlet Rural Residential Zone, there may be some limited additional subdivision subject to design guide evaluation.

In the Rural Residential zone at Higgins Road, Wakefield, a range of rural residential options exist on part Lot 1 DP 303114. Adequate stormwater mitigation is required to manage any overflow from uphill dams in an extreme rainfall or other event.

C65 10/17
Op 4/18

Rural Residential Closed Zone

Further subdivision is prevented at Awaroa, Toko Ngawa, Tata Heights and Tata Headland, Boundary Bay and Frenchman's Bay and Whanganui Inlet because of proximity to the coast and special landscape features. At Gorge Creek (East Takaka) and Rocklands Road (south end) the standard of road access and geological instability are the reasons. At Rangihaeata significant factors are marginal land soakage, proximity of the aerodrome and coastal erosion. The retention of low-density residential character is important at Tophouse Road; for this reason, the Tophouse Road Extension Zone is shown on the planning maps as "Closed: Deferred". This provides through a combination of controlled and prohibited status for subdivision that the land may be subdivided until the subdivision process is fully completed at an allotment size of no less than 5,000 square metres. Once this level of subdivision has been reached, the closed status will have full effect, and the deferment shown on the planning maps will be removed by Council resolution.

Some larger sites are provided in parts of Golden Bay where land slope is steep or land soakage is poor to moderate.

The reason for the Cropp Place Closed Zone is geological instability.

Residential Closed Zone

Further residential subdivision in the small enclave of residential allotments at Anchorage is inappropriate because of the proximity of Abel Tasman National Park and poor access.

Poles and Lines

Above ground telephone and power supplies have the potential to interrupt views and detract from the visual appearance of urban and rural residential areas. As rural residential development has higher building density than the general rural area, the impact of utility wires and poles is potentially greater.

Rural Closed Zone and Rural 1 Coastal Zone

C22 2/11 Op 1/15

In a small number of circumstances, following submissions on the Proposed Plan, references to the Environment Court resulted in the Council, nearby landowners and residents, and the referrers agreeing to small allotments for primarily rural residential purposes in areas within the Rural 1 and Rural 2 zones. Where part of the agreement has been that there should be no further subdivision of the land, such areas are shown as "closed" on the planning maps and changes to the rules have been made which prevent the creation of additional allotments, but provide for adjustments to existing boundaries subject to a consent process. The reasons for the closed status relate to protecting overall amenity values or the productive potential of the balance land area. In the area shown on the planning maps off Pupu Valley Road, there is no predetermined subdivision pattern, but a maximum number of lots is provided for. In this area, through a combination of controlled and prohibited status, subdivision may proceed until the number of lots specified as a controlled activity is reached. Once this level of subdivision has been reached, the closed status will have full effect.

At Mapua/Ruby Bay on the coastal flats between Mapua and Ruby Bay, the lot sizes are all below the minimum Rural 1 lot size so there is very limited provision for further subdivision as this might encourage additional dwellings in this low-lying area that is likely to be vulnerable to both seawater and freshwater inundation. Rural residential development is already well provided for on the hills to the west and in the Rural 3 Zone.

C22 2/11
Op 1/15

Cultural Heritage Sites

C16 9/09
Op 8/12

The rules seek to manage adverse effects on cultural heritage sites by requiring an authority from Heritage New Zealand Pouhere Taonga where any modification, damage or destruction of a site is

proposed as part of a subdivision. Known cultural heritage sites are listed in Schedule 16.13C and are shown on the planning maps. These are effective ways of enhancing the protection of the values of known sites and ensuring that any site discovered, for example, through land disturbance, is also managed through this approval process.

Filling of Allotments

C10 10/07
Op 3/14

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

Land Subdivision in relation to Dams

C17 2/10
Op 4/13

There are large numbers of water storage dams in the District, especially throughout the Moutere gravel terrain. Many of these were built in compliance with rural standards for irrigation dams. While dams in this terrain have a low probability of failure, dam failures do occur and some existing dams may pose a risk to persons or land beyond the immediate property boundary. It is important that hazards are not created by allowing inappropriate development below these dams. In addition, as subdivision occurs, it is important that additional risks are avoided by establishing new property boundaries so that setbacks from the dam and associated structures can be complied with.

