

17.8 RURAL RESIDENTIAL ZONE RULES

Refer to Policy sets 5.1, 5.2, 5.3, 5.5, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 11.1, 11.2, 13.1.

17.8.1 Scope of Section

This section deals with land uses in the Rural Residential Zone. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

17.8.2 Land Use

17.8.2.1 Permitted Activities (Land Use - General)

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

- (a) The activity is not one of the following:
- (i) intensive livestock farming;
 - (ii) an industrial, rural industrial, community or commercial activity, except as a home occupation allowed by rule 17.8.2.2;
 - (iii) a rural selling place where:
 - the sale and display area is greater than 25 square metres; or
 - access is to an arterial route;
 - (iv) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
 - (v) papakainga development.
 - (vi) the maintenance, repair, storing, or parking of more than one heavy vehicles (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more (except for those heavy vehicles that are directly associated with plant and animal production), that is being used for or in connection with any commercial, industrial or rural industrial activity.

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Air Emissions – Dust and Odour

- (b) No activity may emit offensive and pervasive dust or odours that are discernible in a Residential Zone.

Tree Setbacks and Height

- (c) Trees, including spray belts and shelter belts, are set back at least 10 metres from the intersection of any formed legal road.
- (d) Horticultural plantings, shelter belts and spray belts are set back at least 3 metres from property boundaries.

- (e) Horticultural plantings where pesticides may be discharged to air are set back at least:
- (i) 30 metres from any dwelling, any other building used for any residential activity, visitor accommodation or tourist accommodation, or any school or school grounds, or early childhood education facility or its grounds on an adjoining property; or
 - (ii) 20 metres from any of the buildings or grounds specified in condition (e)(i), where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.
- (f) Artificial shelter belts are set back at least 3 metres from property boundaries and do not exceed 6 metres in height.
- (g) Plantation forest is set back at least:
- (i) 10 metres from any boundary except that:
 - (a) trees are not planted or allowed to grow in a position which could result in any dwelling on an adjoining property becoming shaded between 10.00 am and 2.00 pm on the shortest day; or
 - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council;
 - (ii) 30 metres from a dwelling;
 - (iii) 50 metres from a Residential Zone boundary;
 - (iv) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
 - (v) 10 metres from the bed of any lake;
 - (vi) 50 metres from the coastal marine area.
- (h) Horticultural plantings, spray belts and shelter belts have a maximum height of 6 metres within 20 metres of all internal boundaries.
- (i) The planting complies with conditions (h) to (m) in rule 17.6.4.1.

Quarry Setback

- (j) A residential activity is set back at least 500 metres from any boundary of ~~an existing hard rock-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(ab)(ii), ~~or condition 17.6.2.1(ab)(ii) or 17.7.2.1(b)(ii)~~.

Noise

- (k) Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services Zone, or at or within any site within a Residential Zone, does not exceed:

	Day	Night	
L_{eq}	55 dBA	40 dBA	C19 5/10 Op 8/12
L_{max}		70 dBA	

Except as required by condition (l) of this rule, this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from: C14 5/09
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- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (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*.

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Frost Protection Devices

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- (l) Noise generated by any frost protection device, in combination with noise from any other authorised frost protection device, does not at any time exceed 55 dBA Leq when measured:
- (a) at or within the notional boundary of any dwelling that existed before the frost protection device is installed (other than a dwelling on the site from which the noise is being generated) in the Rural 1, Rural 2, Rural 3 or Rural Residential Zone; and
 - (b) at or within the boundary of the Residential, Papakainga, or Tourist Services Zone; and
 - (c) in any other circumstances, at a distance of 300 metres from the frost protection device;

provided that evidence of the ability to meet this condition is certified by an appropriately competent person in acoustic engineering and a copy of that certification, including a plan showing the location of the frost protection device or devices to which the certification applies, is lodged with the Council prior to the installation of any frost protection device.

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*.

