

# CHAPTER 18: SPECIAL AREA RULES

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## 18.1 SIGNIFICANT NATURAL AREAS

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*Refer to Policy sets 5.3, 7.2, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 10.1, 10.2, 10.3, 14.3.*

### 18.1.1 Scope of Section

This section deals with significant natural areas. Significant natural areas are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

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

NES-FW (ca)  
12/20

### 18.1.2 Modification to Significant Natural Area

#### 18.1.2.1 Permitted Activities (Modification to Significant Natural Area)

**NOTE:** Rule 18.1.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The modification of a significant natural area listed in Schedule 18.1A is a permitted activity that may be undertaken without a resource consent, if it complies with either of the following conditions:

EITHER

(a) The modification is in accordance with the terms of a covenant or agreement made under the Queen Elizabeth the Second National Trust Act 1977, the Reserves Act 1977 or the Conservation Act 1987.

OR

(b) The modification is limited to the removal of dead standing timber for the owner's use.

#### 18.1.2.2 Discretionary Activities (Modification to Significant Natural Area)

Any modification of a significant natural area that does not comply with either of the conditions of rule 18.1.2.1 is a discretionary activity.

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

- (1) The nature, form and extent of the proposed activity and its effect on the natural values of the site.
- (2) The necessity for the activity, and any alternative methods and locations available to the applicants for carrying out the work or activities.
- (3) The impact the proposal has on the integrity or habitat value of the site.
- (4) The purpose of any proposed activity, and whether there is sufficient time and expertise to record the sites to be modified.

## 18.1.20 Principal Reasons for Rules

### **Restoration of Significant Natural Areas**

Restoration of Significant Natural Areas, including fencing, pest and weed control is considered to be environmentally beneficial if the appropriate species are used. Natural heritage features are vulnerable to land clearance, excavation, earthworks, access by stock and the presence of pest species, and require protection from these activities.

### **Destruction or Removal of Vegetation or Natural Features**

Destruction or removal of vegetation or natural features in a Significant Natural Area by earthworks, clearance or burning can threaten habitat values and can have significant effects on natural character. The extent of change can be managed through the resource consent process. The removal of a small amount of dead wood for the owner's use should have little environmental effect.

## SCHEDULES

### Schedule 18.1A: Significant Natural Areas

*Refer to Section 18.1.2.1*

**Note:**

1. “Site No.” refers to the number allocated to the symbol on the planning map.
2. “Ref. No.” refers to record sheets held by Council.

| SIGNIFICANT NATURAL AREAS |          |   |  |           |   |              |
|---------------------------|----------|---|--|-----------|---|--------------|
| Site No.                  | Ref. No. | Area Name   | Valuation No.                            | Area      | Value   | Area Map No. |
| 1                         |          | Hamama Road/State Highway 60                          | 1870017205                               |           | Totara forest   | 50           |
| 2                         |          | Dry Road, Whanganui Inlet                             | 1860008701                               |           | Coastal forest  | 4            |
| 3                         |          | Kina Peninsula Road                                   | 1928045401                               | 0.7 ha    | Coastal forest  | 85           |
| 4                         | M29/67   | Harley Creek  | 1918029700                               | 50 ha     | Red/silver beech forest   | 30           |
| 5                         | N29/10   | Beeby's Knob  | 1925061903                               | 15 ha     | Upland silver/red beech forest on mountain slopes.  | 31           |
| 6                         | N29/6    | Black Valley Stream                                   | 1918039202                               | 1.5 ha    | Riparian vegetation of silver/red beech forest, mixed broadleaf forest.   | 94           |
| 7                         | A2       | Dry Road, Whanganui Inlet (Lavery/Loveridge covenant) | 1860008704                               | 1 ha      | Coastal forest  | 4            |
| 8                         | A7       | Pohara Valley Cliffs (Courtney and Millar covenant)   | 1871006509A                              | 3 ha      | Coastal forest  | 77           |
| 9                         | A17      | Takaka Hill (Harwood covenants)                       | 1870032500<br>1870034000B<br>1931020200A |           | Limestone karst vegetation  | 14           |
| 10                        | B18      | Kaiteriteri-Sandy Bay Road (Stanbridge covenant)      | 1926001820                               | 50.7 ha   | Wetland   | 82, 83       |
| 11                        | C15      | Eves Valley, north-east of scenic reserve             | 1939021500<br>1939021600                 | 20 ha     | Beech, titoki, tawa   | 56           |
| 12                        | A34      | Livingston Road                                       | 1939023600<br>1939023800<br>1939024000   | 1.4 ha    | Forest remnant  | 90           |
| 13                        | A35      | Wai-iti River (Conway covenant)                       | 1939024800                               | 1 ha      | Forest remnant  | 90           |
| 14                        | M29/14   | Green Duck Creek                                      | 1918006803                               | 60 ha     | Intact upland red/silver beech hillslope forest. Sandstone bluff communities. Important habitat for falcon, kaka, kakariki. | 34           |
| 15                        | A46      | Upper Buller Gorge (Frost covenant)                   | 1915001300                               | 200 ha    | Beech/podocarp  | 24, 33       |
| 16                        | L29/1    | Fern Flat   | 1915002001                               | 15 ha     | Lowland red/silver beech forest on high terrace; good quality kahikatea swamp forest.                                       | 24, 33       |
| 17                        | A25      | Motueka Valley Road (Loughrey and Corcoran)           | 1928054801<br>1928054413                 | 1.5 ha    | Forest remnant  | 17           |
| 18                        | A26      | Motueka Valley Road (Emmaus Farm)                     | 1928054405<br>1928054412<br>1928054413   | 3.17 ha   | Forest remnant  | 17           |
| 19                        | A16      | East Takaka Road (Westerink covenant)                 | 1870022905                               | 1.79 ha   | Forest remnant  | 14           |
| 20                        | A12      | Rameka Creek  | 1817043601                               |           | Forest remnant  | 50           |
| 21                        | N27/1    | Waimea Inlet, north-west of Redwood Road              | 1938087401<br>1938087205                 |           | Estuarine habitat   | 54           |
| 22                        | A45      | Hiwipango (Palmer covenant)                           | 1937065100                               | 7.6523 ha | Kahikatea/beech forest  | 27           |
| 23                        | A41      | Pig Valley  | 1937065000<br>1937065001<br>1937065004   | 12.9 ha   | Forest remnants   | 28           |
| 24                        | A18      | Marahau (Opie covenant)                               | 1931007611                               | 1.3389 ha | Wetland/forest  | 82           |





## 18.2 LANDSCAPE PRIORITY AREAS

*Refer to Policy sets 6.7, 7.2, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 14.3*

### 18.2.1 Scope of Section

This section deals with land uses in the Landscape Priority Areas as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (19.2.11).

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

### 18.2.2 Land Use

#### 18.2.2.1 Permitted Activities (Land Use)

**NOTE:** Rule 18.2.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Any land use is a permitted activity that may be undertaken with out a resource consent, if it complies with the following conditions:

- (a) The activity is not the construction of a new building.
- (b) The activity is an extension to an existing building that does not increase the ground floor area (as at 25 May 1996) by more than 50 percent.
- (c) Buildings on the specifically marked area on the planning map on the area of land located at 200 Speargrass Road, St Arnaud (Pt Section 72 Block XVI Howard Survey District) are exempted from conditions (a) and (b) of this rule and are a permitted activity subject to Rural 2 Zone provisions.

### 18.2.3 Buildings

#### 18.2.3.1 Controlled Activities (Buildings)

Construction of or extension to a building within the St Arnaud and Takaka Hill Landscape Priority Areas that does not comply with the conditions of rule 18.2.2.1 is a controlled activity.

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

- (1) The effects of the location, design and appearance of the building including its scale, appearance, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
  - (a) natural features;
  - (b) indigenous vegetation and forest.

- (2) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### Non-Notification

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

## 18.2.4 Destruction or Removal of Indigenous Forest

### 18.2.4.1 Permitted Activities (Destruction or Removal of Indigenous Forest)

**NOTE:** Rule 18.2.4.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of indigenous forest in the St Arnaud Landscape Priority Area is a permitted activity, if it complies with the following conditions:

- (a) The area of indigenous forest to be removed or destroyed does not exceed that required for a building site and access.

**Advice Note:** Regulation 13 of the NES-PF allows rule 18.2.4.1 to apply.

### 18.2.4.2 Restricted Discretionary Activities (Destruction or Removal of Indigenous Forest)

The destruction or removal of indigenous forest in the St Arnaud Landscape Priority Area that does not comply with the conditions in rule 18.2.4.1 is a restricted discretionary activity.

**A resource consent is required.** The Council has restricted its discretion to the following matters:

- (1) The extent to which forest destruction is necessary to enable the site to be used.
- (2) The extent to which the site is visible from a public road or place.
- (3) The extent and quality of proposed landscape planting.

## 18.2.5 Plantation Forestry

### 18.2.5.1 Controlled Activities (Plantation Forestry)

**NOTE:** Rule 18.2.5.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Plantation forestry on area of land located at 200 Speargrass Road (Sections 72 and 74 Block XVI Howard SD) within the St Arnaud Landscape Priority Area and shown on the planning maps is a controlled activity, if it complies with the following conditions:

- (a) A management plan is prepared to show location of trees and planting pattern.

**Advice Note:** Regulation 13 of the NES-PF allows rule 18.2.5.1 to apply.

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

- (1) The location of trees including on ridgelines, and choice of tree species.
- (2) The potential for plantation trees to spread into adjoining indigenous vegetation and forest.
- (3) The effect on views from public roads and tracks.

#### 18.2.5.2 Restricted Discretionary Activities (Plantation Forestry)

Plantation forestry that takes place in the St Arnaud and Takaka Hill Landscape Priority Areas except on area of land located at 200 Speargrass Road, St Arnaud (Sections 72 and 74 Block XVI Howard Survey District) is a restricted discretionary activity.

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

- (1) The scale and shape of the forest, planting pattern and the compatibility with the topography of the site.
- (2) The effect on the view from public roads and open spaces.
- (3) Planting and retention of indigenous vegetation to ameliorate future harvesting effects and maintain the integrity of waterways.
- (4) Duration and timing of reviews of conditions.
- (5) Financial contributions, bonds and covenants.

### 18.2.20 Principal Reasons for Rules

#### Buildings

Buildings should be designed and constructed sensitively to avoid degrading the scenic and natural values of special landscapes, such as at St Arnaud and on the Takaka Hill. A small area on the Takaka Hill has been excluded from the Landscape Priority Area. The area contains a long established quarry which has existing use rights. A 20-metre wide buffer strip of Landscape Priority Area has been retained between the area of existing use and the edge of State Highway 60. This buffer area cannot be built on or quarried without consent.

#### Indigenous Forest

The indigenous forest at St Arnaud blends the township and its environs with the Nelson Lakes National Park. It is also an important biological and visual link between Big Bush and the National Park.

#### Plantation Forestry

Plantation forestry should be done sensitively and in a way that complements and blends in with the landscape rather than being highly visible and dominating it. While there has been a history of plantation forestry in the Upper Buller Valley, most of this has not been highly visible. Planting on ridgetops can create an unnatural sawtooth effect and may also result in windblown seed affecting other sites, some of which have special natural values.



