

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

[16.3.7 Proposed]

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), (b), (c), (ca), or (cb), the minimum area of allotments created by the subdivision is 12 hectares (3.0 hectares in the Rural 1 Coastal Zone), except for provided that the subdivision is of a title that existed on or before 30 January 2016. C22 2/11
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- ~~(aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) have no minimum area requirement.~~
- (b) The minimum area of allotments created by subdivision on Lot 7, DP16467 is 1.5 hectares and the land is subdivided in a way that results in no more than two allotments. C22 2/11
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- (c) The minimum area of allotments created by subdivision on Lot 1, DP 12203 in Golden Hills Road is 4 hectares, and the land is subdivided in a way that results in no more than seven allotments.
- ~~(ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone.~~ C22 2/11
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- ~~(cb) The subdivision is an amalgamation of titles resulting in a reduction of the total number of titles and there is no relevant minimum area of any title.~~

Frontage

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

Building Location Area

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

Heritage Site or Item PresentC10 10/07
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- (e) The land being subdivided does not include:
- (i) a heritage site or item referred to in Schedule 16.13A [Heritage Buildings and Structures]; or
- (ii) a protected tree in the Richmond West Development Area referred to in Schedule 16.13B.

C16 9/09
Op 8/12**Existing Buildings and Trees**

- (f) Where a new allotment contains an existing building, the boundaries of the allotment are drawn relative to the building so that the building complies as a permitted activity, with all

applicable zone rules relating to building coverage, building setbacks, building height, daylight admission lines, outlook, privacy and outdoor living space; and with parking and access requirements under the applicable general rules.

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

Allotments in relation to Existing Dams

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

Transport

- (i) The subdivision complies with the transport conditions in Schedule 16.3B, except as provided for in condition 16.2.2.1(b) in relation to the annotated land shown on the planning maps at Ruby Bay or unless the subdivision is for a single allotment for a network utility.

Special Requirement

- (j) On Lot 1, DP 12203 in Golden Hills Road any subdivision provides that:
- (i) the two central water retention dams are contained within an allotment that also contains the existing dwelling and are not severed from that allotment; and
 - (ii) the water storage capacity of the dams is not less than that existing on 1 July 2001.

Reserves

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- (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.

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Building Platform Levels

- (m) In the Richmond West Development Area the building platform level is 4.6 metres

above mean sea level 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 are not filled, except to create a building platform area.

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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.

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Cultural Heritage Sites

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

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Notes:

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

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

- (1) Shape.

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

- (2) Access Low impact design principles and methods.

Proposed as at 1 November 2008

- (3) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.
[(2A) Proposed]

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

C51 1/15
D 11/15**Proposed as at 28 November 2015**

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

(4AA) Effects on the road network.

(5) Location of building platforms.

(6) Location and effects of earthworks necessary to achieve (2), (4) and (5).

(7) Potential effects on rural character, coastal natural character and amenity values.

(7A) The potential for adverse cross-boundary effects, including reverse sensitivities.(7B) Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.

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

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

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

(11) The extent and location of indicative reserves.

(12) The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.

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(13) Financial contributions.

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

Proposed as at 1 November 2008

(15) Except as required by condition (i), the degree of compliance with any current Tasman District Council Engineering Standards.
[[10 Proposed]

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

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(17) Where there is a listed cultural heritage site present on any part of the land being subdivided:

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(a) any matters raised in a report prepared in accordance with Information Requirement 19.2.2.41;

(b) any matters raised in the authority granted by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, that are relevant to control of the design and construction of the proposed subdivision activity;

(c) any matter necessary to ensure the appropriate management, protection or enhancement of a cultural heritage site;

(d) any matter necessary to ensure kaitiakitanga over a wāhi tapu site or wāhi tapu area;

- (e) any matters relevant to ensuring the appropriate management of a previously unknown cultural heritage site that is discovered during any land disturbance activities associated with the subdivision during construction.

16.3.5.2 Restricted Discretionary Subdivision (Rural 1 Zone - Richmond West Development Area)

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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)

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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)

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

- (a) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and

- (b) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (c) Except as provided for by condition (e) or (f), the subdivision is of a title that existed on or before ~~date of notified Plan Change~~; 31 January 2016, except where that title was created by way of subdivision decision not made under the Tasman Resource Management Plan.

OR

- (d) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and
- (e) 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.
- (f) 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 matters to which Council has restricted its discretion:

- (1) Any matter listed in rule 16.3.5.1.