- (m) Any frost protection device is operated only when the air temperature at the lowest level of the frost-tender part of the crop has fallen to 2 degrees Celsius, and ceases operating when the air temperature at that height has risen to 3 degrees Celsius; except that the device may be operated for maintenance purposes between 8.00 am and 6.00 pm.
- (n) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in condition (k) of this rule, is located, oriented, and constructed to ensure that bedrooms and living rooms achieve an indoor design sound level of 30 dBA L_{eq} and 45 dBA L_{max} from any noise permitted in the zone beyond the notional boundary of the building or dwelling.
- (o) Outdoor fan-type frost protection devices are used only for frost protection, for crops that have a distinct period of bud-burst and a distinct end of harvest, and only in the period between bud-burst and end of harvest.

Stormwater

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- (p) ~~(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.

Note: Stormwater discharge provisions within Section 36.4 of the Plan will also apply.

Note: Vegetation to be planted within the electricity transmission corridor in the Richmond East Development Area should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting, near any electrical line especially works within the transmission corridor, developers are requested to contact the line operator.

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[Unchanged text omitted (17.8.2.2 to 17.8.2.5)]

17.8.2.6 Discretionary Activities (Land Use)

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Any land use that does not comply with the conditions of rules 17.8.2.1 to 17.8.2.5 is a discretionary activity, if it complies with the following conditions:

- (a) The activity is not a commercial, industrial or rural industrial activity.

A resource consent is required and may include conditions.

17.8.2.6A Discretionary Activities (Cooperative Living)

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

- (a) The activity meets permitted conditions (a) – (p) of rule 17.8.2.1.
- (b) All buildings, including dwellings, meet permitted conditions (e) – (q) of rule 17.8.3.1 where applicable.

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

- (1) The proposed legal arrangement regarding land and building ownership.
- (2) The extent to which the buildings and proposed land use are consistent with low impact design principles and methods.
- (3) Matters (1) - (5) and (7) - (11) in rule 17.8.3.1A.

17.8.3 Building Construction, ~~or~~ Alteration, or Use

17.8.3.1 Permitted Activities (Building Construction or Alteration)

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

One-Dwellings

- (a) There is no more than one dwelling or building used as a dwelling on a site.
- (b) TheA-dwelling ~~may~~ contains no more than two self-contained housekeeping units, provided:

- ~~(i) both are contained within the same building; and~~
- ~~(ii) one is clearly subsidiary; and is no more than 60 square metres in floor area,~~
- ~~(iii) connecting rooms or passages have a continuous roof; and~~
- ~~(iv) the walls are fully enclosed;~~

_____ except that this condition (b) does not apply in the Milnthorpe Rural Residential Zone.

Sleepout

- ~~(ba) There are no more than two sleepouts associated with any principal for any dwelling or second dwelling that is not a, including any minor dwelling.~~
- (c) The area of ~~any either~~ sleepout is no more than 36 square metres.
- (d) The ~~distance location from any of either~~ sleepout ~~is within 20 metres of any from the principal dwelling, including any minor dwelling is no more than 20 metres.~~

Height

- (e) The maximum height of the building is 7.5 metres, subject to condition 16.6.2.1(k).
- (f) Buildings sited on a hill whose ridgeline is identified on the planning maps are no higher than the level of the ridgeline.

Setbacks

- (g) Buildings are set back at least:
 - (i) 10 metres from road boundaries and 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.8.2.1(f)), except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;
 - (ii) 20 metres from the margins of lakes and from the boundaries of Open Space, Recreation and Conservation zones;
 - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
 - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
 - (v) 30 metres from a plantation forest;
 - (vi) 10 metres from internal boundaries in the case of buildings housing livestock.
 - (vii) 32 metres from the centreline of any electricity transmission line in the Richmond East Development Area (notwithstanding condition (g)(i)) as shown on the planning maps. C20 8/10
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~~(h) If the adjoining property has horticultural plantings where pesticides may be discharged to air, any dwelling or any other building used for any residential activity is set back at least:~~

- ~~(i) 30 metres from the boundary common to the horticultural plantings and the building; or~~
- ~~(ii) 20 metres from horticultural plantings where a spray belt is established along the boundary common to the horticultural plantings and the buildings; or~~
- ~~(iii) 30 metres from the horticultural plantings that are vineyards.~~

~~(h) Dwellings and habitable buildings are set back at least:~~

- (i) 30 metres from a boundary where that boundary is to the Rural 1, Rural 2 or Rural 3 Zone, except for a habitable building on a site located in a subdivision that was consented before 30 January 2016 where the setback is 5 metres and where the

activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced:

(ii) 300–200 metres from any building or enclosure that houses poultry on an existing, lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.

