

**17.3 MIXED BUSINESS ZONE RULES**C10 10/07  
Op 3/14*Refer to Policy sets 5.1, 5.5, 6.5, 6.6, 9.3, 11.1, 11.2.***17.3.1 Scope of Section**

This section deals with land uses in the Mixed Business Zone. Subdivisions are dealt within Chapter 16.3. 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**17.3.2 Land Use**C10 10/07  
Op 3/14**17.3.2.1 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:

**Particular Activities**

- (a) The activity is not one of the following:
- (i) A retail activity less than 500 square metres gross leasable floor area, including any separate tenancy less than 500 square metres, with the exception of the following retail activities that can be less than 500 square metres gross leasable floor area:
    - (a) Trade supply activities and outlets.
    - (b) Retail sale of goods produced or processed on site and ancillary products to goods produced or processed on the site.
    - (c) Outdoor storage, display or sales areas for the retail sale of vehicles, machinery, and equipment.
    - (d) Restaurants, cafes, food takeaway outlets and licensed premises in the Richmond West Development Area.
    - (e) Dairy or grocery stores which are less than 200 square metres gross leasable floor area.
  - (ii) A retail activity greater than 3,000 square metres Gross Leasable Floor Area.
  - (iii) An outdoor storage, display or sales area for the retail sale of vehicles, machinery, and equipment, greater than 3,000 square metres.
  - (iv) A non-retail activity, or a retail activity where less than 70 percent of the Gross Leasable Floor Area or area is dedicated to retail sales, along the Retail Frontage shown on the planning maps.
  - (v) A residential activity, or visitor or tourist accommodation.
  - (vi) A community activity, except on Part Section 217 Waimea East District (Lower Queen Street, Richmond, occupied by Nelson Marlborough Institute of Technology) where the permitted activity is education, training and research; and on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church).
  - (vii) Intensive livestock farming, or commercial boarding or breeding of animals.

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

C10 10/07

- (viii) A rural industry, motor vehicle repairs or dismantling, or sheet metal work, on sites adjoining a Residential Zone.
- (ix) A refuse transfer station and recycling station.
- (x) A crematorium.
- (xi) A constructed or marked out landing area or pad for helicopters (other than for medical or fire-fighting purposes), an aircraft landing strip, aerodrome or airport.
- (xii) A trade supply activity or outlet, or an outdoor storage, display or sales area for the retail sale of vehicles, machinery and equipment, on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).

Op 3/14

**Hours of Operation**

- (b) Non-residential activities on sites adjoining a Residential Zone operate only between the hours of 7.00 am and 11.00 pm, except for telecommunications and radio communications and substations which are exempt from this requirement.

**Storage and Service Area**

- (c) Where storage areas (other than for customer and employees' vehicles and the display of goods for sale) are located outdoors they are:
  - (i) located to the rear of any building or outdoor area where there is no building;
  - (ii) screened from public view;
  - (iii) screened or covered to prevent windblown debris leaving the storage area;
  - (iv) screened with a wall or fence 1.8 metres high from adjoining sites or dense planting of vegetation capable of growing to 1.8 metres high;
  - (v) maintained with an all-weather dust free surface;
  - (vi) separated from and do not encroach onto a parking, pedestrian, loading and manoeuvring area, or amenity planting area.
- (d) Buildings are provided with a storage area at least 10 square metres or 1 percent of the gross floor area of the building, whichever is the greater, and a minimum dimension of 2.5 metres.

**Storage Envelope (Lot 1 DP 457909)**C10 10/07  
Op 3/14

- (e) The outdoor storage of goods or materials on Lot 1 DP 457909 (at the eastern end of the McPherson Street extension), located within 6 metres of a boundary with the Open Space Zone, does not project beyond an envelope constructed at an angle of 45 degrees (1:1) from a height of 2.5 metres above ground level at the boundary with that Zone. This restriction does not apply to the parking of vehicles or mobile equipment that are roadworthy.

**Air Emissions – Dust and Odour**

C10 10/07 Op 3/14

- (f) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.
- (g) Open areas of land and stockpiles of loose material are contained or maintained to prevent materials moving onto other sites and so that dust does not cause an adverse effect at, or beyond, the boundary of the site.