## 18.3 GROUNDWATER RECHARGE PROTECTION AREA

*Refer to Policy sets 5.1, 5.5, 7.1, 7.2, 7.3, 7.4.*

### 18.3.1 Scope of Section

This section deals with land uses in the Groundwater Recharge Protection Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

### 18.3.2 Plantation Forestry

#### 18.3.2.1 Permitted Activities (Plantation Forestry Replanting)

**NOTE:** Rule 18.3.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Plantation forestry that results from the replanting of existing forest, using evergreen trees or a combination of evergreen trees and deciduous trees, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The area planted does not exceed the area of existing forest in either the same or another location within the Groundwater Recharge Protection Area.
- (b) Where any area of plantation forest existing as at 3 November 2001 ceases at any time to be plantation forest, that area may be subsequently replanted to become plantation forest.

**Advice Note:** Conditions (a) and (b) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

#### 18.3.2.2 Permitted Activities (New Plantation Forestry)

**NOTE:** Rule 18.3.2.2 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Plantation forestry, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not result from the replanting of existing forest, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Not more than 20 percent of the area of land contained within any record of title existing as at 3 November 2001 may be in plantation forest at any time, notwithstanding any subdivision of any such record of title.
- (b) The owner or occupier of the land that is to be subject to plantation forestry shall supply to the Environment and Planning Manager of the Tasman District Council the following information within six months of planting:
  - (i) the ownership of the proposed plantation forest;
  - (ii) a map showing the location and area (in hectares) of the land to be planted;
  - (iii) a copy of the record of title or titles for the land to be planted.
- (c) Where only part of any record of title lies within the Groundwater Recharge Protection Area, this rule shall apply to that part as if it were a complete record of title.

**Advice Note:** Conditions (a) to (c) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

### 18.3.2.3 Restricted Discretionary Activities (Plantation Forestry)

Plantation forestry, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not comply with the permitted conditions of rules 18.3.2.1 or 18.3.2.2 is a restricted discretionary activity.

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

- (1) The likely significance of effects of the proposed plantation on the water yield from the affected catchments.
- (2) The timing, density and location of planting, species of tree, silvicultural and harvesting regimes.
- (3) Measures to ensure the proposed plantation forest does not reduce the water yield from affected catchments, or adversely affect values of the water body or security of supply for other water users, including through the provision of dams or alternative water supplies.
- (4) The nature and scale of benefits arising from the establishment of indigenous plantations.
- (5) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 18.3.2.0 Principal Reasons for Rules

The rules provide for restrictions on plantation forestry in the Groundwater Recharge Protection Area because the further plantation forestry in the Area will adversely affect recharge rates (the amount of rainwater percolating into the deep Moutere aquifers) and thus affect the sustainable yield of the groundwater resource. The effect of reduced recharge will be felt by existing groundwater users and will also limit future taking from the groundwater resource. The rules reflect Council policy aims to balance the opportunities of land users in the Groundwater Recharge Protection Area and in the Moutere Coastal, Eastern, Southern and Western Groundwater zones of the Moutere Groundwater Management Plan.

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## 18.4 SURFACE WATER YIELD PROTECTION AREA

*Refer to Policy sets 5.1, 5.5, 7.1, 7.2, 7.3, 7.4.*

### 18.4.1 Scope of Section

This section deals with the establishment of new plantation forestry in the Surface Water Yield Protection Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.8*).

### 18.4.2 Plantation Forestry

#### 18.4.2.1 Permitted Activities (Existing Plantation Forestry)

**NOTE:** Rule 18.4.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Plantation forestry in the Surface Water Yield Protection Area that results from the replanting of existing forest, using evergreen trees or a combination of evergreen trees and deciduous trees, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The area to be planted does not exceed the area of forest that existed as at 3 November 2001 in the same location within the Surface Water Yield Protection Area.
- (b) Where any area of plantation forest existing as at 3 November 2001 ceases at any time to be plantation forest, that area may be subsequently replanted to become plantation forest.

**Advice Note:** Conditions (a) and (b) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

#### 18.4.2.2 Permitted Activities (New Plantation Forestry)

**NOTE:** Rule 18.4.2.2 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Plantation forestry in the Surface Water Yield Protection Area, using evergreen trees or a combination of evergreen trees and deciduous trees, that does not result from the replanting of existing forest, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Not more than 20 percent of the area of land contained within any record of title existing as at 3 November 2001 may be in plantation forestry at any time, notwithstanding any subdivision of any such record of title.
- (b) The owner or occupier of the land that is to be subject to plantation forestry shall supply to the Environment and Planning Manager of the Tasman District Council the following information within six months of planting:
  - (i) the ownership of the proposed plantation forest;
  - (ii) a map showing the location and area (in hectares) of the land to be planted;
  - (iii) a copy of the record of title or titles for the land to be planted.
- (c) Where only part of any record of title lies within the Surface Water Yield Protection Area, this rule shall apply to that part as if it were a complete record of title.

**Advice Note:** Conditions (a) to (c) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

### 18.4.2.3 Restricted Discretionary Activities (New Plantation Forestry)

Plantation forestry, using evergreen trees or a combination of evergreen and deciduous trees, that does not comply with the permitted conditions of rules 18.4.2.1 or 18.4.2.2 is a restricted discretionary activity.

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

- (1) The likely significance of effects of the proposed plantation on the water yield from the affected catchments.
- (2) The timing, density and location of planting, species of tree, silvicultural and harvesting regimes.
- (3) Measures to ensure the proposed plantation forest does not reduce the water yield from affected catchments, or adversely affect values of the water body and security of supply for other water users, including through the provision of dams or alternative water supplies.
- (4) The nature and scale of benefits arising from the establishment of indigenous plantations.
- (5) The duration of the consent (Section 123 of the Act), timing of reviews, and the purposes of reviews (Section 128 of the Act).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions and administration charges (Section 108 of the Act).

### 18.4.2.0 Principal Reasons for Rules

The rules provide for restrictions on plantation forestry in the Surface Water Yield Protection Area because the further plantation forestry in the Area will adversely affect water runoff and thus affect the sustainable yield of the surface water resource. The rules reflect the Council's policy aims to balance the opportunities of land users affected by restrictions on forestry as well as land users dependent on access to water. Where water has been fully or over allocated for abstraction purposes, the Council is also aware of the threats to the life-supporting capacity of water.

People taking water for irrigation, industrial or other uses have made a significant investment in land crops, buildings and equipment. There is an expectation that their existing security of supply will be maintained by the Council. The afforestation will decrease security of supply and increase the frequency of rationing, as well as further compromise instream values. These effects of plantation forest are greatest in the Moutere Gravel derived, low rainfall areas of the District. The extent of the effects and level of regulation of further afforestation to mitigate these effects varies according to existing land uses and forest cover, existing abstractive water uses, and nature and significance of any instream values in affected water bodies.

Rules restricting water takes in Part V of this Plan complement the above rules and maintain sustainable water use.

The most at-risk catchments are Upper Wai-iti, Pigeon Valley, Quail Valley, Dove (above the granite), Eighty Eight Valley, Pretty Bridge Valley, O'Connors Creek, Trass Valley, Moutere Inlet Streams, Redwood Valley, Upper Moutere, Waimea Inlet Stream, Hoult Stream, Blackbird, Neudorf and Gardiner Valleys, Central Road streams, and Teapot Valley.

Of these areas, Hoult, Trass, Teapot and Pigeon valleys have already had plantation forest established on over 70 percent of the area, and additional forest is likely to have less significant impact on low flows. Some of the streams would normally dry up in a dry year anyway and there is very minimal abstractive use of the water and minimal instream values in these streams. They include Eves Valley, Redwood Valley, O'Connors Creek and Pretty Bridge Valley.

The remaining catchments have less plantation forest currently established, higher low flows that make a contribution to the Waimea River, or have more abstractive water use.

Plantation forestry in the Surface Water Yield Protection Area above 20 percent per title is a discretionary activity. This will enable Council to control the adverse effects of the forest on water yield in the catchments most at risk.



**18.5 LAND DISTURBANCE AREAS***Refer to Policy sets 9.1, 9.2, 12.1, 13.1***18.5.1 Scope of Section**

[18.6.1 Proposed]

**Proposed as at 1 November 2008**

This section deals with land uses in Land Disturbance Area 1 and Land Disturbance Area 2. Land Disturbance Area 1 comprises all dry land in Tasman District outside Land Disturbance Area 2. Dry land excludes the coastal marine area and the beds of rivers and lakes. Land Disturbance Area 2 is shown on the planning maps and also covers only dry land. Where any part of Land Disturbance Area 2 is also subject to the Slope Instability Risk Area, then in respect of any earthwork, only rules 18.12.3.1, 18.12.3.2 and 18.12.3.3 are applicable and rules 18.5.3.2 and 18.5.3.3 do not apply.

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Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.9, 19.2.10 and 19.2.18*).

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may apply to some land disturbance activities. The National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. This may alter the activity status of an activity and impose additional standards, matters for assessment and criteria.

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

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12/20**18.5.2 Land Disturbance Area 1****18.5.2.1 Permitted Activities (Land Disturbance)**

**NOTE:** Rule 18.5.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

The destruction or removal of vegetation, soil disturbance, or earthworks is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

**All Land Disturbance**

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
  - (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) All disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rules 36.2.2.3 and 36.2.2.6.

**Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include, but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts, and water tables to prevent scour, gullyng or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.
- (d) The destruction or removal of vegetation or soil disturbance by rootraking takes place only on land with a predominant slope less than 25 degrees from horizontal.
- (e) The destruction or removal of vegetation or soil disturbance by blading takes place only on land with a predominant slope less than 25 degrees from horizontal or is for the sole purpose of maintaining a track or firebreak.
- (f) The activity does not destroy or remove vegetation or earthworks that were established for the purpose of soil conservation by or with subsidy from the Council or any former authority.

#### **Destruction or Removal of Indigenous Vegetation**

- (g) No destruction or removal of indigenous vegetation is undertaken within:
- (i) 15 metres of the bed of any river or stream greater than 3 metres average bed width except where it is:
    - (a) up to 20 metres along the margin of the river or stream in connection with earthworks permitted under condition (h); or
    - (b) incidental to the removal of any exotic tree or other exotic plant; or
    - (c) in association with the maintenance of any overhead utility service line;
  - (ii) 15 metres of the bed of any lake;
  - (iii) 20 metres of the coastal marine area adjacent to the Whanganui Inlet.