Council will take into account the location of allotment boundaries in relation to any existing dam and its associated spillway and impounded water, so that risks to property from dam failure are not increased as a result of land use changes.

SCHEDULES

Schedule 16.3A: Assessment Criteria for Subdivision

Refer to rules 16.3.3.3, 16.3.3.4, 16.3.3.5, 16.3.3.6, 16.3.4.4, 16.3.4.5, 16.3.5.1, 16.3.5.4, 16.3.5.5, 16.3.6.1, 16.3.6.4, 16.3.6.5, 16.3.7.1, 16.3.7.3, 16.3.7.4, 16.3.7.5, 16.3.8.1, 16.3.8.4, 16.3.8.5, 16.3.8.5, 16.3.9.1, 16.4.2.1, 16.4.2.2.

When considering an application for a subdivision consent, the Council will have regard to the following criteria:

General

- (1) The productive value of the land in Rural 1, Rural 2 and Rural 3 zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.
- (2) The potential effects of the subdivision on the amenity values, including rural character, and natural and physical character of the area. C60 1/16
Op 6/19
- (3) The extent to which the effects of natural hazards within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated. C60 1/16
Op 6/19
- (4) The potential effects of the subdivision on the natural character of the coastal environment, wetlands, lakes and rivers.
- (4A) The potential for reverse sensitivity effects on plant and animal production activity. C60 1/16 Op 6/19
- (5) The adequacy of provision for public open space, esplanade reserves and esplanade strips.
- (6) The adequacy of design, capacity, standard and staging of existing or proposed public utilities servicing the subdivision, including any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects on a temporary or permanent basis.
- (7) The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.
- (8) For water supply, the extent of compliance with the "Drinking Water Standards for New Zealand 1995" or any subsequent replacement of this standard.
- (9) The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.
- (10) Where wastewater disposal will occur within the net area of the allotment, the extent to which the site and soil assessment, design and construction of the system complies with the AS/NZS 1547:2000, taking into account the requirements of rules in Chapter 36 regulating the discharge of wastewater.
- (11) The adequate provision of potable water and water for fire fighting.
- (12) Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely affect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220(d) of the Act.

- (13) Whether the subdivided land has been, or is, subject to contaminants that may be hazardous to the future occupiers of the land and whether sufficient works or other solutions have been undertaken to avoid, remedy or mitigate the hazardous effects.
- (14) Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.
- (15) Whether engineering design is appropriate for the circumstances.
- (16) Whether any landscaping features are proposed and their effects on pedestrian and traffic safety, the functional and aesthetic quality of the area, and potential maintenance costs.
- (17) The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.
- (18) The vesting in Council of any allotment in connection with the servicing of any other land by a stormwater network utility under the control of the Council.
- (19) Proximity of future residential use and development of land to existing transmission lines and provisions to avoid any actual and potential effects on the integrity of existing transmission lines and the health and safety of people.
- (20) The ability of any existing shelter belt, horticultural plantings or plantation forest to comply with height and setback requirements of this Plan.
- (21) (i) The ability of any earthworks and the construction of any subsequent buildings and structures to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001). A copy of this document may be obtained from Transpower New Zealand Ltd.
- (ii) The ability of any vegetation planted to maintain a minimum 4 metres clearance distance from any transmission line conductors, taking into account the mature height of the vegetation.
- (22) In the Richmond West Development Area: C10 10/07
Op 3/14
- (i) The extent to which access to support structures for emergency, maintenance and upgrading purposes is retained.
- (ii) The extent to which the subdivision would constrain the ongoing operational needs of the National Grid.
- (23) The likely effects of the subdivision on vegetation change having water yield effects.

Earthworks

- (24) The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as water courses.
- (25) The extent to which any cut or fill can be restored or treated to resemble natural landforms.
- (26) The extent to which the earthworks will have an adverse visual effect on the surrounding area.
- (27) Whether the proposed earthworks will increase or decrease the risks from natural hazards either on, or outside, the land being subdivided.