C68 7/18  
Op 6/19C68 7/18  
Op 6/19**Lighting and Glare**C10 10/07  
Op 3/14

- (h) External lighting is shaded or directed away from adjoining sites, roads, and any

adjoining site within the Residential Zone, and is less than 8 lux spill of light (horizontally or vertically) measured at a height of 1.5 metres above the ground at the boundary of the site.

- (i) Metal cladding, roofing or fences are painted or otherwise coated with a non-reflective finish.

### Noise

C10 10/07  
Op 3/14

- (j) Noise generated by the activity, measured:

- (i) at or within the boundary of any site within the zone, other than the site from which the noise is generated, does not exceed:

	Day	Night
$L_{eq}$	60 dBA	45 dBA
$L_{max}$		70 dBA

- (ii) at the boundary of the zone:

	Day	Night
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

N.B. Day = 7.00 am to 9.00 pm Monday to Sunday inclusive  
(including public holidays).  
Night = All other times.

- (iii) at or within the notional boundary of any dwelling in the Rural 1 Zone or at or within the boundary of the Residential Zone or Tourist Services Zone, does not exceed:

	Day	Night
$L_{eq}$	55 dBA	40 dBA
$L_{max}$		70 dBA

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*.

### Stormwater

- (k) (i) EITHER  
All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.

OR

The discharge complies with section 36.4 of this Plan.

AND

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

### Filling of Allotments

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

### Display Setbacks

- (m) Display areas for the retail sale of vehicles, machinery, and equipment are set back 2.5 metres from road boundaries.

**Amenity Plantings**

- (n) In the Richmond West Development Area, all amenity plantings located within 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
- (i) access to support structures is retained; and
  - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

**17.3.2.2 Controlled Activities (Land Use)**C10 10/07  
Op 3/14

Any land use is a controlled activity if it complies with the following conditions:

**Outdoor Storage Display or Sales Areas**

- (a) The activity complies with the conditions of rule 17.3.2.1, except condition (a)(iii).
- (b) The activity complies with the following:
  - (i) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment are more than 3,000 square metres but less than 5,000 square metres.
  - (ii) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment comprises at least 70 percent of the site area available for retail activity.
  - (iii) Outdoor storage, display or sales areas for retail sale of vehicles, machinery and equipment are not located on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).

**Amenity Plantings and Fencing for Outdoor Display, Sales and Storage**C10 10/07  
Op 3/14

- (c) For all areas of outdoor storage, display or sale areas for retail sale of vehicles, machinery and equipment, the following apply:
  - (i) Amenity plantings 2.5 metres wide are provided along all road boundaries, except at access points.
  - (ii) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from Lower Queen Street, behind the amenity planting.
  - (iii) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone, are set back behind the width of amenity plantings required in conditions 16.3.4.1(t) and 17.3.3.1(n)(iii), and

are no higher than 1.8 metres.

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

- (1) Plant species, height, spacing and layout.
- (2) Variation in the use of trees, shrubs, groundcovers and grass to create a planting framework, including the utilisation of existing plantings where appropriate.
- (3) Visual and amenity effects of planted setbacks when viewed from roads, reserves and adjoining zones.
- (4) Effectiveness of screening or reducing the impact of outdoor storage, display or sales areas seen from roads, reserves and adjoining zones, particularly where items are of a

large scale and bulk.

- (5) The contribution of the planting to the continuity of the planting theme with adjoining sites and to an overall planting theme along the boundary-facing streets, reserves and zone boundaries.
- (6) The degree to which the planting height reduces the dominance of fencing, where this is used, when viewed from roads, reserves and adjoining zones.
- (7) Retention of existing trees, groups of trees and plantings.
- (8) Setbacks.
- (9) Layout and visual effects.