**Advice Note:** Clause (g)(iii) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.

#### **Earthworks**

- (h) No earthworks involving the placement or removal of soil or debris are undertaken within:
- (i) 50 metres of the coastal marine area adjacent to the Whanganui Inlet;  
**Advice Note:** Clause (h)(i) prevails over the NES-PF because it is more stringent under regulation 6(1)(b) NES-PF.
  - (ii) 10 metres of the bed of any lake.
- (i) In the Richmond West Development Area, no earthworks are undertaken within 20 metres of the centreline of the electricity transmission lines shown on the planning maps that:
- (i) are not set back from a pole or stay wire of an overhead line by:
    - (a) 2.2 metres if greater in depth than 300 millimetres, or
    - (b) 5.0 metres if greater in depth than 750 millimetres;
  - (ii) create an unstable batter;
  - (iii) raise the ground level so as to reduce the vertical distance from the ground to the transmission line by:

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- (a) less than 6.5 metres vertically
- (b) 3 metres in any direction other than vertical.
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- (j) In the Richmond East Development Area, no earthworks are undertaken within 32 metres of the centreline of the electricity transmission lines shown on the planning maps that:
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- (i) are not set back from a pole or stay wire of an overhead line by:
- (a) 2.2 metres if greater in depth than 300 millimetres; or
- (b) 5.0 metres if greater in depth than 750 millimetres; or
- (ii) are at a greater depth than 300 millimetres within 6 metres of the outer visible edge of a tower support structure; or
- (iii) are at a greater depth than 3 metres between 6 metres and 12 metres of the outer visible edge of a tower support structure; or
- (iv) create an unstable batter; or
- (v) raise the ground level so as to reduce the vertical distance from the ground to the transmission line.
- Exceptions:**
- (1) Earthworks undertaken by network utility operators.
- (2) Clauses (i)(a) and (b) of this condition do not apply to vertical holes unless they exceed 500 millimetres in diameter, within 1.5 metres of a pole.
- (3) Normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

**Advice Note:** Conditions (i) and (j) prevail over the regulations of the NES-PF as they regulate an effect that is outside the scope of the NES-PF.

- (k) No earthworks involving the placement or removal of soil or debris is undertaken:
- (i) on land with a predominant slope of less than 20 degrees from horizontal that is within 10 metres of any bed of a river or stream greater than 3 metres average bed width; or
- (ii) on land with a predominant slope of 20 degrees or more from horizontal that is within 20 metres of any bed of a river or stream greater than 3 metres average bed width;
- except where it is for:
- (iii) the formation, construction, reconstruction, or removal of any road, track, firebreak, fence line, survey line, or utility service line for the sole purpose of crossing the river or stream; or
- (iv) the maintenance of any existing linear facility specified in (iii) above.

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- (l) No earthworks are undertaken within 200 metres of the coastal marine area, that is:
- (i) more than 1000 square metres in area, within any 12-month period; and either
- (ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or
- (iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.
- (m) No earthworks are undertaken within 200 metres of the coastal marine area that changes by excavation or deposition the height of any ridgeline or cliffline identified on the planning maps.

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**Advice Note:** Conditions (l) and (m) prevail over the NES-PF because they are more stringent under regulation 6(1)(b) and 6(2)(a) NES-PF.

- (n) Earthworks, where the amount of material excavated is greater than 50 cubic metres, and extending below the water table, are not undertaken:
- (i) within 20 metres of the bank of any river or stream; and
  - (ii) within 20 metres of the toe of any stopbank; and
  - (iii) within any flood plain.

### Quarrying

- (o) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

**Advice Note:** Condition (o) does not apply to forestry quarrying which is managed by NES-PF regulations 51- 59.

### Cultivation

- (p) Any cultivation is carried out predominantly on the contour.

### Recontouring

- (q) Any cut batter, excavation, or infilling associated with recontouring of land is no more than 1 metre in height or depth and is no more than 1 hectare, within any 12-month period, except that:
- (i) there is no filling below the 4.6 metre contour in the Rural 1 Closed Zone and the Rural 1 Coastal Zone, both at Mapua and at the Tourist Services Zone at Mapua;
  - (ii) there is no filling in the Residential Closed Zone at Ruby Bay and the Residential Coastal Zone at Iwa Street, Mapua;
  - (iii) there is no filling in the Residential Coastal Zone at Tahī Street other than to create a building platform area; and
  - (iv) it is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated on the planning maps.

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### Road, Track, Firebreak, Landing, Fence Line, Survey Line, or Utility Service Line

- (r) Where the activity is for the formation, construction or reconstruction of any road, track or firebreak on any area of land that is to be served by the road, track or firebreak, linear disturbance is less than 100 metres per hectare and the predominant slope of the land is less than 35 degrees from horizontal.
- (s) Where the activity is associated with the formation, construction, reconstruction, or maintenance of any road, track, firebreak, landing, fence line, survey line or utility service line:
- (i) formation surfaces with an inwards cross-fall are drained by a watertable;
  - (ii) cut-offs or culverts are constructed or installed so as to prevent scour, gullyng or other erosion of the formed or constructed surface;
  - (iii) cut batters are excavated to a height and a cut slope that avoids batter failure;
  - (iv) fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal;
  - (v) areas of fill intended to carry loads are compacted;

- (vi) trenches excavated for the purpose of installing utility service lines are backfilled and compacted, and is open for no more than 24 hours;
  - (vii) fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure;
  - (viii) spoil is disposed of by endhauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.
- (t) Any earthworks for the installation or maintenance of a utility service line are no more than 0.6 metres in width.
- (u) Maintenance of any road, track or firebreak retains substantially the same grade and width.

#### Flood Hazard

- (v) The activity does not raise the level of any land to a point where it results or may result in the damming or diversion of floodwaters (except for the maintenance of any stopbank).
- (w) The activity does not lower the level of any land to a point where it results in the land becoming subject to flooding.

#### Archaeological Sites

- (x) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Advice Note:** Condition (x) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

### 18.5.2.2 Controlled Activities (Land Disturbance)

Any land disturbance for the formation, construction or reconstruction of any road, track or firebreak is a controlled activity, if it complies with the following conditions:

- (a) On any area of land that is to be served by the road, track or firebreak:
- (i) linear disturbance is less than 100 metres per hectare where the predominant slope of the land is greater than 35 degrees from horizontal;
  - (ii) linear disturbance is between 100 and 320 metres per hectare where the predominant slope of the land is between 25 and 35 degrees from horizontal.

#### Vegetation, Soil or Debris Disturbance

- (b) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
- (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (c) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (d) All areas of bare ground created by the disturbance are protected from soil erosion, by revegetation or any other method of protection, as soon as practicable and in no case later than 12 months from the date of disturbance.

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

- (1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
- (2) The disposal and stabilisation of waste material or fill.
- (3) Loss of or damage to soil.
- (4) Damage to riparian vegetation or soil.
- (5) Damage to animal or plant communities or habitats in water bodies or coastal water.
- (6) Effects of the activity on river or stream flows.
- (7) Sedimentation effects on subsurface streams or caves in karst.
- (8) Damage to any structures.
- (9) The visual effects of the activity.
- (10) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (11) Damage to any natural habitat or feature.
- (12) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (13) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### **Non-Notification**

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

### **18.5.2.3 Controlled Activities (Recontouring of Land)**

Recontouring of land that does not comply with the conditions of rule 18.5.2.1 is a controlled activity, if it complies with the following conditions:

- (a) Conditions (b) and (d) in rule 18.5.2.2.

- (b) It is not within the Coastal Risk Area or in the Residential Coastal Zone at Iwa Street, Mapua. C22 2/11  
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- (c) It is not filling on the land on area of land located at Higgs Road, Mapua (part of Pt Lot 2 DP 1697) as notated on the planning maps.

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

- (1) Matters (1) to (13) in rule 18.5.2.2.
- (2) Effects on groundwater and flood plain stability.

#### **Non-Notification**

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

#### **18.5.2.4 Restricted Discretionary Activities (Quarrying)**

Quarrying for gravel from berm land located between the stopbanks of the Waimea River or between the stopbanks of the Motueka River is a restricted discretionary activity, if it complies with the following conditions:

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
- (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) All disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gulying or other erosion;
  - (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
  - (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
  - (iv) any other measures appropriate to the nature and scale of the land disturbance.
- (c) Topsoil and subsoil are stripped and stockpiled separately.
- (d) Traffic, vehicles or machinery do not travel over stockpiles.
- (e) Topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

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

- (1) Matters (1) to (13) in rule 18.5.2.2.

- (2) The extent, timing and duration of bare ground.
- (3) The depth and area of excavation and effects on groundwater.
- (4) Restoration of the site, including ground levels and planting.
- (5) The machinery to be used and manner of excavation.
- (6) The method of storage and replacement of topsoil, including methods to minimise compaction management and placement of stockpiles and spreading to minimise compaction.
- (7) The method of storage and replacement of subsoil, including management of stockpiles.
- (8) Types and quantity of introduced fill.
- (9) Measures to ensure both surface and subsurface drainage is satisfactory for the site in question.
- (10) Establishment and management of appropriate vegetation to ensure optimal rehabilitation.
- (11) Measures to avoid or remedy damage caused by floods or inundation.
- (12) Measures to avoid or mitigate adverse effects on adjacent land or water uses, including limiting hours of operation and measures to control noise, dust and traffic.
- (13) Public access.
- (14) Effects on groundwater and flood plain stability.

### **18.5.2.5 Restricted Discretionary Activities (Land Disturbance)**

Any land disturbance that does not comply with the permitted conditions of rule 18.5.2.1 or with the controlled conditions of rules 18.5.2.2 and 18.5.2.3 is a restricted discretionary activity, if it complies with the following conditions:

#### **Vegetation, Soil or Debris Disturbance**

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in:
  - (i) the diversion or damming of any river or stream;
  - (ii) the erosion of the bed of any river or stream.
- (b) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;



- (iv) any other measures appropriate to the nature and scale of the land disturbance.

### Quarrying

- (c) In the case of quarrying:
- (i) topsoil and subsoil are stripped and stockpiled separately;
  - (ii) traffic, vehicles or machinery do not travel over stockpiles;
  - (iii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction.

### Earthworks within the Electricity Transmission Corridor

- (d) In the Richmond West and Richmond East development areas, the extent to which earthworks:
- (i) comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP:34 2001);
  - (ii) are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

C10 10/07 Op 3/14  
C20 8/10 Op 8/12

C10 10/07  
Op 3/14

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

### All Activities

- (1) The extent, timing, and duration of bare ground.
- (2) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
- (3) The re-establishment of vegetation cover.
- (4) The disposal and stabilisation of waste material or fill.
- (5) Loss of or damage to soil.
- (6) Damage to riparian vegetation or soil.
- (7) Damage to animal or plant communities or habitats in water bodies or coastal water.
- (8) Effects of the activity on river or stream flows.
- (9) Sedimentation effects on subsurface streams or caves in karst.
- (10) The potential for slope instability.
- (11) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (12) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (13) Damage to any natural habitat or feature.
- (14) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (15) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**Additional Matters for Land Disturbance Associated with Quarrying**

- (16) The depth and area of excavation and effects on groundwater.
- (17) Restoration of the site, including ground levels and planting.
- (18) The machinery to be used and manner of excavation.
- (19) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.
- (20) Types and quantities of introduced fill.
- (21) Measures to ensure both surface and subsurface drainage is at least as good as that prior to mining or recontouring.
- (22) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.
- (23) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.
- (24) Likely difficulty in avoiding adverse impact on the land’s actual and potential productivity and versatility.
- (25) The potential for increased hazard at the site or on adjacent land.
- (26) Measures to avoid or mitigate adverse effects on adjacent land uses, including limiting hours of operation and measures to control noise and dust.

**Additional Matters for Destruction or Removal of Indigenous Vegetation**

- (27) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.
- (28) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.
- (29) The contribution of the indigenous vegetation to the protection of other natural values.
- (30) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

**Proposed as at 1 November 2008**

**Additional Matters for Earthworks within 200 metres of the Coastal Marine Area**

- (31) Effects on the landscape character, natural character and amenity value of the locality, having regard to:
  - [(30) Proposed]
    - (a) natural features and distinctive natural landforms;
    - (b) landscape and seascape values;
    - (c) significant natural values;
    - (d) the nature of any existing development.