Stormwater

- (28) The actual and potential adverse effects of the subdivision in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following:

C6 7/07
Op 10/10

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| (i) | The extent to which all stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network. | C6 7/07
Op 10/10 |
| (ii) | The extent to which the subdivision design has taken into account changes in land cover; and the proposed measures to avoid, remedy or mitigate the effects of those changes on stormwater flows and water quality. | C6 7/07
Op 10/10 |
| (iii) | The degree to which the subdivision has used Low Impact Design solutions in the management of stormwater. | |
| (iv) | The degree of maintenance or enhancement of natural drainage characteristics in the overall subdivision design and allotment layout. | |
| (v) | The regard for existing and reasonably expected future land-use changes within the catchment of the subdivision. | |
| (vi) | The degree to which the design of the stormwater management network accounts for any possible future changes in development that may have an effect on, or be affected by, the development. | |
| (vii) | The degree to which water conservation principles, such as rainwater collection and stormwater detention, have been applied to the subdivision design. | |
| (viii) | The methods proposed to avoid damage to downstream properties from altered stormwater flows and effectiveness of those methods. | |
| (ix) | Consistency with mandatory and good practice matters contained within the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |

Buildings

- (29) The ability of any existing or proposed building to comply with this Plan, including avoiding adverse effects on ridgelines shown on the planning maps.
- (30) The effects of existing or future buildings on an allotment in relation to natural hazards and effects on adjoining sites and whether future building or development should be limited to particular parts of the allotment, or minimum floor levels set.
- (31) For a subdivision of a building:
- (i) whether the use of the building complies with this Plan or has resource consents for aspects of non-compliance;
 - (ii) whether the new allotments meet, or can meet, the requirements of Section 46(4) of the Building Act 2004;
 - (iii) if a change of use for the building is proposed, whether the building complies with Section 46 of the Building Act 2004.

Archaeological or Heritage Sites

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| (32) | In relation to land, including a heritage site or item referred to in Schedules 16.13A, 18.1A or 16.13C, and a protected tree referred to in Schedule 16.13B: | C10 10/07
Op 3/14 |
| (i) | whether the proposed subdivision would have an adverse or beneficial effect on the integrity or heritage and protected tree value of the site or item, and the extent of that effect; | |
| (ii) | the extent to which land integral to the significance of an archaeological site or site of significance to Māori would be separated from that site; | |
| (iii) | the provisions of any relevant management plan. | |

Allotments for Network Utilities

- (33) Where an allotment is created as a site for a network utility or public work:
- (i) the degree to which the allotment allows sufficient land area to accommodate the activity and associated structures;
 - (ii) landscaping, amenity plantings and location of the utility within the subdivision to mitigate adverse effects of the activity;
 - (iii) whether the allotment should be amalgamated with an adjoining allotment in the event of the utility being removed.

Site Works Effects

- (34) The adequacy of provisions for management of construction and site works, including an environmental management plan, to avoid or mitigate any adverse effects from noise, dust, stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.

Transport, Access and Roads

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| (35) | The degree of compliance with mandatory and good practice matters of chapter 4 of the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |
| (36) | The proximity, safety and ease of access between any site and the nearest collector, principal or arterial road, or state highway, including: | C69 6/19
Op 6/20 |
| | (i) the number of intersections between the frontage of any site and the nearest of those roads; | |
| | (ii) the driving time between any site and the nearest of those roads; | |
| | (iii) the walking distance between any site and an arterial or principal road, along public roads, pedestrian ways or footpaths through reserves. | C69 6/19
Op 6/20 |
| (37) | The relationship of any new road with existing roads, including determining the road hierarchy class of any new road, newly formed road or any required upgrading of an existing road. | C69 6/19
Op 6/20 |
| (38) | The extent to which an existing road needs to be up-graded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of chapter 4 of the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |
| (39) | The ability to comply with the site access and vehicle crossing requirements of chapter 4 of the Nelson Tasman Land Development Manual 2019. | C69 6/19
Op 6/20 |
| (40) | The need to provide alternative access for car parking and vehicle loading in the Central Business, Commercial, Tourist Services, Heavy Industrial or Light Industrial zones by way of service lanes at the rear of properties and whether these should be vested in Council. | |
| (41) | The appropriateness of, or need to provide, access by way of a road rather than a private access. | C69 6/19
Op 6/20 |
| (42) | The adequacy of road layout, including road access to adjoining land. In the case of any change from the indicative road positions shown on the planning maps, whether the change will retain the ability to achieve the desired connectivity (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network. | C73 12/20
Op 6/23 |
| (43) | The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads. | |
| (44) | The effect of roads and private vehicular access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties. | |
| (45) | The necessity for, and appropriateness of, sealing rural collector and access roads. | |