### 17.3.2.3 Restricted Discretionary Activities (Land Use)

C10 10/07  
Op 3/14

Any activity that does not comply with the permitted conditions in rule 17.3.2.1 or the controlled conditions in rule 17.3.2.2 is a restricted discretionary activity, if it complies with the following conditions:

The activity is one of the following:

- (a) Visitor or tourist accommodation which is:
  - (i) acoustically designed or fitted with sound attenuation measures designed to meet an internal night-time (9.00 pm to 7.00 am) standard of 30 dBA  $L_{eq}$  and 70 dBA  $L_{max}$ ; and
  - (ii) provided with an area of open space or a balcony of at least 7 square metres and 1.5 metres minimum dimension, directly accessible from a living area; and
  - (iii) not located on a site or within 30 metres of a site where hazardous facilities and substances have a consent status index greater than 0.1; and
  - (iv) not located along the ground floor of the Retail Frontage shown on the planning maps.
- (b) A residential activity which is:
  - (i) ancillary to and associated with a business activity operating as a company or similar registered business entity and is:
    - either
    - (a) for the purposes of security or management of the business activity on the site, or
    - (b) is occupied by the owner or tenant of the business activity, and is
  - (ii) no more than one residential activity per business activity, and is contained within the same building as the business activity, with a separate access from the business activity; and
  - (iii) acoustically designed to meet a night time (9.00 pm to 7.00 am) standard of 30 dBA  $L_{eq}$  and 70 dBA  $L_{max}$ ; and

- (iv) located above ground floor level and provided with an area of open space or a balcony of at least 7 square metres and 1.5 metres minimum dimension, directly accessible from a living area; and
  - (v) not located on a site or within 30 metres of a site where hazardous facilities and substances have a consent status index greater than 0.1; and
  - (vi) not located in the Retail Frontage shown on the planning maps.
- (c) A community activity which is:
- (i) not located on a site or within 30 metres of a site where any hazardous facility has a consent status index greater than 0.1; and
  - (ii) not located along the ground floor of the Retail Frontage shown on the planning maps.

**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:

C10 10/07  
Op 3/14

#### **Visitor and Tourist Accommodation and Residential Activity**

- (1) The level of compatibility with existing activities in respect of emissions (including discharges to air, odour, noise and dust) and the effectiveness of any proposed mitigation measures to avoid, remedy or mitigate any potential cross boundary or reverse sensitivity effects.
- (2) The ability to provide for a safe living environment.
- (3) The degree of separation of the living environment from the business environment and the provision of a separate access.
- (4) The extent that the visitor or tourist accommodation is ancillary to the commercial activity.
- (5) The extent that the residential activity is ancillary to the business activity, and does not constitute a home occupation.
- (6) Traffic effects and nuisance associated with traffic movements.
- (7) Hours of operation.
- (8) Noise generated by the activity.
- (9) Lighting and glare.

#### **Community Activity**

- (10) The level of compatibility with existing activities in respect of emissions (including discharges to air, odour, noise, and dust) and the effectiveness of any proposed mitigation measures to avoid, remedy or mitigate any potential cross-boundary or reverse-sensitivity effects.
- (11) Compatibility with the adjoining Residential Zone, Rural zones and activities within the Mixed Business Zone.
- (12) Traffic effects and nuisance associated with traffic movements.
- (13) Hours of operation.
- (14) Noise.
- (15) Lighting and glare.

- (16) In the Richmond West Development Area, the extent to which amenity plantings are designed so that adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.

#### 17.3.2.4 Discretionary Activities (Land Use)

C10 10/07  
Op 3/14

Any activity that does not comply with the conditions of rules 17.3.2.1 to 17.3.2.3 is a discretionary activity, if it complies with the following conditions:

C10 10/07 Op 3/14

- (a) The activity is one of the following:

C19 5/10 Op 8/12

C10 10/07  
Op 3/14

- (i) A retail outlet with a gross leasable floor area for any individual retail activity tenancy or ownership greater than 3000 square metres; and is not a trade supply activity or outlet on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).
- (ii) An outdoor storage, display or sales area for the retail sales of vehicles, machinery, and equipment greater than 5000 square metres; and is not located on a site adjoining Pt Lot 1 DP 13750 (Lower Queen Street, Richmond, occupied by Oakwoods Retirement Village).
- (iii) Commercial boarding or breeding of animals.
- (iv) A community activity.
- (v) A refuse transfer station and recycling station.
- (vi) visitor or tourist accommodation