C3 12/03

## 18.5.3 Land Disturbance Area 2

### 18.5.3.1 Permitted Activities (Destruction or Removal of Vegetation, or Soil Disturbance) [18.6.7 Proposed]

**Advice Note:** Rule 18.5.3.1 prevails over the NES-PF regulations 22-35, 50-61 and 72-75 because it is more stringent for land identified as Separation Point Granite soils under regulation 6(3)(a).

The destruction or removal of vegetation, soil disturbance or earthworks is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity is one of the following:
  - (i) any destruction or removal of vegetation by hand clearance or any chemical method;
  - (ii) any destruction or removal of vegetation by fire, on land, where the predominant slope is less than 20 degrees from horizontal;
  - (iii) any destruction or removal of vegetation or soil disturbance by cultivation, roller crushing, slash raking or cable hauling;
  - (iv) any destruction or removal of vegetation or soil disturbance by rootraking or blading where the predominant slope is less than 15 degrees from horizontal (except where blading is for the purpose of maintaining any track or firebreak).
- (b) The activity is for one of the following:
  - (i) the formation, construction, reconstruction or maintenance of any road, track, landing, firebreak, fence line, survey line or site works for any subdivision or building, where any cut batter or excavation has an average vertical height or depth of less than 0.5 metres;
  - (ii) any utility service line where any cut batter or excavation has an average vertical height or depth less than 0.6 metres;
  - (iii) any utility service line for the express purpose of crossing a road or right-of-way where any excavation has an average vertical depth of less than 1 metre;
  - (iv) any excavation of a hole that is less than 0.6 metres in width.

#### **Movement into Water**

- (c) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream.
- (d) Disturbed vegetation, soil, or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

#### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;



### Quarrying

- (m) The activity is quarrying and the volume of land disturbed is less than 50 cubic metres in any 12-month period.

### Road, Track, Landing, Firebreak, Fence Line, Survey Line

- (n) Maintenance of any road, track or firebreak retains substantially the same grade and width.
- (o) All formation surfaces with an inwards cross-fall are drained by a watertable.
- (p) Cut-offs or culverts are installed so as to prevent scour, gullyng or other erosion of the formed, constructed, reconstructed or maintained surface.

### Utility Service Line

- (q) Any trench excavated for a utility service line is backfilled and compacted, and is open for no more than 24 hours.

### Archaeological Sites

- (r) Where any soil disturbance or earthworks disturbs any archaeological site, disturbance is to cease unless or until any authority is obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Advice Note:** Condition (r) prevails over the regulations of the NES-PF as it regulates an effect that is outside the scope of the NES-PF.

## 18.5.3.2 Controlled Activities (Earthworks)

[18.6.9 Proposed]

Subject to subsection 18.5.1, any earthwork involving any cut batter or excavation with an average vertical height or depth between 0.5 and 2 metres is a controlled activity, if it complies with the following conditions:

### Vegetation, Soil or Debris Disturbance

- (a) All disturbed vegetation, soil, or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream;
- (b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

### Means of Compliance

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullyng or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
- (iv) any other measures appropriate to the nature and scale of the land disturbance.

- (c) All areas of bare ground created by the disturbance are protected from soil erosion by revegetation or any other method of protection, as soon as practicable, and in no case later than 12 months from the date of disturbance.

#### Road, Track, Landing, Firebreak, Fence Line or Survey Line

- (d) All formation surfaces with an inwards cross-fall are drained by a watertable.
- (e) Cut-offs or culverts are constructed or installed so as to prevent scour, gulying or other erosion of the formed, constructed, reconstructed or maintained surface.
- (f) Fill is not placed over woody vegetation on land with a predominant slope greater than 10 degrees from horizontal.
- (g) All areas of fill intended to carry loads are compacted.
- (h) Fill batters are constructed and vegetated to a standard that is adequate to avoid batter erosion or failure.
- (i) Spoil is disposed of by end-hauling rather than sidecasting where the formation of any track or road crosses any unstable site or crush zone.

#### Utility Service Line

- (j) Any trench excavated for the purpose of installing a utility service line is backfilled and compacted and is open for no more than 24 hours.

#### Proposed as at 1 November 2008 Earthworks

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- (k) No earthworks is undertaken within 200 metres of the coastal marine area, that is:
- [[ia)  
Proposed]
- (i) more than 1000 square metres in area within any 12-month period; and either
- (ii) in a location that is visible from the coastal marine area or from any publicly accessible viewing point; or
- (iii) in a location adjoining any area with nationally or internationally important natural ecosystem values listed in Schedule 25D.
- (l) No earthworks is undertaken within 200 metres of the coastal marine area that changes
- [[ib)  
Proposed]
- by excavation or deposition the height of any ridgeline or cliffline identified on the planning maps.

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

- (1) The location, timing of construction, design and density of earthworks including roads, tracks or landings.
- (2) The disposal and stabilisation of waste material or fill.
- (3) Loss of or damage to soil.
- (4) Damage to riparian vegetation or soil.
- (5) Damage to animal or plant communities in water bodies or coastal water.
- (6) Effects of the activity on river or stream flows.

- (7) Damage to any structures.
- (8) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (9) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (10) Damage to any natural habitat or feature.
- (11) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (12) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **Non-Notification**

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

### **18.5.3.3 Restricted Discretionary Activities (Land Disturbance)**

[18.6.10 Proposed]

Subject to Scope of Section 18.5.1, any land disturbance that does not comply with the permitted conditions of rule 18.5.3.1 or the controlled conditions of rule 18.5.3.2 is a restricted discretionary activity, if it complies with the following conditions:

### **Vegetation, Soil or Debris Disturbance**

- (a) All disturbed vegetation, soil or debris is deposited or contained in such a manner that any movement of that disturbed vegetation, soil or debris into any water body or coastal water does not result in the:
  - (i) diversion or damming of any river or stream;
  - (ii) erosion of the bed of any river or stream.
- (b) Disturbed vegetation, soil or debris is deposited or contained or prevented from movement into water bodies so that any subsequent discharge of disturbed vegetation, soil or debris into any water body or coastal water is in such a way that it complies with rule 36.2.2.3 or rule 36.2.2.6.

### **Means of Compliance**

Measures to contain or prevent the movement of disturbed soil or vegetation into water may include but are not restricted to:

- (i) run-off controls around the area of disturbance, such as cut-offs, culverts and water tables to prevent scour, gullying or other erosion;
- (ii) providing undisturbed buffers between the land disturbance and any water body — this is also subject to compliance with other setback requirements of this rule;
- (iii) sediment traps of size adequate to contain and treat sediment-laden run-off water;
- (iv) any other measures appropriate to the nature and scale of the land disturbance.

### **Quarrying**

- (c) In the case of quarrying:
  - (i) topsoil and subsoil are stripped and stockpiled separately;

- (ii) topsoil and subsoil are replaced and spread separately onto the mined area in a manner that minimises compaction;
- (iii) traffic, vehicles or machinery do not travel over stockpiles.

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

**All Activities**

- (1) Extent, timing and duration of bare ground.
- (2) Location, timing of construction, design and density of earthworks, including roads, tracks or landings.
- (3) Re-establishment of vegetation cover.
- (4) Disposal and stabilisation of waste material or fill.
- (5) Loss of or damage to soil.
- (6) Damage to riparian vegetation or soil.
- (7) Damage to animal or plant communities in water bodies or coastal water.
- (8) Effects of the activity on river or stream flows.
- (9) The potential for slope instability.
- (10) The visual effects of the activity, including the effects and screening of the locality from excavations, heaps, dumps, spoil, materials, buildings and machinery.
- (11) Potential damage to any cultural heritage site or area, including any archaeological site or site of significance to Māori.
- (12) Damage to any natural habitat or feature.
- (13) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (14) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**Additional Matters for Land Disturbance Associated with Quarrying**

- (15) The depth and area of excavation and effects on groundwater.
- (16) Restoration of the site, including ground levels and planting.
- (17) The machinery to be used and manner of excavation.
- (18) The method of storage and replacement of subsoil and of topsoil, including management of stockpiles and minimisation of compaction.
- (19) Types and quantities of introduced fill.
- (20) Measures to ensure both surface and subsurface drainage is at least as good as that prior to quarrying or recontouring.
- (21) Measures to avoid, remedy or mitigate compaction or damage to the soil resource.



- (22) Establishment and management of appropriate vegetation and fertiliser application and grazing management to ensure optimal rehabilitation.
- (23) Likely difficulty in avoiding adverse impact on the land's actual and potential productivity and versatility.
- (24) The potential for increased hazard at the site or on adjacent land.

#### **Additional Matters for Removal or Destruction of Indigenous Vegetation**

- (25) The setting aside or creation of an esplanade reserve or esplanade strip as appropriate.
- (26) The significance of the indigenous vegetation, including its representativeness, and significance as a habitat for indigenous fauna.
- (27) The contribution of the indigenous vegetation to the protection of other natural values.
- (28) The practicality of providing protection to the indigenous vegetation by setting aside or creating an esplanade reserve or esplanade strip.

**Proposed as at 1 November 2008**

#### **Additional Matters for Earthworks within 200 metres of the Coastal Marine Area**

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- (29) Effects on the landscape character, natural character and amenity value of the locality, having regard to:
  - (a) natural features and distinctive natural landforms;
  - (b) landscape and seascape values;
  - (c) significant natural values;
  - (d) the nature of any existing development.

### **18.5.20 Principal Reasons for Rules**

#### **Soil and Water Effects of Land Disturbance**

Land disturbance can result in loss of soil through new or aggravated soil erosion or soil compaction. This may irreversibly damage the productive potential or stability of the soil resource. Movement of soil as sediment from areas or sites of land disturbance can contaminate fresh water and coastal water, with a variety of adverse effects on water quality and ecosystems. The Council wishes to ensure that the actual or potential soil damage or loss, or contamination caused by land disturbance activities, is avoided or limited through regulation.

#### **Esplanade Reserve, Esplanade Strip or Riparian Vegetation**

Riparian indigenous vegetation has an intrinsic natural value of its own. It also has associated landscape value and provides recreational and educational opportunities. It may positively contribute to improving the quality of water run-off through reducing or removing contaminants (dissolved or suspended), enhancing water quality by shading effects, and to the control of bank erosion. As several of these values may occur simultaneously, it is reasonable and justifiable for the Council to require a resource consent for the removal or destruction of riparian indigenous vegetation and to consider the need for esplanade reserves or strips. However, a range of routine activities with generally minor effects on riparian indigenous vegetation are not included in this requirement.

## Revegetation of Bare Ground

This rule will ensure that adverse effects resulting from exposure of bare ground to erosive forces (such as rain and wind) is reduced.

## Earthworks

Fresh water and coastal waters are particularly sensitive to effects arising from earthworks involving the placement or removal of soil or debris. Therefore, rules specifying minimum distances of earthworks from natural resources aim to avoid any actual or potential adverse effects to the natural resources resulting from earthworks.

## Recontouring

Recontouring operations can result in erosion of exposed soil and sedimentation of water. The movement of soils during such operations can cause damage to the soil or result in the loss of valuable topsoil. These rules ensure that the adverse effects of recontouring can be reduced. Filling can block drainage paths and interfere with water storage.