- (i) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- (j) Buildings are set back from the top of the identified ridgeline at Ruby Bay behind a slope that is projected at an angle of 45 degrees from the toe of the ridge and set forward from the toe at least half the vertical height of the ridge.

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Building Coverage

- (k) The total area of all buildings on the site, excluding ~~dwelling~~s and greenhouses, does not exceed 20 percent of the net site area or ~~6500~~ square metres per site, whichever is the smaller.

Building Envelope

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

Additional Conditions for Dwellings

- (m) Only in relation to the construction of a dwelling or the use of a building as a dwelling and not an alteration, and except where any dwelling is connected to a reticulated water supply:
- incorporating water mains fitted with fire hydrants; and
 - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:

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EITHER

- (i) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply;

OR

- (ii) provided with a water supply that is:
- accessible to fire fighting equipment; and
 - between 6 metres and 90 metres from the dwelling; and
 - on the same site as the dwelling (except where the specified volume or flow of water is in a pond, dam, or river that is within the required distances); and

either

- stores at least 45,000 litres;

or

- provides at least 25 litres per second for 30 minutes;

~~OR~~

- ~~(ii) provided with a home fire-sprinkler system that is fitted with a reliable year-round water supply;~~

AND

- (iii) connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from:
- a rainwater supply; or

- a surface water source; or
 - a groundwater source
- that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.

Note 1: Further advice and information about managing fire risk and storage of water for fire fighting, including information about appropriate fittings for connection with fire appliances, can be obtained from the New Zealand Fire Service and the NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

Note 2: Information about the design, installation and maintenance of the sprinkler system can be found in NZS 4517:2010 Fire Sprinkler Systems for Houses.

Note 3: Fire risk can be further reduced through appropriate management of flammable vegetation near structures and ensuring fire appliances can locate and reach the dwelling in the event of a fire. Further information about managing fire risks is available from the NZ Fire Service or the Waimea Rural Fire Authority.

Note 4: The water supply provided for in 17.8.3.1(m)(ii) may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.

- (n) In the Mapua and Waimea Rural Residential zones, the dwelling has a rainwater collection system which is used for toilet flushing.
- (o) Dwellings are set back at least 500 metres from any boundary of an existing quarry site, except for a quarry permitted under condition 17.5.2.1(b)(i) or condition 17.5.2.1(b)(ii).
- (p) Except in the Mapua and Waimea Rural Residential zones, there is adequate area on site for effluent disposal for each dwelling.

Stormwater

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- (q) ~~(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.~~

Note: Stormwater discharge provisions within section 36.4 of the Plan will also apply.

17.8.3.1A Controlled Activities (Building Construction, Alteration, or Use)

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

- (a) The activity is a second dwelling that is a minor dwelling and is located on a site of at least two hectares-
- (b) The minor dwelling complies with permitted conditions 17.8.3.1 (e) – (q) and the principal dwelling is a single housekeeping unit only. [NOTE: Reference to 17.8.3.1(h) only]

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

- (1) Location and effects of on-site servicing, including wastewater disposal, access, and traffic safety.

- (1A) Effects on the road network.
- (2) Effects on the amenities of the area and the potential impact for existing ~~productive plant and~~ animal production activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (3) Effects of any proposed outdoor storage of goods, machinery or produce.
- (4) For buildings that exceed the permitted activity height, in addition to the other matters listed, the appearance and visual impact (including colour, materials, surface treatment and fenestration), site landscaping and planting, shading effects across site boundaries, and effects on significant views, ridgelines and hill tops
- (5) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on and plant and animal production.
- (6) Low impact building design.
- (7) The on-site management of stormwater in accordance with Low Impact Design solutions.
- (8) ~~Effects of natural hazards~~ The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated.
- (9) Alternatives for fire risk management.
- (10) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (11) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

17.8.3.2 Restricted Discretionary Activities (Building Construction, ~~or~~ Alteration, or Use)

Construction, ~~or~~ alteration or use of a building that does not comply with the conditions of rule 17.8.3.1 or rule 17.8.3.1A is a restricted discretionary activity, if it complies with the following conditions:

- (a) ~~Following construction, t~~ There are no more than two dwellings or buildings used as dwellings on ~~the a~~ site.