C10 10/07  
Op 3/14

**A resource consent is required** and may include conditions including but not limited to:

#### Retail Activity and Outdoor Storage, Display and Sales

- (1) The scale, nature and intensity of the retail activity and the potential adverse effects of the activity on the vitality and functioning of the Central Business Zone as a result of smaller or larger gross leasable floor areas.
- (2) The effects on the safe operation and efficiency of the transport network associated with larger floor areas and increased traffic movements.
- (3) The compatibility of the activity with surrounding uses, and the degree of risk those activities pose to the health and safety of employees and customers.
- (4) The ability of the site to provide for the requirements of the activity and to maintain and enhance the amenity values of the area.

#### Nature, Scale and Intensity

C43 4/13  
Op 1/15

- (5) The extent to which the nature, scale and intensity of the activity detracts from the vitality and amenity values of the nearest Central Business Zone.
- (6) The extent to which the nature, scale and intensity of the proposed activity on the site detracts from the amenity values and character of the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.
- (7) The extent to which emissions associated with the proposed activity on the site, such as noise, odour, dust, smell and vibration adversely affects the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.
- (8) The extent to which the effects of the proposed activity on the site, such as visual dominance of buildings and structures, shading, glare, lighting and heavy vehicle traffic movements, adversely affects the adjacent properties, the surrounding mixed business and residential neighbourhoods, public spaces and the coastal environment.

C10 10/07  
Op 3/14

**Outdoor Storage Space**

- (9) The extent to which the reduction in outdoor storage space and its location adversely affects the ability of the site to provide for the storage needs of future activities on the site.
- (10) Alternative provision on, or in close proximity to, the site for outdoor storage space to meet the needs of future activities on the site.
- (11) The extent to which the location of storage space or lack of screening adversely affects the visual amenity of adjoining sites and public places or results in wind-blown debris leaving the site.

**Miscellaneous**

- (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).

**17.3.2.5 Non-Complying Activities (Land Use)**C10 10/07  
Op 3/14

Any activity that does not comply with the discretionary conditions of rule 17.3.2.4 is a non-complying activity.

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

**17.3.3 Building Construction or Alteration**C10 10/07  
Op 3/14**17.3.3.1 Permitted Activities (Building Construction or Alteration)**

Construction or alteration of a building is a permitted activity, if it complies with the following conditions: C10 10/07 Op 3/14  
C19/5/10 Op 8/12

- (a) The activity is not the construction or alteration of any building: C10 10/07  
Op 3/14  
C73  
Op 6/23
- Item (a) (i) removed as part of plan change 73.*
- (ii) where any side of the building is more than 50 metres in length (regardless of any wall off set provided in condition 17.3.3.1(i)); C10 10/07  
Op 3/14
- (iii) where the gross floor area is greater than 2,000 square metres.

**Building Coverage**

- (b) The maximum building coverage is 50 percent, subject to compliance with the conditions of all other permitted activity rules relevant to the use of space on the site.

**Height**

- (c) The maximum height of any building is 10 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
- (ii) for antenna attached to a building, condition 16.6.2.1(k) applies;
- (iii) in the Richmond West and Motueka West development areas for any site adjoining the Residential and Open Space zones and any indicative reserve, the maximum height is 8.5 metres. C43 4/13  
Op 1/15



**Building Envelope**C10 10/07  
Op 3/14

- (d) Buildings on sites that adjoin a Residential Zone or an indicative reserve do not project beyond a building envelope constructed by daylight admission lines commencing from points 2.5 metres above ground level from all side and rear boundaries adjoining the Residential Zone or an indicative reserve. The angle is calculated according to the elevation calculator in Schedule 17.1A.