C22 2/11  
Op 1/15

## Activities which Raise the Level of the Land

Where there is an intention to raise flood-prone or inundation-prone land or to construct new stopbanks or upgrade existing ones, each situation needs to be considered on a case-by-case basis.

C22 2/11  
Op 1/15

## Activities which Lower the Level of the Land

Where the possibility exists that flood-free land will be made flood prone, each situation requires case-by-case consideration and it would be too restrictive to impose a complete prohibition.

## Quarrying

Quarrying activities can be carried out in a number of ways. Large-scale quarrying activities are complex operations requiring a high level of skill. There is considerable potential to damage the soil resource during such operations. There are also a variety of effects that require assessment, including visual effects.

## Visual Effects

Quarrying and other extractive industries disturb vegetation and landforms on site. Spoil dumps, heaps of material and machinery disrupt the visual coherence of the landscape. Screening and restoration can help mitigate these visual effects. The St Arnaud Landscape Priority Area contains many glacial features that could be destroyed by excavation. It is quite small in extent and provides an important entrance to the Nelson Lakes National Park.

## Gravel Extraction

There are potential sources of high quality aggregate from areas of less versatility and productivity where gravel extraction could be targeted. These areas include river berms, favourable locations in Moutere Gravel terrain and hard rock quarry sources.

## Non-Notification Rules

The non-notification rules for controlled land disturbance provide an efficient means of dealing with specific activities having a generally limited range of soil loss or sediment generation risks. An administrative protocol has been developed and provides information to Council staff on considerations such as sensitive or significant water bodies potentially at risk.

## 18.6 QUARRY AREA

*Refer to Policy sets 5.1, 7.1, 9.1.*

### 18.6.1 Scope of Section

This section deals with land uses in the Quarry Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.10*).

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

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### 18.6.2 Land Use

#### 18.6.2.1 Permitted Activities (Land Use)

**NOTE:** Rule 18.6.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

- (a) The land use is not:
  - (i) construction of a new dwelling; or
  - (ii) a residential activity; or
  - (iii) quarrying;
  - (iv) a constructed or marked-out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport.

### 18.6.3 Dwelling or Residential Activity

#### 18.6.3.1 Non-Complying Activities (Construction of Dwelling or Residential Activity)

Construction of a new dwelling or a residential activity, is a non-complying activity.

A resource consent is required and may include conditions.

### 18.6.4 Quarrying

#### 18.6.4.1 Restricted Discretionary Activities (Quarrying)

**NOTE:** Rule 18.6.4.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

Quarrying is a restricted discretionary activity, if it complies with the following conditions:

## Land Disturbance

- (a) Conditions in rule 18.5.2.5.

## Excavations or Processing

- (b) No excavation or processing is undertaken within:
- (i) 10 metres of the Quarry Area boundary;
  - (ii) 10 metres of any river or stream;
  - (iii) 150 metres of any existing dwelling on a separate site under different ownership.
- (c) Where excavations and processing are undertaken within 150 metres of a road boundary which adjoins a formed road or recreational area, amenity planting is undertaken along that boundary and thereafter maintained to a minimum width of 5 metres and a minimum height of 3 metres.
- (d) No more than 5 hectares of land is open to excavation, stockpiling and processing at any one time.

## Noise

- (e) Noise generated by the activity, when measured at or beyond the boundary of any Quarry Area, does not exceed:

|           | <b>Day</b> | <b>Night</b> |
|-----------|------------|--------------|
| $L_{eq}$  | 65 dBA     | 40 dBA       |
| $L_{max}$ |            | 70 dBA       |

- (f) Noise generated by the activity, measured at the notional boundary of any existing dwelling not on the site, does not exceed:

|           | <b>Day</b> | <b>Night</b> |
|-----------|------------|--------------|
| $L_{eq}$  | 55 dBA     | 40 dBA       |
| $L_{max}$ |            | 70 dBA       |

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;

**Advice Note:** Clause (f)(ii) does not apply to plantation forestry noise which is managed by NES-PF regulation 98.

- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

**N.B.** Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Night = All other times, plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*.

- (g) Conditions (e) and (f) do not apply to that part of the Quarry Area in Lee Valley which is also in the Heavy Industrial Zone (*see rule 17.4.2.1(l)*).

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

- (1) Matters (1) to (24) in rule 18.5.3.3.
- (2) The proximity of existing residences and public recreational areas, and the extent to which any adverse effects on these can be mitigated.
- (3) The standard of local roading and its ability to accommodate increased heavy traffic without compromising road safety and efficiency, provisions for site access, signage and on and off site traffic management and safety.
- (4) The likely generation of noise, dust and other nuisances caused by machinery working on the quarry site, methods and duration of excavation or processing, and trucking activities.
- (5) The extent to which the proposal will detract from the landscape and conservation values of the site and locality, including effects on indigenous vegetation.
- (6) The restoration programme for the quarry site; and methods for interim weed control.
- (7) The area of land open to excavation, stockpiling and mineral processing at any time.
- (8) Hours of operation of the activity.
- (9) Blasting on the site.
- (10) Stockpiling of topsoil, overburden or quarried material on the site.
- (11) Storage of hazardous substances on the site, such as explosives or fuel.
- (12) Retailing of quarried material from the site.
- (13) Loading or unloading of material on the site.

### **18.6.20 Principal Reasons for Rules**

The Quarry Area contains a significant hard rock resource and it is important that it should be able to be extracted without adverse effects to or from other land uses, especially residential land use. The rules aim to mitigate the effects of quarrying on other activities in two ways: by regulating quarry activities and by reducing the incompatible land uses in the vicinity.

#### **Planting of Road and Residential Boundaries Planted**

Landscaping and screening by planting is required to achieve some separation between quarries and activities on adjoining properties and to ensure that quarrying does not unduly compromise the visual character of the area when viewed from a road, recreational area or nearby residence.

#### **Noise Standards**

Rules defining standards for noise are designed to reflect the current noise climate in the District and to achieve a moderate level of protection consistent with community expectations. Noise standards for the Quarry Zone apply in relation to the zone boundaries and in relation to any existing dwellings in the Rural Zone.



## 18.7 RESIDENTIAL ACTIVITY RESTRICTION AREA

*Refer to Policy sets 5.1, 7.1, 7.4.*

### 18.7.1 Scope of Section

This section deals with land uses in the Residential Activity Restriction Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

### 18.7.2 Residential Activity

#### 18.7.2.1 Restricted Discretionary Activities (Residential Activity)

Any residential activity is a restricted discretionary activity, if it complies with the following conditions:

- (a) Dwellings or residential activities are set back 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii), or 17.7.2.1(b)(ii). C60 1/16  
Op 6/19

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

- (1) The extent to which the dwelling may individually and cumulatively compromise the efficient use of a Quarry Area or an existing quarry.
- (2) The proximity of the proposed dwelling to quality hard rock, or other rock resources which may be prospective quarrying areas.
- (3) The existing amenity of the area in terms of its potential to be used for quarrying (constraints may include the existing level of housing or transportation difficulties).
- (4) The measures proposed to mitigate the potential for conflict between residential and quarrying (proposed or existing) activities, including in relation to the roading network.
- (5) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### 18.7.2.0 Principal Reasons for Rules

The Residential Activity Restriction Area is one of several Plan provisions intended to ensure that the hard rock resource, and present and future quarrying of the resource, is protected from the actual and potential effects, including cross-boundary and reverse-sensitivity effects of encroaching residential activities and development. Dwellings and residential activities in proximity to the Quarry Area and on access roads to existing and potential quarries, are to be evaluated to ensure that actual, potential and cumulative effects are avoided, remedied or mitigated.





## 18.8 ROAD AREA

*Refer to Policy sets 5.2, 6.1, 6.3, 6.5, 7.2, 7.3, 11.1, 11.2.*

### 18.8.1 Scope of Section

This section deals with land uses in the Road Area as shown on the planning maps. The Zone maps indicate the zoning applicable to each part of the Road Area. Where a road has a different zone on each side, the boundary between the zones is the centre of the road. Note that roads are regulated by other legislation and common law in addition to the rules in this Plan. While a resource consent is not required for permitted activities under this Plan, a permit from the Council under other laws may still be required for activities on or near roads.

Information required with resource consent applications is detailed in Chapter 19.

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

### 18.8.2 Land Use

#### 18.8.2.1 Permitted Activities (Land Use)

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

- (a) The activity does not prevent or hinder the construction, reconstruction, maintenance or use of the road.

### 18.8.3 Road Construction

#### 18.8.3.1 Permitted Activities (Road Construction)

[18.10.3 Proposed]

The laying out, construction or reconstruction of any road is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Chapter 17 rules relating to noise and dust are suspended. C19 5/10 Op 8/12
- (b) The activity meets the standards set out in the following sections of the Nelson Tasman Land Development Manual 2019: C69 6/19 Op 6/20
  - (i) 4.6.1.1: road design cross sections;
  - (ii) 4.9.2: intersection spacing;
  - (iii) 4.8.5: road alignment safe stopping distances; and
  - (iv) 4.6.4.2: cul de sac turning circles.
- (c) The road is not in the Richmond West Development Area. C10 10/07 Op 3/14
- (d) The activity is not the design or construction of a shopping street. C69 6/19 Op 6/20
- (e) The activity is not the design or construction of a road that adjoins any part of the Conservation, Recreation or Open Space zone. C69 6/19 Op 6/20

## Cultural Sites

- (f) If any archaeological site or material likely to be of significance to iwi or the general community is discovered during road construction or maintenance, the road construction agency is to cease work immediately at that part of the project and advise tangata whenua, the Department of Conservation or the Heritage New Zealand Pouhere Taonga of the find.

### 18.8.3.2 Controlled Activities (Road Construction)

C10 10/07  
Op 3/14

The laying out, construction or reconstruction of any road that does not meet permitted activity conditions is a controlled activity, if it complies with the following conditions:

C69 6/19  
Op 6/20

- (a) The activity can meet condition 18.8.3.1(b). C69 6/19 Op 6/20
- (b) The activity is a shopping street. C69 6/19 Op 6/20
- (c) The site of the activity is in the Open Space, Recreation or Conservation zone, and the road complies with the following: C69 6/19 Op 6/20
- (i) The set of standards in Table 4-6 and 4-7 of the Nelson Tasman Land Development Manual 2019 that are applicable to the zone adjoining or surrounding the Open Space, Recreation or Conservation zone site; and
- (ii) Where more than one other zone adjoins or surrounds the site, the road complies with the set of standards that have the widest legal road reserve width.

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

C10 10/07  
Op 3/14

- (1) The width of the berm and adequacy to accommodate larger street tree plantings, and stormwater swales.
- (2) The design and width of the road reserve to accommodate pedestrians and cyclists, street tree plantings, parking areas, swales and landscaping.
- (3) The suitability of tree species for road planting.
- (4) The location and spacing of trees in berms.
- (5) The height and species, size at planting and maturity, spacing interval, and berm treatment.
- (6) Ensuring adequate ongoing maintenance and replacement of plantings.
- (7) The location of cycleways and walkways, including the possible provision for combined use.
- (8) Any mandatory matter contained within chapter 4 of the Nelson Tasman Land Development Manual 2019. C69 6/19 Op 6/20

### 18.8.3.3 Discretionary Activities (Road Construction)

The laying out, construction or reconstruction of any road that does not comply with the permitted conditions of rule 18.8.3.1 or the controlled conditions of rule 18.8.3.2 is a discretionary activity.