Setbacks

- (b) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- (c) In the Richmond East Development Area, buildings are set back at least 12 metres from the centreline of any electricity transmission line, as shown on the planning maps.

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Non-Notification

In the Richmond East Development Area, applications for resource consent for an activity under this condition will be decided without public notification.

Note: In the Richmond East Development Area, the owner/operator of the transmission line is likely to be the only affected person to be determined in accordance with section 95B of the Resource Management Act.

- (d) The building is within the Ruby Bay ridgeline setback but a favourable geotechnical report has been provided.

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General

- (e) If an adjoining property is horticultural plantings, including vineyards, where pesticides may be discharged to air, any school and its grounds, early childhood education facility and its grounds, visitor accommodation or tourist accommodation is set back at least:

- (i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or
- (ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds; ~~or~~
- ~~(iii) 30 metres from the horticultural plantings that are vineyards.~~

~~(e) Dwellings and habitable buildings are set back:~~

- ~~(i) 30 metres from a boundary where that boundary is to the Rural 1, Rural 2 or Rural 3 Zone~~
- ~~(ii) metres from any building or enclosure that houses poultry on an existing, lawfully established intensive livestock farm which is a poultry farm on or before.~~

Stormwater

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- (f) ~~(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.~~

~~Note: Stormwater discharge provisions within section 36.4 of the Plan will also apply.~~

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 impact of any buildings or structure on the landscape, rural character or amenity values of the locality.~~
- ~~(2) Any effects on ridgelines or hilltops, including visual impact.~~
- ~~(3) Any likely impact on an adjacent landowner, particularly the compatibility with productive rural activities.~~
- ~~(4) Location and effects of servicing, including stormwater and wastewater disposal, water supply, access and traffic safety.~~
- (5) The adverse effects of a building with reduced setback.
- ~~(6) Effects of any proposed outdoor storage of goods, machinery or produce.~~
- ~~(7) Provision for the collection and disposal of stormwater and sewage.~~

~~(8) Stormwater management including the use of Low Impact Design solutions where appropriate.~~

~~(9) The effects of natural hazards.~~

~~(1) Matters of control (1) – (11) in rule 17.8.3.1A~~

~~(2) Effects of a building with reduced setbacks.~~

(340) Additional matters for buildings at Alpine Meadows: building design, appearance, and site layout.

(444) Additional matters for second dwellings: whether the dwelling is proposed to be relocatable; whether the dwelling will be removed once its purpose ceases.

(542) In the Richmond East Development Area, for buildings located between 12 and 32 metres from the centreline of any electricity transmission lines as shown on the planning maps: C20 8/10
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(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 ensure adverse effects from or on the National Grid and on public safety are appropriately avoided, remedied or mitigated.

(613) Alternatives for fire risk management. C34 3/12 Op 4/13

~~(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).~~

17.8.3.3 Non-Complying Activities (Building Construction, ~~or~~ Alteration, ~~or~~ Use)

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Construction, ~~or~~ alteration or use of a building that does not comply with condition (h)(vii) of rule 17.8.3.1 or condition (ba) of rule 17.8.3.2 is a non-complying activity.

[Rules 17.8.4.1 and 17.8.4.2 now rules 17.8.2.2 and 17.8.2.3]

[Unchanged text omitted (17.8.5)]

17.8.20 Principal Reasons for Rules

[Unchanged text omitted]

Sleepouts

~~For the avoidance of doubt, the number of sleepouts on any given property is two sleepouts per principal dwelling ~~or~~ and second dwelling, where that second dwelling is not a minor dwelling. Those sleepouts may be located within 20 metres of any dwelling, including any minor dwelling.~~

[Unchanged text omitted]