**Setbacks**

- (e) The building is set back from roads and zone boundaries at least:
- (i) 10 metres from roads, except where these roads adjoin the Borck Creek indicative reserve;
  - (ii) 5 metres from roads adjoining the Borck Creek indicative reserve;
  - (iii) 10 metres from the boundaries of sites in an adjoining Residential, Open Space, Recreation, or Rural 1 zone.
- (f) The building is set back from reserves, rivers and amenity planting setbacks at least:
- (i) 5 metres from boundaries of public reserves;
  - (ii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
- (g) Telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from setback requirements.
- (h) In the Richmond West Development Area, notwithstanding condition (g) of this rule, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.
- (ha) The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the following:
- (i) This condition does not apply once the road or reserve intended to be established by the indicative road or indicative reserve is shown on a Land Transfer Plan and a s224 certificate pursuant to section 224 of the Resource Management Act 1991 has been issued by Council for the subdivision concerned.
  - (ii) No building setback is required under this condition on properties which do not have the indicative road or indicative reserve shown within that property's boundaries.
  - (iii) No building setback is required in the Pohara area between Richmond Road and Falconer Road.

C73  
Op 6/23**Walls and Modulation**

- (i) An offset of at least 2.5 metres is required at intervals no greater than 25 metres along any wall that adjoins a road, a reserve, or a Residential, Recreation, Open Space or Rural zone.

**Building Frontage**

- (j) The front of buildings on any site along the Retail Frontage in the Richmond West Development Area shown on the planning maps face Lower Queen Street.

**Windows**

- (k) The front of buildings in (j) adjoining the Retail Frontage shown on the planning maps contain display windows at least 2.4 metres high starting at ground floor level or no higher than 500 millimetres above ground floor level, and cover at least 50 percent of the area of the ground floor walls for the purpose of display of goods and services, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church) while the activity remains a community activity.

**Fences**

- (l) Fences no higher than 600 millimetres are constructed along the Retail Frontage shown on the planning maps and are set back at least 2.5 metres from lower Queen Street, behind the amenity planting, except on Part Section 215 Waimea East District (Lower Queen Street, Richmond, occupied by Grace Church), while the activity remains a community activity, fences are no higher than 1.2 metres and set back behind the amenity planting.
- (m) Fences (including security fences) along site boundaries that adjoin a road, a reserve, or an Open Space or Recreation zone are set back behind the width of amenity plantings required in condition 16.3.4.1(t) and condition 17.3.3.1(n)(iii), and are no higher than 1.8 metres.

**Landscaping**

- (n) The site is landscaped, comprising:
  - (i) amenity planting required in car park areas in rule 16.2.2.4;
  - (ii) amenity planting required by conditions 16.3.4.1(t) and (u) which have been completed;
  - (iii) amenity planting at least 2.5 metres wide along the road frontage of any site, except where required in condition 16.3.4.1(t) and the width of the site access;
  - (iv) except on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, additional amenity planting so that the total planting is at least 10 percent of the total site area;
  - (v) despite condition (n)(iii), on Lot 1 DP 457909 at the eastern end of the McPherson Street extension, where any site adjoins Designation 132 (Richmond Deviation), on the south boundary of this land, additional amenity planting at least 5 metres wide along the entire south boundary provides, at maturity, a dense screen of at least 2.5 metres high;
  - (vi) amenity planting at least 2.5 metres wide along any boundary of a site that adjoins a Residential Zone.
- (o) Amenity plantings are maintained and replaced where dead, damaged or diseased.

**Cross-boundary Effects**

- (p) Goods service docks, open work bays and openable work bays do not face a Residential Zone, Open Space Zone, public place or facility located on an adjoining site.
- (q) Sites are screened from adjoining land in a Residential Zone by a fence, a wall, or planting that at maturity provides a dense screen, 1.8 metres high along the entire boundary (except for any vehicle or pedestrian entrance on a road boundary). Any such fence or wall does not include barbed or razor wire.

**17.3.3.2 Controlled Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

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

- (a) All the conditions of rule 17.3.3.1, except condition (a)(iii).
- (b) The building has a gross floor area greater than 2,000 square metres.