C10 10/07  
Op 3/14

**A resource consent is required.** Consent may be refused, or granted subject to conditions covering but not limited to the following matters:

- (1) The adequacy of the carriageway width for the foreseeable traffic function of the road.
- (2) Disposal of run-off from the road surface, including maintenance requirements of the conduit or receptor.
- (3) The need for none, one or two footpaths.
- (4) A durable edge to the carriageway surface.
- (5) The adequacy of provision for any utility functions within the road reserve.
- (6) Whether to provide for or prevent roadside parking.
- (7) The relationship between road alignment and land form.
- (8) The provision or maintenance of roadside vegetation.
- (9) Materials used within the road reserve, including those for the road surface, footpaths, drainage and vehicle crossings.
- (10) The adequacy of the road reserve width to accommodate street tree plantings.
- (11) The design of the road reserve for pedestrians and cyclists, street tree plantings, parking areas, and landscaping.
- (12) The suitability of tree species for road planting.
- (13) The location and spacing of trees in berms.
- (14) Any matter relevant to the design and construction of a road contained in chapter 4 of the Nelson Tasman Land Development Manual 2019. C69 6/19  
Op 6/20

### 18.8.20 Principal Reasons for Rules

The rules promote a safe and efficient roading system.

The objective of a high quality, high amenity environment in the Richmond West Development Area and high quality streetscape in Motueka West Compact Density Residential Area can, in part, be achieved through street tree-planting and landscaping within the road reserve. C10 10/07 Op 3/14  
C43 4/13 Op 1/15

While roads play an important economic and social role of moving goods, services and people they are also part of a wider public space network that provides opportunities for enhancement of amenity values within an area and the public experience of places. There are also environmental effects that require consideration, in particular the dominance of large sealed surfaces that could otherwise be mitigated by the introduction of street trees and landscaping. C10 10/07  
Op 3/14

The design and location of components within the road reserve also requires consideration to ensure they are suitable and can be adequately accommodated, in particular street tree plantings, landscaping, stormwater management, parking and pedestrians and cyclists. The design and location of these in relation to one another is not something that is readily specified, but would warrant some measure of assessment. Some examples may include the co-location of swales and trees or pedestrians and cyclists, or the separation of cyclists from moving lanes, and the suitability or otherwise of such approaches in different locations.

The controlled activity status enables specified matters to be assessed and conditions imposed to ensure maintenance and enhancement of amenity values within the road reserve, recognising their overall contribution to the high amenity outcome for the wider Richmond West Development Area

and the management of the visual dominance of hard surface areas. It also enables assessment of the design and location of components within the road reserve.

The enhancement of public spaces such as roads through street tree planting and landscaping provides opportunities to improve the amenity values of an area and the experience of road users.

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**18.9 COASTAL RISK AREA***Refer to Policy sets 5.1, 6.2, 7.2, 7.3, 13.1.***18.9.1 Scope of Section**

This section deals with land uses in the Coastal Risk Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

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

NES-FW (ca)  
12/20**18.9.2 Building Construction or Alteration****18.9.2.1 Permitted Activities (Building Construction or Alteration)**

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

EITHER

(a) The building to be constructed is relocatable and not habitable.

OR

(b) The building is not a coastal protection structure.

OR

(c) The habitable building alteration is the reconstruction, maintenance, repair or the removal of an existing lawfully established building provided it does not increase the degree to which the building fails to comply with the Plan rules.

C22 2/11  
Op 1/15**18.9.2.2 Restricted Discretionary Activities (Building Construction or Alteration)**

Construction or alteration of a building which does not comply with the permitted conditions of rule 18.9.2.1 is a restricted discretionary activity, if it complies with the following conditions:

C22 2/11  
Op 1/15

(a) It is relocatable and not a dwelling (unless there is no other dwelling on the site).

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

(1) The nature of the building and its construction.

C22 2/11  
Op 1/15

(2) The risk of coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards.

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

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

(4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 18.9.2.3 Restricted Discretionary Activities (Other)

C22 2/11  
Op 1/15

Construction or alteration of a structure which does not comply with the conditions of rule 18.9.2.1 or rule 18.9.2.2 is a restricted discretionary activity, if it complies with the following conditions:

- (a) It is the installation of a coastal protection structure.

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

- (1) The extent of negative and positive effects on adjoining properties, natural environment and coastal processes.
- (2) The finished appearance of the works, including buildings and land.
- (3) Any effects on access to the coastline.
- (4) Any effects on recreation.

### 18.9.2.4 Non-Complying Activities

C22 2/11  
Op 1/15

Construction or alteration of a dwelling that does not comply with the conditions of rule 18.9.2.2 is a non-complying activity.

**A resource consent is required.** Consent may be granted and conditions imposed, or consent may be refused.

### 18.9.2.0 Principal Reasons for Rules

The Area mapped at Ruby Bay recognises the extent of coastal erosion and inundation and indicates possible future erosion hazard.

C22 2/11  
Op 1/15

The rules direct development away from uses requiring permanent buildings, for reasons of health and safety and to keep open management options for the future.

## 18.10 CHEMICAL HAZARD AREA

*Refer to Policy sets 5.5.*

### 18.10.1 Scope of Section

This section deals with land uses in the Chemical Hazard Area as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19 (*refer, in particular, to 19.2.12*).

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

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### 18.10.2 Land Use and Subdivision

#### 18.10.2.1 Discretionary Activities (Land Use and Subdivision)

All land use and subdivision in the Chemical Hazard Area, prior to remediation of the land in accordance with rule 18.10.3.1 is a discretionary activity.

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

### 18.10.3 Remediation of Contaminated Sites

#### 18.10.3.1 Restricted Discretionary Activities (Remediation of Contaminated Sites)

Remediation of contaminated sites in the Chemical Hazard Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is conducted in accordance with a programme prepared by and supervised by an appropriately competent person in remediation of contaminated sites.

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

- (1) The duration, start and completion dates of the activity.
- (2) Site security.
- (3) Avoidance, remedy or mitigation of dust nuisance.
- (4) The protection of natural drainage and prevention of contamination of natural waters.
- (5) The repair of any road damaged during the operation.
- (6) Disposal of material removed from the site.
- (7) Monitoring procedures and period of monitoring of contamination levels after the remediation programme has been completed, to verify whether the land is free of harmful contamination.
- (8) Appointment of the supervisor to be engaged at the applicant's expense.

- (9) The imposition of performance bonds and covenants, and financial contributions in regard to works and services required for remediation of contaminated sites.
- (10) Concentration and extent of contaminants, contaminant levels and their occurrence, and the targeted level for contaminants.
- (11) Any adverse environmental effects arising from the process of remediation of contaminated sites.
- (12) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (13) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### **18.10.20 Principal Reasons for Rules**

The rules restrict activities prior to remediation in order to preserve health and safety. The rules ensure that remediation programmes are appropriate to the requirements of specific contaminated sites and are environmentally acceptable.

**18.11 COASTAL ENVIRONMENT AREA**

*Refer to Policy sets 5.1, 6.4, 6.5, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 9.3, 13.1, 14.1.*

**18.11.1 Scope of Section**

The Coastal Environment Area has been delineated on the planning maps for the purposes of guiding the management of the District's coastline. The inland extent of the Coastal Environment Area is shown by a line on all coastal sheets of the planning maps. The seaward boundary of the Area is mean high water springs. Information required with resource consent applications is detailed in Chapter 19.

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

**18.11.2 Land Use****18.11.2.1 Permitted Activities (Land Use)**

[18.14.2 Proposed]

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

- |     |  |  |
|-----|--|--|
| (a) | Except as provided by condition (c), the activity is not the construction of a new building or the disposal of refuse.   | C73 12/20<br>Op 6/23                             |
| (b) | The activity is an extension to an existing building that does not: <ul style="list-style-type: none"> <li>(i) increase the ground floor area (as at 25 May 1996) by more than 50 percent; or</li> <li>(ii) reduce the existing building setback to mean high water springs; in cases where part or all of the extension is within the setbacks specified in conditions 18.11.3.1 (b) – (e), or</li> <li>(iii) increase the existing building height (not applicable in Commercial and Industrial zones with the exception of the Industrial zone and the Mixed Business Zone in the Richmond West Development Area, other than in the Light Industrial Zone location at Beach Road as shown on the planning maps).</li> </ul> | C73 12/20<br>Op 6/23<br><br>C10 10/07<br>Op 3/14 |
| (c) | The activity is a public refuse or recycling collection facility of less than 5 square metres in base area and less than 1.8 metres in height.   | C73 12/20<br>Op 6/23                             |

**Proposed as at 1 November 2008**  
~~[Condition (d) Proposed deleted]~~  
~~[Rule 18.14.2A Proposed deleted]~~

C3 12/03

**18.11.3 Building Construction or Alteration****18.11.3.1 Controlled Activities (Building Construction or Alteration)**

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

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

**Setbacks**

- (b) New buildings are set back from mean high water springs the following minimum distances:
- |       |   |  |
|-------|---|--|
| (i)   | 100 metres in the Waimea Inlet Rural Residential Zone and the Rural 1, Rural 1 Coastal, Rural 2 and Rural 3 zones; and in the Open Space, Rural 1, Rural 2 and Light Industrial zones in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). | C10 10/07<br>Op 3/14<br>C19 5/10<br>Op 8/12<br>C22 2/11<br>Op 1/15 |
| (ii)  | 80 metres for Light Industrial zoned land held in Record of Title 459167 (580 Lower Queen Street) in the Richmond West Development Area.  | C10 10/07<br>Op 3/14<br>C73 12/20<br>Op 6/23                       |
| (iii) | 50 metres in other Rural Residential Zones (except in respect of buildings at Toko Ngawa where identified building sites on DP 16820 and DP 16821 must be utilised) and the Mixed Business Zone.  | C10 10/07<br>Op 3/14   |
| (iv)  | 30 metres in all other zones except where expressly provided for at Milnthorpe ( <i>see rule 17.1.3.1(w)</i> ); in the Awaroa Residential Zone ( <i>see rule 18.11.3.1(c)</i> ); in the Torrent Bay Residential Zone (20 metres); and in rule 18.11.3.1(d) and (e).   |  |
- (c) At Awaroa, new buildings are set back at least 10 metres inland from the top of the bank shown on the planning maps.
- (d) On Lot 1 DP 7781 in the Rural Industrial Zone (750 Lower Queen Street), buildings are set back at least 10 metres from Neiman's Creek, and on Record of Title 7254638 in the Golden Edge Rural Industrial Zone (520 Lower Queen Street), buildings are set back at least 15 metres from mean high water springs.
- (e) On Lot 4 DP 447516 and Lot 2 DP 341803 in the Light Industrial Zone on the corner of Wharf Road and High Street in Motueka, buildings are set back at least 10 metres from mean high water springs.