- (46) Provision for the vesting of road reserves for the purpose of facilitating connections to future road extensions to serve surrounding land.
- (47) The necessity for, and appropriateness of, the provision of footpaths and kerb drains on rural roads.
- (47A) The potential for adverse cross-boundary effects, including reverse sensitivity. C69 6/19 Op 6/20

Lighting

- (48) The provision of appropriate standards of street lighting, having regard to the minimum design Standards of New Zealand series of standards AS/NZS 1158 *Lighting for Roads and Public Spaces*.
- (49) Where roads in the subdivision would connect existing roads:
 - (i) the form, location and function of the road connection;
 - (ii) the standard of construction of the connecting road;
 - (iii) the promotion and protection of public health and safety.

Stopping and Sight Distances

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

Frontage to Unformed Legal Roads

- (51) The appropriateness and cost effectiveness of the formation of the road.
- (52) The need for improvements to intersections.
- (53) The need for and extent of any financial contributions towards the road formation.

Additional Matters for Land in a Significant Natural Area

- (54) In the case of a subdivision of land that includes land in a Significant Natural Area:
 - (i) whether the land in the Significant Natural Area is fragmented by the subdivision and, if so, the effects on the visual qualities or natural values of the Significant Natural Area;
 - (ii) whether the Significant Natural Area is protected by a covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977 or other mechanism;
 - (iii) whether the need for an effective stock-proof fence to protect the Significant Natural Area has been addressed;
 - (iv) whether the allotment containing the Significant Natural Area contains a stable dwelling site and adequate effluent disposal area and access, outside the Significant Natural Area, will not adversely affect the visual qualities or natural values of the Significant Natural Area;
 - (v) whether the area of other allotments or balance area of the land (outside the Significant Natural Area) complies with the usual requirements of the zone.

Allotments and Activities in relation to Existing Dams

- (55) The proximity of allotment boundaries and likely future land use activities to existing dam structures, including spillways and impounded water, and potential risks posed by the dam on likely land use activities.

C17 2/10
Op 4/13

Schedule 16.3B: Transport Conditions

Refer to rules 16.3.3.1, 16.3.3.1B, 16.3.3.2C 16.3.3.3, 16.3.3.4, 16.3.4.1, 16.3.5.1, 16.3.6.1, 16.3.7.1, 16.3.8.1.

Roads, Access and Parking

- (a) All roads, including indicative and connecting roads, are laid out, constructed and vested in the Council in accordance with the road construction conditions specified in section 18.8. C10 10/07 Op 3/14
C69 6/19 Op 6/20
- (b) Every allotment has vehicle access to a formed legal road other than a limited access road (unless written consent is given by the authority controlling the limited access road). Access to allotments is constructed in accordance with section 4.6.1.1 of the Nelson Tasman Land Development Manual 2019. C69 6/19
Op 6/20
- (c) Where subdivision creates or alters title boundaries of developed sites, every allotment created (including any balance title) has vehicle parking provided and constructed in accordance with the conditions specified in section 16.2.

Linking Subdivision Roads to Existing Roads

- (d) Where any land to be subdivided is subject to a road designation, provision is made for the land to vest in the Council as road at the time of subdivision. Where the land cannot legally vest in the Council as road at the time of subdivision, provision is made to enable the Council to acquire the land, by separately defining the parcels of land, which must be held in conjunction with adjoining land and a Consent Notice pursuant to Section 221 of the Act registered on the title, until such time as the Council acquires the land.
- (e) Where any land to be subdivided is subject to a notation on the planning maps as an “Indicative Road”, a road is laid out and constructed on the general alignment of the indicative road, except that in the Richmond West Development Area, the location of: C10 10/07
Op 3/14
C73 12/20
Op 6/23
- (i) any point of intersection of an indicative road with an existing formed road must not vary;
- (ii) the indicative roads shown adjoining the indicative reserve that contains Borck Creek must not vary from those positions;
- (iii) the indicative roads shown along the boundaries of the locations of the Mixed Business Zone and Residential Zone must not vary from those boundaries;
- (iv) the indicative road shown along the boundary of the Recreation Zone must not vary from that boundary.