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

Subdivision in the Rural 1 Zone that does not comply with ~~the~~ controlled conditions (b) of rule 16.3.5.1 ~~(other than condition 16.3.5.1(b))~~ is a discretionary activity. C22 2/11
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A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

16.3.5.4A Discretionary Subdivision (Rural 1 Zone – Cooperative Living)

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

- (a) The subdivision is of a title that existed on or before ~~date of notified Plan Change~~ 31 January 2016.;
- (b) 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.

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

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

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 1 Closed Zone (Lot 1, DP 12203 in Golden Hills Road or at Mapua) or Rural 1 Coastal Zone is a discretionary activity if: C22 2/11
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- (a) it does not create any additional allotments on which a dwelling can be built; and

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

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

16.3.5.5A Non-Complying Subdivision

Subdivision in the Rural 1 Zone that does not comply with condition (c) or condition (f) of rule 16.3.5.3A or condition (a) of 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 Zone)

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

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16.3.6 Rural 2 Zone

16.3.6.1 Controlled Subdivision (Rural 2 Zone)

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

Area

- (a) Except as provided by conditions (aa), (b) or (ba), the minimum area of allotments created by the subdivision is 50 hectares, except 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) which have no minimum area requirement.
- (b) There is no minimum allotment area for subdivision within the part of Section 63 SO11662 CT NL 11B/158 off Pupu Valley Road shown on the planning maps, and the land is subdivided in a way that results in no more than nine allotments together with a single allotment to be used exclusively for access and a single allotment to be used exclusively as a site for a network utility or public work.
- (ba) The subdivision is an amalgamation of titles resulting in a reduction on the total number of titles and there is no relevant minimum area of any title.

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.

[Unchanged text omitted]

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

- (1) Shape.
- (1A) Effects on productive potential, including the effects of fragmentation of productive land.
- (2) ~~Aeess.~~ Low impact design principles and methods.

Proposed as at 1 November 2008

- (3) The relationship of any new road with existing roads, adjoining land, and any future roading requirements.
- [(2A) Proposed]

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

Proposed as at 28 November 2015

- (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.

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- (4AA) Effects on the road network.

- (5) Location of building platforms.
- (6) Location and effects of earthworks necessary to achieve (2), (4) and (5).
- (7) Potential effects on rural character, coastal natural character and amenity values.
- (7A) The potential for adverse cross-boundary effects, including reverse sensitivities.
- (7B) Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.

- (8) ~~Potential effects on heritage protection and protected trees.~~ Provision for and protection of areas of significant ecological value, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage.

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

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

- (12) Financial contributions.
- (13) All matters referred to in Section 220 of the Act.

Proposed as at 1 November 2008

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

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

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- (16) Where there is a listed cultural heritage site present on any part of the land being subdivided:

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- (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
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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)

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

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

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

16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)

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

- (a) The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and
- (b) The average net area of all allotments that are created by the subdivision is 50 hectares or greater and no allotment that is created is less than 5,000 square metres; and
- (c) Except as provided for by condition (e) or (f), ~~the~~ subdivision is of a title that existed on or before ~~date of notified Plan Change~~ 31 January 2016, except where that title was created by way of subdivision decision not made under the Tasman Resource Management Plan;

OR

- (d) The subdivision can meet conditions 16.3.6.1 (c) – (l); and
- (e) 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.
- (f) 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, Ssubdivision in the Rural 2 Zone that does not comply with the ~~controlled~~ conditions of rule 16.3.6.4-3A (other than condition (c)) is a discretionary activity.

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

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

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

- (a) The subdivision is of a title that existed on or before [date of notified Plan Change];
- (b) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.6.2.8A has been submitted with the application for subdivision consent.

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

16.3.6.5 Discretionary Subdivision (Rural 2 Closed Zone)

Subdivision by means of the relocation or adjustment of an allotment boundary in the Rural 2 Closed Zone (part of Section SO11662 CT NL 11B/158 shown on the planning maps, off Pupu Valley Road) is a discretionary activity if:

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

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

16.3.6.5A Non-Complying Subdivision

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

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

16.3.6.6 Prohibited Subdivision (Rural 2 Closed Zone)

- (a) Except as provided for in rule 16.3.6.5, subdivision of an allotment created under rule 16.3.6.1(b) from the former part of Section 63 SO11662 CT NL 11B/158 off Pupu Valley Road shown on the planning maps, is a prohibited activity for which no resource consent will be granted.
- (b) Subdivision of Lot 6 DP 13299 at Tophouse, as shown on the planning maps, is a prohibited activity for which no resource consent will be granted.

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:

[Unchanged text omitted]

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.