**Height**

- (f) The maximum height of new buildings, and building extensions, in Rural 1, Rural 1 Coastal, Rural 2, Rural 3, Rural Residential and Residential zones (except at Kaiteriteri and Torrent Bay and the Mapua Special Development Area), and the Mixed Business, Light Industrial and Open Space zones in the Richmond West Development Area is:
- |       |   |   |
|-------|---|---|
| (i)   | 6.5 metres for a building sited between 100 metres and 200 metres from mean high water springs;                                     | C10 10/07<br>Op 3/14<br>C22 2/11<br>Op 1/15<br>C73 12/20<br>Op 6/23 |
| (ii)  | 5 metres where the setback in rule 18.11.3.1 provides for a building to be sited less than 100 metres from mean high water springs; | C10 10/07<br>Op 3/14  |
|       | and at Kaiteriteri and Torrent Bay and the Mapua Special Development Area:  | C10 10/07 Op 3/14<br>C22 2/11 Op 1/15                               |
| (iii) | 6.5 metres for a building sited less than 200 metres from mean high water springs.  | C10 10/07<br>Op 3/14  |

**Note:** Rural Residential Closed and Residential Closed zones are included in this condition.

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

- (1) The effects of the location, design and appearance of the building, and building extension, including its scale, height (in the Richmond West Development Area except in the Light Industrial Zone location at Beach Road as shown on the planning maps), materials, landscaping and colour, on the amenity and natural character of the locality, having regard to effects on:
- |     |                   |  |
|-----|-------------------|--|
| (a) | natural features; | C10 10/07<br>Op 3/14<br>C73 12/20<br>Op 6/23 |
|-----|-------------------|--|



- |      |   |                              |
|------|---|------------------------------|
|      | <ul style="list-style-type: none"> <li>(b) landscape and seascape values;</li> <li>(c) significant natural values;</li> <li>(d) the nature of any existing development;</li> </ul> <p>except that in the Residential Zone the matters are limited to materials, landscaping and colour of buildings, and in the three industrial zones the matters are limited to landscaping and colour of buildings, except for the Light Industrial Zone in the Richmond West Development Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps) where all matters apply.</p> | <p>C10 10/07<br/>Op 3/14</p> |
| (2)  | Consistency with any design guide applying to the area and any heritage character.  | C22 2/11<br>Op 1/15          |
| (3)  | The effects of natural hazards.   |                              |
| (3A) | The effects on a site of cultural significance to Maori.  | C68 7/18<br>Op 6/19          |
| (4)  | The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).  |                              |
| (5)  | Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).   |                              |

#### Non-Notification

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

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

C73 12/20  
Op 6/23

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

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

- (1) The effects of the location, design and appearance of the building, including its scale, height, materials, landscaping and colour, on the amenity and natural character of the locality, including effects on:
  - (a) natural features;
  - (b) landscape and seascape values;
  - (c) significant natural values;
  - (d) the character of any existing development.
- (2) The effects of natural hazards.
- (3) The effects on a site of cultural significance to Maori.
- (4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

## 18.11.4 Disposal of Refuse

### 18.11.4.1 Non-complying Activity (Disposal of Refuse)

Disposal of refuse is a non-complying activity.

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

## 18.11.20 Principal Reasons for Rules

### Setbacks and Height Restrictions

The bulk and location of buildings can adversely affect the natural character of the coastal environment. In addition, buildings close to the sea may be affected by natural hazards such as sea-level rise. These effects are avoided or reduced by setbacks from mean high water springs and the bank at Awaroa. The height restrictions, which are lower than those imposed generally under zones rules, mitigate adverse effects on visual amenity and recognise the scale of existing buildings and topography at Kaiteriteri and Torrent Bay and the Richmond West Development Area zones within the Coastal Environment Area (except in the Light Industrial Zone location at Beach Road as shown on the planning maps). Small extensions to existing buildings are permitted, as these will not have material adverse effects. A greater setback is required in rural zones than in urban zones because of the lower density of development in rural zones.

C10 10/07  
Op 3/14

The intention of these rules is to minimise the obtrusiveness or dominance of buildings in the coastal landscape. The rules do not have the purpose of protecting views from individual properties or dwellings, although that may be a consequential outcome in some cases.

### Building Design and Appearance

Control or discretion is reserved in regard to these rules to ensure that buildings are compatible with their surroundings. Commercial development in the vicinity of the Mapua Wharf will be expected to respond to the heritage character of the existing wharf buildings.

C22 2/11  
Op 1/15

At Toko Ngawa the Coastal Environment Area has been extended to cover the whole subdivision as it is all coastal in character.

### Natural Hazards

The rules reserve control or discretion on the effects of natural hazards in order to safeguard people's health and safety. This allows for consideration of hazards that are not dealt with effectively by means of setbacks on particular sites.

### Collection and Disposal of Refuse

C73 12/20  
Op 6/23

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

## 18.12 SLOPE INSTABILITY RISK AREA

C31 8/10  
Op 1/15

*Refer to Policy sets 5.1, 6.2, 7.2, 12.1, 13.1.  
Refer to Rule section 16.3.*

### 18.12.1 Scope of Section

This section deals with land uses and subdivision in the Slope Instability Risk Area. Locations of the Slope Instability Risk Area are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

The Slope Instability Risk Area rules dealing with earthworks are the only earthwork rules that apply where the Slope Instability Risk Area is also subject to Land Disturbance Area 2, in Eastern Golden Bay.

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

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### 18.12.2 Subdivision

C31 8/10  
Op 1/15

The following rules apply in addition to the rules of section 16.3.

#### 18.12.2.1 Restricted Discretionary Activities (Subdivision)

Any subdivision in the Slope Instability Risk Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment on which any habitable building is intended to be located has a building location area shown.
- (b) Subject to condition (c), a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
  - (i) identifies on each proposed allotment that is subject to condition (a), the building location area (subject to measures specified under (iii)); and
  - (ii) certifies that (subject to measures specified under (iii)) any development of:
    - (a) a habitable building within each applicable proposed allotment, and
    - (b) access and other network utility services to each habitable building, and
    - (c) any earthworks required for the building or services (collectively constituting the building work), will not be likely to result in nor contribute to damage to:
      - (1) any building or access and other network utility services, or
      - (2) any adjoining or downslope property within or adjoining the Slope Instability Risk Area,arising from slope instability during the useful life of the building work; and

- (iii) specifies any measures in relation to building location, design, or construction and to access and other network utility services to each site that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work.
- (c) Subdivision by means of the relocation or adjustment of an allotment boundary need not comply with condition (a) if there is no habitable building site that is to be located within any area of land included in any allotment as a result of the boundary relocation or adjustment.
- (d) The report required by condition (b) is prepared no more than two years before the application is received by the Council, except that the report may be more than two years old where:
  - (i) it is re-certified as meeting the requirements of condition (b) by the person who prepared it or by another person meeting the criteria in (b); and
  - (ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and
  - (iii) the report is no more than 10 years old.

C40 4/13  
Op 1/15

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

C31 8/10  
Op 1/15

- (1) Following subdivision, the risk of slope instability.

## 18.12.3 Land Use

C31 8/10  
Op 1/15

### 18.12.3.1 Permitted Activities (Land Use)

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

- (a) Any construction of or external alteration to a habitable building, complies with the following conditions:
  - (i) a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
    - (a) certifies that (subject to measures specified) the proposed building work will not be likely to be subject to damage from slope instability during its useful life; and
    - (b) certifies that (subject to measures specified) the proposed building work will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the building work; and
    - (c) specifies any measures in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work;

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| <p>except that this requirement does not apply where a report has already been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, and that report certifies and specifies as provided above;</p> <p>(ii) the building work is carried out in accordance with any specifications provided under (i).</p>   | <p>C31 8/10<br/>Op 1/15</p> <p>C40 4/13<br/>Op 1/15</p> <p>C31 8/10<br/>Op 1/15</p> |
| <p>(b) The report required by condition (a) is prepared no more than two years before the building work commences, except that the report may be more than two years old where:</p> <p>(i) it is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and</p> <p>(ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and</p> <p>(iii) the report is no more than 10 years old.</p> | <p>C40 4/13<br/>Op 1/15</p>   |
| <p>(c) Except where required for or in connection with the construction of or external alteration to a habitable building, any earthwork carried out:</p> <p>(i) within any Residential or Rural Residential zone location; or</p> <p>(ii) within 50 metres upslope of the boundary of such a zone location;</p> <p>does not involve any cut batter or excavation with a vertical height or depth greater than 1 metre.</p>  | <p>C31 8/10<br/>Op 1/15</p>   |
| <p>(d) There is no damage to any other property or watercourses arising from the activity.</p>   |   |

### 18.12.3.2 Restricted Discretionary Activities (Land Use)

C31 8/10  
Op 1/15

Any land use in the Slope Instability Risk Area that does not comply with the conditions of rule 18.12.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) Any construction of or external alteration to a habitable building, or any earthwork, complies with the following conditions:
- (i) a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
- (a) certifies that (subject to (c)) the proposed building or earthwork will not be likely to be subject to damage from slope instability during its useful life; and
- (b) certifies that the proposed building or earthwork will not be likely to result in or contribute to damage to any building or access on the site, or to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the work; and
- (c) specifies any measures in relation to the building or earthwork that if carried out will be adequate to avoid any damage to the proposed building or earthwork, to any building or access on the site, or to any adjoining or downslope property, arising from slope instability during the useful life of the work;

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| <p>except that this requirement does not apply where a report has been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, or the proposed earthwork that is for or in connection with subdivision, and that report certifies and specifies as provided above;</p> <p>(ii) the work is carried out in accordance with any specifications provided under (i).</p> <p>(b) The report required by condition (a) is prepared no more than two years before the building or earthwork commences, except that the report may be more than two years old where:</p> <p>(i) is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and</p> <p>(ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and</p> <p>(iii) the report is no more than 10 years old.</p> <p><b>A resource consent is required</b> and may include conditions on the following matters over which the Council has restricted its discretion:</p> <p>(1) Matters (1) to (13) in rule 18.5.2.2.</p> <p>(2) Risk of damage by erosion, falling debris, subsidence, slippage or inundation from any source.</p> | <p>C31 8/10<br/>Op 1/15</p> <p>C40 4/13<br/>Op 1/15</p> <p>C31 8/10<br/>Op 1/15</p> <p>C40 4/13<br/>Op 1/15</p> <p>C31 8/10<br/>Op 1/15</p> |
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### 18.12.3.3 Discretionary Activities (Land Use)

C31 8/10  
Op 1/15

Any land use that does not comply with the conditions of rule 18.12.3.1 or rule 18.12.3.2 is a discretionary activity.

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

### 18.12.20 Principal Reasons for Rules

C31 8/10  
Op 1/15

The rules preserve health and safety and mitigate slope instability risks to land to be subdivided for habitable buildings.

**18.13 FAULT RUPTURE RISK AREA**C21 8/10  
Op 1/15

*Refer to Policy set 13.1.*  
*Refer to Rule section 16.3.*

**18.13.1 Scope of Section**

This section deals with the earthquake hazard risk of ground rupture from movement of active faults, in relation to subdivision and buildings throughout the District. Chapter 19 details information required with resource consent applications.

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

NES-FW (ca)  
12/20**18.13.2 Subdivision**

The following rules apply in addition to the rules of section 16.3.