**Building Design and External Appearance**

- (c) A design statement is provided by an appropriately competent person in architecture setting out how the design and appearance of the building fits into the site and surrounding landscape and addresses:
- (i) in the Richmond West Development Area, scale, bulk, height and layout to minimise visual effects and dominance of built form relative to neighbouring buildings, streetscape, reserves and from the Richmond Hills;
  - (ii) glare and identifies the colour and reflectivity values of walls and roof;
  - (iii) wall and roof modulation to minimise visual impacts;
  - (iv) design elements and features to minimize adverse visual effects;
  - (v) location of utility elements away from public view.
- (d) In the Richmond West Development Area, notwithstanding condition 17.3.3.1(g), the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

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

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

**Building Design and External Appearance**

- (1) Visual effects and dominance of built form relative to adjoining buildings, streetscape, reserves and the use of design features and elements to mitigate effects.
- (2) Design features and elements that mitigates visual impacts when viewed from the Richmond Hills residential and rural residential areas, roads, reserves and adjoining zones, where relevant.
- (3) Scale, height and bulk of buildings.
- (4) Glare and reflectivity, materials and colour.

**Miscellaneous**

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

**17.3.3.3 Restricted Discretionary Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

Construction or alteration of a building that does not comply with condition (h) of rule 17.3.3.1 or condition (d) of rule 17.3.3.2 is a restricted discretionary activity.

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

- (1) In the Richmond West Development Area:
  - (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
  - (b) the extent to which buildings 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.

**17.3.3.4 Discretionary Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14  
C73  
Op 6/23

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

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

*Item (c) to be deleted as part of Plan Change 73*

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

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

C73  
Op 6/23

**A resource consent is required** and may include conditions including but not limited to:

C10 10/07  
Op 3/14**Building Coverage**

- (1) The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.
- (2) The extent to which site development complies with other requirements for setback, landscaping, parking, vehicle manoeuvring, access and loading provisions.
- (3) The necessity for the increased building coverage in order to undertake the proposed activities on the site.
- (4) The degree to which any reduction in open space can be mitigated by building design and appearance, or landscaping.

**Height**

- (5) The extent of any adverse effects on the environment from exceeding a maximum height and, in particular, the effect of any increased building height on the visual

character of the area and compatibility with the scale of adjoining buildings.

- (6) The degree to which the increased height or intrusion through the daylight admission lines (Schedule 17.1A) affect the amenity and enjoyment of adjoining sites, streets and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked from buildings, which is out of character with the local environment.
- (7) The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- (8) The degree to which any adverse effects from increased height can be mitigated by site layout, setback, building design and appearance, and landscaping.
- (9) The extent to which the increased building height adversely affects the natural character of the coastal environment.

#### **Setback from Roads and Zone Boundaries**

- (10) The necessity for a reduced setback to enable more efficient or practical use of a site.
- (11) The extent of the visual impact of the building from adjoining residential sites and streets and its impact on the amenity and character of the neighbouring residential environment, taking into account its design and appearance, bulk and length of walls.
- (12) The potential for the development to affect the amenity of the adjoining residential environment in terms of effects, such as shading, noise, glare, dust, smell and vibration.
- (13) The potential for the privacy of adjoining residential sites to be affected from buildings built at a reduced setback.
- (14) The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale and the openness and visual amenity of the street when viewed from adjoining properties.
- (15) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.
- (16) The extent to which reduced setback affects compliance with parking, loading and access rules.
- (17) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.

#### **Setback from Reserves and Rivers**

- (18) The extent of any shading created and the impact this may have on the public use and enjoyment of a reserve and ecological health of a river.
- (19) The potential for the development to affect the public use and enjoyment of a reserve or river.
- (20) The potential for the development to detract from the amenity and pleasantness of the adjoining reserves or rivers in terms of effects such as noise, glare, dust, smell and vibration.
- (21) The potential to mitigate any adverse effects created through alternative layouts of buildings, car parking and storage areas on site.
- (22) The extent to which the encroachment into setbacks from rivers by buildings will increase the likelihood of damage being caused to the building by erosion, the level of risk to occupants, and the effects of the structure on flood flows.