[Unchanged text omitted]

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

- (1) Shape.
(2) Access.

Proposed as at 1 November 2008

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

- (4) The interim provision of water supply and wastewater services for the land to be subdivided pending the availability of Council-provided reticulated services.
(5) Location of buildings.
(6) Location and effects of earthworks necessary to achieve (2) to (5).
(7) Potential effects on rural character and amenity values.
(8) Effects on natural character and coastal values.
(9) Provision for esplanade reserves and strips, and pedestrian, cycle and equestrian networks or ways.

- (9A) The appropriate setback of allotment boundaries from any dam, including the fullest extent of impounded water and associated spillway structures.

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- (10) Potential effects on natural and cultural heritage protection.

(10A) Management of natural hazards, including wildfire risk, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards.

- (11) Bonds, covenants, and financial contributions in addition to those specified in the standards for the Zones.

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

Proposed as at 1 November 2008

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

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(14) Where there is a listed cultural heritage site present on any part of the land being subdivided:

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- (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.

[Unchanged text omitted]

16.3.8 Rural Residential and Closed Zones

16.3.8.1 Controlled Subdivision (Rural Residential Zone)

[16.3.10 Proposed]

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

[Unchanged text omitted]

Building Location Area

(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.

[Unchanged text omitted]

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

- (1) Shape.
- (2) Access.
- (3) The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road.

(3A) Effects on the road network.

- (4) The provision, design and routes of cycleways, walkways and bridle-paths, including linkages between any site and local retail areas, schools, reserves, bus routes and arterial roads.

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(5) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
[(2C) Proposed]

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- (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
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- (11) Potential effects on heritage protection.
- (11A) Management of natural hazards, including wildfire risk, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards.
- (11B) Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone.
- (11C) Potential for reverse sensitivity effects on an existing, lawfully established quarry which was a quarry on or before 30 January 2016.
- (12) Financial contributions, and for subdivision in the Mapua and Waimea Inlet Rural Residential zones, bonds, covenants and financial contributions in addition to those specified in the standards for the zones.
- (13) All matters referred to in Section 220 of the Act.
- | | | |
|---------------------------------------|---|----------------|
| Proposed as at 1 November 2008 | | |
| (14) | Except as required by condition (f), the degree of compliance with any current Tasman District Council Engineering Standards. | C4 8/05 |
| [(10) Proposed] | | |
- (15) Effective stormwater management, including the use of Low Impact Design solutions. **C7 7/07
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- (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
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- (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 **C20 8/10
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protected tree, any matter necessary to:

- (i) ensure the integrity of the protected tree and its associated amenity values; and
- (ii) ensure that general construction activities are set back from the protected tree so that adverse effects on the protected tree are appropriately avoided, remedied or mitigated; and
- (iii) give effect to any matter raised in a report of an appropriately competent person in arboriculture.

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

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

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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)

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Subdivision in the Richmond East Development Area in the Rural Residential Served 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.

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) [16.3.11AA Proposed]

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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.
- (9) Actual and potential cumulative adverse effects.

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(10) The degree of compliance with section 16.2 [Transport Rules], section 18.8 [Road Area Rules], and any current Tasman District Council Engineering Standards.
[(8A) Proposed]

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Proposed as at 1 November 2008

(11) The relationship of any new road with existing roads, adjoining land and any future roading requirements.
[(8B) Proposed]

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(12) Bonds, covenants, and financial contributions in addition to those specified in standards, and all matters referred to in Section 220 of the Act.

(13) Any other criterion in Schedule 16.3A relevant to the circumstances of the proposed subdivision.

16.3.8.4A Restricted Discretionary Subdivision (Rural Residential Zone)

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

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

(1) Any matter contained in 16.3.8.1.

(2) Any matter relating to ~~geotechnical constraint, earthquake risk, stormwater inundation or flood risk of the site and zone location~~ natural hazard, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards.

(3) Adverse effects of the proposed development on character and amenity values within the Rural Residential Zone.

(4) Any matter relating to the effect of the development on rural, landscape or coastal amenity values in the surrounding environment.

(5) The ability of the land to manage onsite wastewater.

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

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

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

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

16.3.8.5 Discretionary Subdivision (Rural Residential Zone)

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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.

[Unchanged text omitted]

16.3.8.7 Prohibited Subdivision (Rural Residential Closed Zone)

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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.

[Unchanged text omitted]

16.3.20 Principal Reasons for Rules

[Unchanged text omitted]

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.

[Unchanged text omitted]

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

[Unchanged text omitted]