**18.13.2.1 Restricted Discretionary Activities (Subdivision)**

Any subdivision extending into the Fault Rupture Risk Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment on which any habitable building is intended to be located has a building location area shown.
- (b) Subject to condition (e), a report is prepared by an appropriately competent person in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council, that:
  - (i) records the survey and mapping of the land subject to the Fault Rupture Risk Area at a scale of 1:500 to identify or show as accurately as practicable the location of the surface position of the plane of any active fault; and
  - (ii) shows that any building location area that extends into the Fault Rupture Risk Area can provide for the setting back of the intended buildings in accordance with conditions (b) or (c) of rule 18.13.3.1; and
  - (iii) specifies any conditions for subdivision related to the reduction of fault rupture risk to any existing or proposed building or network utility service.
- (c) Where the fault is the Waimea-Flaxmore Fault and the report required by condition (b) certifies that the location of the surface position of the plane of any active fault cannot be identified, there is no further restriction on the location of the building or alteration in relation to the fault.
- (d) There is no limit to the age of a report that meets the requirements of condition (b), provided that it has been prepared by or certified by a person who meets the criteria of condition (b).
- (e) Subdivision by means of the relocation or adjustment of an allotment boundary need not comply with condition (b) if there is no existing or proposed habitable building site or network utility service that is located within any area of land included in any allotment as a result of the boundary relocation or adjustment.

C21 8/10  
& C40 4/13  
Op 1/15C40 4/13  
Op 1/15C21 8/10  
Op 1/15

**Alpine Fault, St Arnaud and Waimea-Flaxmore Fault System, Richmond**

- (f) The land being subdivided is not on, accessed or serviced by Kerr Bay Road, Lake Road, Robert Street, Holland Street, Borlase Avenue, or Brookvale Drive, St Arnaud.
- (g) Notwithstanding condition (f), the subdivision is the relocation or adjustment of an allotment boundary on land that is on, accessed or serviced by Kerr Bay Road, Lake Road, Robert Street, Holland Street, Borlase Avenue, or Brookvale Drive, St Arnaud, provided that:
- (i) there is no increase in the number of building location areas; and
  - (ii) each building location area is able to accommodate a habitable building that complies with the relevant zone rules.

C21 8/10  
Op 1/15

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

- (1) Following subdivision, the risk to land, building or network utility service, of fault rupture or other ground deformation during an earthquake.
- (2) The avoidance or reduction of the extension of allotments to contain habitable buildings, or utility network services, across the indicated position of the active fault.

**18.13.2.2 Non-Complying Activities (Subdivision)**C21 8/10  
Op 1/15

Any subdivision that does not comply with the conditions of rule 18.13.2.1 is a non-complying activity. **A resource consent is required.** Consent may be refused or conditions imposed.

**18.13.3 Building Construction or Alteration**C21 8/10  
Op 1/15**18.13.3.1 Permitted Activities (Building Construction or Alteration)**

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

- (a) Except as provided by condition (g), where the construction of any habitable building or external alteration to a habitable building is within the Fault Rupture Risk Area shown on the planning maps, a report is prepared by an appropriately competent person in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council. The report must record the survey and mapping of the site at a scale of 1:500 to identify or show, as accurately as practicable, the location of the surface position of the plane of any active fault.
- (b) Where the report required by condition (a) identifies the location of the surface position of the plane of any active fault, then the building or alteration is set back at least:
  - (i) 20 metres from that surface position where the active fault is the Alpine Fault that is within or east of St Arnaud or 10 metres if the report contains the results of specific site investigations that support this setback; or
  - (ii) 10 metres from that surface position where the active fault is part of the Waimea-Flaxmore Fault system from north-east of St Arnaud to the District boundary east of Richmond; or any other active fault except for the Alpine Fault east of St Arnaud; or
  - (iii) 5 metres from that surface position where the active fault is part of the Waimea-Flaxmore Fault system that is north of the Wairoa River; and the report contains the results of specific site investigations that support this setback.

C21 8/10  
& C40 4/13  
Op 1/15



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| (c) | Where the fault is the Alpine Fault that is within or east of St Arnaud and the report required by condition (a) does not identify the surface position of the plane of any active fault, but:  | C40 4/13<br>Op 1/15               |
|     | (i) the report assesses the fault as being within a fault scarp, then the building or alteration is set back at least 20 metres from the top or toe of the scarp; or  |                                   |
|     | (ii) the building or alteration is set back 10 metres from the top or toe of the scarp if the report contains the results of specific site investigations that support this setback; or   |                                   |
|     | (iii) the report shows the inferred surface position of the plane of the fault, then the building or alteration is set back from that inferred position a distance that is recommended in the report that is at least the distance shown by a line drawn between points that are either:  |                                   |
|     | (a) 20 metres from the identified surface position of the plane of movement of the fault (as in (b)(i)); or   |                                   |
|     | (b) 20 metres from the top or toe of the scarp (as in (b)(ii)); and   |                                   |
|     | (c) 30 metres from the mid-point of the inferred section of the fault.  |                                   |
|     | If the fault changes direction within the inferred section then the 30 metres is measured from that inferred point of change in direction.  |                                   |
| (d) | Where the fault is the Waimea-Flaxmore Fault System and the report required by condition (a) certifies that the location of the surface position of the plane of the active fault cannot be identified, then there is no further restriction on the location of the building or alteration in relation to the fault.            | C21 8/10<br>& C40 4/13<br>Op 1/15 |
| (e) | There is no limit to the age of a report that meets the requirements of condition (a), provided that it has been prepared by or certified by a person meeting the criteria of condition (a).  | C40 4/13<br>Op 1/15               |
| (f) | Any external alteration does not increase the area of building coverage that may extend within the relevant setback distance as given in condition (b) or (c) by more than 20 percent.  | C21 8/10<br>& C40 4/13<br>Op 1/15 |
| (g) | Condition (a) does not apply where:   | C21 8/10<br>Op 1/15               |
|     | (i) the construction of the habitable building is a replacement building in substantially the same location on the site; or   |                                   |
|     | (ii) in relation to any external alteration, a report substantially complying with the requirements of condition (a) has been provided for the existing building.   |                                   |
|     | <b>Note 1:</b> The report required by condition (a) should state the limits of the methods used in the investigation. Except where the fault is well defined by a scarp on the ground surface or by rupture along the fault, the methods are likely to include test pitting or trenching, or other subsurface techniques.       | C40 4/13<br>Op 1/15               |
|     | <b>Note 2:</b> The provision of a report on fault rupture hazard risk as required by rule 18.13.2.1 is a means of compliance with condition (a) if the report addresses the matter of the identification or indication of the surface position of the plane of any active fault, in relation to any proposed building location. | C21 8/10<br>& C40 4/13<br>Op 1/15 |

**18.13.3.2 Restricted Discretionary Activities (Building Construction or Alteration)**C21 8/10  
Op 1/15

The construction or alteration of a building that does not comply with the conditions of rule 18.13.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) A report is prepared by a person appropriately competent in geology or geotechnical engineering with specialisation in earthquake risk assessment and submitted to Council that states:
- (i) the credentials of the person to report on the building or alteration;
  - (ii) the geological conditions of the site;
  - (iii) the safest practicable position for a building or alteration on the site in relation to the risk of fault rupture or other ground deformation, having regard to information provided concerning the location of the surface position of the plane of any active fault, and the likely effects of an earthquake.
- (b) There is no limit on the age of a report that meets the requirements of condition (a), provided that it has been prepared by or certified by a person who meets the criteria of condition (a).

C40 4/13  
Op 1/15

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

C21 8/10  
Op 1/15

- (1) The recommendations of the report referred to in (a) concerning the position of the habitable building or alteration in relation to the indicated position of the active fault.
- (2) The health and safety of the occupants of the building during the life of the building.
- (3) The effects on the building or network utility services to it, of ground rupture or other deformation and ground shaking caused by earthquakes.
- (4) The risks of erosion, falling debris, subsidence, slippage or inundation from any source, from earthquake effects.
- (5) Methods to avoid or mitigate the effects of ground rupture or other deformation and ground shaking caused by earthquakes, including by:
  - (a) building design and construction standards;
  - (b) site layout, including building setback from the indicated position of any active fault, and the position of network utility services;
  - (c) separation from structures or natural features.
- (6) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (7) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

### 18.13.20 Principal Reasons for Rules

C21 8/10  
Op 1/15

Parts of the District contain active faults that present potential threats to health and safety. In the event of an earthquake, structures that are near to or straddle the active faults may be damaged by fault rupture or other deformation of the ground on which they are founded as well as strong ground shaking. However, strong ground shaking from earthquakes will occur well beyond the extent of the active fault. A range of setbacks from the indicated surface position of the active fault will mitigate the potential for damage to a material extent. The different setbacks apply because there is a range of certainties about the position of the faultline in different geological situations.

The planning maps show the Fault Rupture Risk Area. Generally the Council does not have fault line data at sufficient accuracy to assist in the location of a building on a particular site. Therefore the rules require both subdivision and habitable buildings within the Fault Rupture Risk Area to have the surface location of the active fault surveyed and mapped more accurately in order to position any allotment or habitable building in relation to the relevant fault.

C21 8/10  
& C40 4/13  
Op 1/15

The subdivision of land already in urban locations at St Arnaud and extending into the Fault Rupture Risk Area is non-complying, as it may add to the number of dwellings exposed to high fault rupture risk from the Alpine Fault as an extremely active system. The Waimea Fault system in the Fault Rupture Risk Area at Richmond, while classed as active, has significantly less risk of rupture than the Alpine Fault.

C21 8/10  
Op 1/15



## 18.14 WATER AUGMENTATION INFRASTRUCTURE AREA (WAIMEA COMMUNITY DAM)

*Refer to Policy set 15.1.3*

### 18.14.1 Scope of Section

This section deals with land uses other than the Waimea Community Dam and its associated land uses and subdivisions in the Water Augmentation Infrastructure Area (Waimea Community Dam) as shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19. The applicable rules for Rural 2 and Open Space Zones also continue to apply.

C55 9/15  
Op 9/16

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

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12/20

### 18.14.2 Land Use

#### 18.14.2.1 Permitted Activities (Land Use or Subdivision)

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

- (a) The land use is not construction of a dwelling or a non-relocatable structure.
- (b) The activity is not subdivision.

### 18.14.3 Dwellings, Non Relocatable Structures, and Subdivision

#### 18.14.3.1 Non-Complying Activities (Construction of a Dwelling or Non-Relocatable Structure, and Subdivision)

Construction of a dwelling or a non-relocatable structure (other than the Waimea Community Dam and associated structures) or any subdivision (other than associated with the Waimea Community Dam) is a non-complying activity.

C55 9/15  
Op 9/16

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

### 18.14.20 Principal Reasons for Rules

The Water Augmentation Infrastructure Area (Waimea Community Dam) provides a significant opportunity for augmentation of water supplies to the Waimea Plains. Existing water supplies in the Waimea Plains do not meet existing or potential future demand for water, and there is insufficient water to meet the needs of in-stream uses and values. Locations for the construction of water augmentation dams are a finite resource as location, topography, geology, river flows and existing land uses may all limit the suitability of sites for augmentation dams. The Lee River provides a suitable site for a dam to augment water supplies and it is important that it should be available for the construction of a dam without adverse effects to or from other land uses, especially residential land use or through the capitalisation of the land. The rules aim to protect the long-term potential of the site for water augmentation by reducing the incompatible land uses in the vicinity and preventing increasing capitalisation that would increase barriers to dam construction.

C55 9/15  
Op 9/16