### **Building along a Retail Frontage**

- (23) The visual continuity of building frontage and the character of the streets as visually distinctive centres of business activity.
- (24) The need for access to the rear of the site for other business activities as well as activities such as off-street parking, loading and storage.
- (25) The layout of the site and the options for maximum use of the site.
- (26) The design and appearance of buildings and compatibility with other adjoining buildings in terms of design, height, setback and scale.

### **Windows**

- (27) Where display windows are not provided as permitted in the Retail Frontage, the effect this has on the visual continuity of building frontage from the street and the distinctive form and character of buildings in the precinct.
- (28) The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale, and the extent of the impact that non-permitted display windows has on the architectural cohesiveness of the street.

### **Fences**

- (29) The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale, and the extent of the impact that fences has on the architectural cohesiveness of the street.

### **Building Design and Appearance**

- (30) The degree to which the proposed development impacts on the amenity and character of the area, having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.
- (31) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.
- (32) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.
- (33) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening, or use of other materials.
- (34) The extent to which building design and appearance adversely affects the natural character of the coast.
- (35) The extent and quality of amenity plantings.
- (36) The extent to which practical use of the site will be affected by the proposal.

### **Landscaping**

- (37) Whether the location, scale and design of landscaped areas, including open space, courtyards and yards, effectively contributes to the amenity of the site and the wider area.
- (38) Whether the development ensures the retention of any significant existing trees and vegetation.

**Cross-Boundary Effects**

- (39) The extent to which goods service docks, open work bays and openable work bays will affect the amenity, character and use of neighbouring sites and public places and in particular the extent to which these can be viewed from neighbouring sites and public places.
- (40) The extent to which the lack of screening adversely affects the visual amenity of adjoining sites and public places or results in wind-blown debris leaving the site.

**Services**

- (41) The ability to adequately reticulate water supply, wastewater, stormwater and solid waste storage and collection.

**Stormwater**

- (42) The ability of the Council-provided stormwater drainage network to accommodate additional stormwater.
- (43) The extent to which the stormwater run-off generated by additional development is managed.
- (44) The extent to which the activity has employed low impact design solutions to the management of stormwater flow and water quality.
- (45) The extent to which permitted activity conditions for the use and storage of hazardous substances can be met.

**Traffic (roading, access, parking, manoeuvring, loading)**

- (46) Whether vehicle access provided is functional and safe.
- (47) Whether car parking is safe and convenient while still maintaining an acceptable aesthetic quality as viewed from the street, in particular, whether hard-paved areas associated with parking dominate the streetscape.

**Miscellaneous**

- (48) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (49) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

**17.3.3.5 Non-Complying Activities (Building Construction or Alteration)**C10 10/07  
Op 3/14

Construction or alteration of a building that does not comply with the discretionary conditions of rule 17.3.3.4 is a non-complying activity.

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

**17.3.20 Principal Reasons for Rules**C10 10/07  
Op 3/14**Noise**

In the Richmond West Development Area the noise standards have been formulated in such a way that there is a gradation of zones and increasing noise levels from Residential to Mixed Business to Light Industrial zones. The Mixed Business Zone effectively acts as a buffer between Residential and Industrial zones. Noise thresholds within the Mixed Business Zone are higher than the Residential Zone to enable a range of business activities to establish and operate, but also seek to

maintain a level of comfort for adjacent zones. Night-time noise levels from mixed business activities at the boundary of the Residential Zone and dwellings in other zones are the same as the Residential Zone. This reduces the nuisance effect from, and recognises the importance of, enabling a quiet sleeping environment at night.

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

The noise limits do not apply at roads and this is inferred by applying noise limits at the boundary of any other site (not a road).