The requirement to lay out and construct a road on the general alignment of the indicative road means that desired connectivity, (to both the transport and reserves network), resilience, drainage and access requirements of the future roading network can still be achieved even if the final road location changes from that of the indicative road (except as specified in (i) – (iv) above).

- (f) Where any land to be subdivided is subject to a notation on the planning maps indicating that a “Connecting Road” is required through the land, the road is to be laid out, constructed and vested in the Council at the time of the subdivision.

Note: In the Richmond West Development Area, the intersection to be formed between the indicative road and State Highway 60, between State Highway 6 and McShane Road, shown on the planning maps, is subject to approval by the New Zealand Transport Agency under the Government Roding Powers Act 1989. C10 10/07
Op 3/14

- (g) Where any new road extends or completes an existing road, the road is constructed at the developer’s cost to the relevant conditions specified in section 18.8. C69 6/19
Op 6/20

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| (h) | Except in the Rural 3 Zone and Services Contribution Area, and in the Lower Queen Street and McShane Road in the Richmond West Development Area, where any land to be subdivided has frontage to any existing road that is not constructed to the conditions set out in section 18.8 for the relevant level of the existing road in the Road Hierarchy, the road along the frontage adjoining the land to be subdivided is formed and upgraded by the developer to the conditions of road widths, kerb and channelling and associated drainage attributable to the subdivision, berm, footpath, crossings and street lighting specified in section 18.8. | C10 10/07
Op 3/14 |
| (i) | Where any land to be subdivided has a frontage to an existing Council road which has inadequate road reserve width to meet the condition in the Plan, adequate land to meet the condition is vested in the Council at the time of subdivision, at no cost to the Council. | C69 6/19
Op 6/20 |
| (j) | The subdivision provides a safe and efficient road, cycleway and pedestrian access connection to adjoining land and roads, cycleways and pedestrian accessways. | |

Schedule 16.3C: Services Required on Subdivision in Certain Zones

Refer to rules 16.3.3.1, 16.3.4.1, 16.3.3.1B, 16.3.3.2C

This schedule applies to Central Business, Commercial, Mixed Business, Tourist Services, Heavy and Light Industrial and Rural Industrial zones, and the Residential Zone in the Richmond South, Richmond West, Richmond East, Richmond Intensive, Brightwater, Wakefield, Motueka West and Mapua development areas (excluding the Residential Coastal Zone), and the Rural Residential Serviced Zone in the Richmond East and Mapua development areas.

C10 10/07 Op 3/14
C20 8/10 Op 8/12
C22 2/11 Op 1/15
C43 4/13 Op 1/15
C66 10/17 Op 12/18
C75 9/22
Op 10/23
(D9/24)

SERVICE	STANDARD
Stormwater	<p>The land to be subdivided is connected to a Council stormwater network (including any stream that has been modified to function as a stormwater drain) that is capable of receiving additional stormwater because of the subdivision.</p> <p>OR</p> <p>The discharge complies with 36.4 of this Plan.</p> <p>AND</p> <p>All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.</p> <p>In the Richmond Intensive Development Area, where a site or part of a site is located within a specified stormwater flood flow path as shown on the planning maps:</p> <p>(a) the development provides for the stormwater flood flow to cross the post-development site and retains the predevelopment upstream entry and downstream exit points of the stormwater flood flow to and from the site;</p> <p>(b) the flood flow path surface is constructed or treated to prevent erosion of the surface.</p>
Wastewater	The land to be subdivided is connected to a Council wastewater reticulation that is capable of receiving additional wastewater as a result of the subdivision.
Water Supply	The land to be subdivided is connected to a Council potable water supply reticulation that is capable of providing a potable water supply for each allotment and sufficient water for fire-fighting purposes, unless in the Rural Residential Zone (other than the Rural Residential Serviced Zone in the Richmond East and Mapua development areas), rule 17.8.3.1(m) is complied with.
Electricity	The land to be subdivided is provided with electric power, appropriate to the circumstances.
Telephone	The land to be subdivided is provided with a telephone system, appropriate to the circumstances.

C69 6/19
Op 6/20

C66 10/17
Op 12/18

C20 8/10
Op 8/12

C22 2/11
Op 1/15

Note: Schedule 16.3A contains an assessment criterion that refers to this table.