### **Retail Activity**

Retail activity that replicates the scale, nature and intensity of that provided for in the Central Business Zone has the ability to adversely affect the vitality and amenity values of the area by diminishing it as the central focal point, specialty retail activity focus and core pedestrian-oriented area. Consequently, the Mixed Business Zone provides for a specific range of large format retail activities which are car-oriented destinations, often involving bulky goods. Exemptions to the increased scale of retail activities within the Mixed Business Zone are made for those retail activities that are not generally accommodated or provided for within the Central Business Zone such as trade activities and outdoor display and sales areas or those activities that are unlikely to affect the vitality of the area. An upper limit to the permitted scale of a retail activity is established beyond which, depending on the nature of the activity, an assessment of the potential adverse effects on the Central Business Zone may be necessary. This may be required, in particular, for the establishment of a mall or larger supermarket complex, and to address the effects on amenity values associated with the bulk and scale of buildings and effects on the transport network. Gross Leasable Floor Area has been applied to avoid multiple retail tenancies establishing under one roof at lower minimum thresholds than identified for the zone and having the potential to replicate specialty retail activities provided for in the Central Business Zone.

### **Residential Activities and Visitor and Tourist Accommodation**

C10 10/07  
Op 3/14

The primary focus of the Mixed Business Zone is for business or commercial activities, although community and recreation activities are also provided for within the zone. Some of these activities require flexibility to operate at higher levels of noise emissions and hazardous substances, for example, than generally conducive to the more sensitive nature of residential activities and are generally not as suitable for residential activities. In addition, the Mixed Business Zone in the Richmond West Development Area, particularly west of Lower Queen Street acts as a buffer or spatial separation between the Residential Zone and the Light Industrial Zone, reducing the potential adverse effects of industrial activities on residential activities whilst providing for the ongoing operation of these activities, particularly the Nelson Pine Industries MDF operation, with minimal reverse sensitivity effects.

Provision for residential activities within the zone is restricted to those for security or management purposes and to those that are of a 'live-work' nature restricted to owners or tenants of the business activity, and a single residential unit per site. In the Richmond West Development Area this is likely to be more appropriate east of Lower Queen Street given the proximity to the Waimea Inlet and recreation activities, and to avoid any potential reverse sensitivity effects on the MDF site as a consequence of prevailing winds. The commercial focus of visitor and tourist accommodation and the short term nature of residential activities mean that these activities can be accommodated within the Mixed Business Zone where they are compatible with surrounding activities, and adverse effects can be avoided, remedied or mitigated. Consideration needs to be given to the potential for reverse sensitivity effects on existing business activities.

Home occupations are not appropriate in the Mixed Business Zone because the business activity is ancillary to the living activity.

### **Light Industrial Activity**

Industrial activities of a scale, nature and intensity that result in low emissions (e.g. noise, odour) and contribute to maintaining and enhancing high amenity values within the zone and at the boundary of the zone are provided for in the Mixed Business Zone. These activities do not involve



the use of heavy machinery, are generally not of a heavy industrial or rural industrial nature, tend to be carried out indoors, are generally small scale, and include printing works, furniture manufacture, car repairs, light engineering, and trade depots.

### Indicative Roads and Reserves

C73  
Op 6/23

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

Large scale warehousing and storage operations and transport depots are considered to be more appropriate in the Light Industrial Zone due to the effects associated with matters such as traffic movements, heavy vehicles, and visual effects.

C10 10/07  
Op 3/14

Larger scale industrial activities and buildings, similar to other large scale businesses, have the potential to adversely affect amenity values, as a consequence of use of the site for outdoor storage and use, and the tendency for utilitarian buildings and a larger scale. Plan standards seek to ensure that activities and buildings maintain and enhance amenity values through the use of amenity and building design controls relative to the scale of the activity and building. Outdoor activities 5,000 square metres and above and the construction of buildings 3,000 square metres and above are full discretionary activities.

Certain activities are excluded from the Mixed Business Zone where they would adjoin a Residential Zone, because of their potential effect on amenity and environmental values in residential areas.

### Amenity

In conjunction with one another, provisions relating to building design and appearance, building coverage, fencing, amenity plantings and setbacks provide an integrated rule framework for the Mixed Business Zone, designed to promote a high standard of amenity with a low impact on the surrounding people and environment.

### Emissions

In conjunction with one another, provisions relating to dust, odour, lighting, glare, and noise provide an integrated rule framework for the Mixed Business Zone designed to manage emissions and mitigate effects on the surrounding people and environment.

### Filling of Allotments

C10 10/07  
Op 3/14

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