

**17.7 RURAL 3 ZONE RULES**

*Refer to Policy sets 5.1 - 5.3, 5.5, 7.1 - 7.4, 8.1, 8.2, 9.1 - 9.3, 10.1, 11.1, 11.2, 12.1, 13.1, 14.3, 14.4, 33.4, 34.1, 34.2, 36.2, 36.6.*

**17.7.1 Scope of Section**

This section deals with land uses in the Rural 3 Zone. Subdivisions are dealt with in 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

**17.7.2 Land Use****17.7.2.1 Permitted Activities (Land Use - General)**C19 5/10  
Op 8/12

**NOTE:** Rule 17.7.2.1 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:

*[Condition (a) is deleted]*

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**Activities**

- (b) The activity is not:
- (i) an industrial or rural industrial activity;
  - (ii) quarrying, where the volume of land disturbed is greater than 50 cubic metres in any 12-month period;
- Advice Note:** Clause (b)(ii) does not apply to forestry quarrying which is managed by NES-PF regulations 51- 59.
- (iii) a constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;
  - (iv) the sale of liquor;
  - (v) a rural selling place where:
    - the sale and display area is greater than 25 square metres; or
    - access is to an arterial route;
  - (vi) a commercial or community activity;
  - (vii) tourist accommodation;
  - (viii) conversion and use of an existing building to a dwelling where the building does not comply with the setback conditions for dwellings in rules 17.7.3.1(f) and 17.7.3.2;
  - (ix) a papakainga development;
  - (x) a home occupation, except as allowed by rule 17.7.2.2. C19 5/10 Op 8/12
  - (xi) the maintenance, repair, storing, or parking of more than two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those C60 1/16 & V2-C60 7/18

heavy vehicles that are directly associated with plant and animal production or any temporary construction, maintenance or demolition work), that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. Op 6/19

[Condition (c) is deleted] C60 1/16 Op 6/19

**Noise** C60 1/16 Op 6/19

(d) 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 <sub>eq</sub>	55 dBA	40 dBA	C19 5/10 Op 8/12
L <sub>max</sub>		70 dBA	

Except as required by condition (da), this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: C14 5/09 Op 8/12  
C60 1/16 Op 6/19

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

**Advice Note:** Clause (d)(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*. C19 5/10  
Op 8/12

**Frost Protection Devices** C14 5/09  
Op 8/12

(da) 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 L<sub>eq</sub> 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*.

- (db) 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. **C14 5/09  
Op 8/12**
- (dc) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in (da) 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. **C14 5/09  
Op 8/12**
- (dd) 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.

### Quarrying

- (e) The setbacks in condition 17.7.3.1(f)(i) to (v) are complied with.
- (f) Condition 18.5.3.3(d) is complied with.

### Planting Near Viewpoints

- (g) Vegetation planted on or near to a viewpoint shown on the planning maps does not grow to a height that will obscure the view from the viewpoint.
- Advice Note:** Where vegetation is plantation forestry as defined in the NES-PF, regulation 13 allows condition (g) to apply.

### Intensive Livestock Farming

**C60 1/16 Op 6/19**

- (h) Intensive livestock farming which is intensive pig farming, including the keeping of pigs or the disposal of piggery effluent, must achieve the following setbacks:
- (i) Distance from a Residential Zone boundary existing at the date of the establishment of the pig farming activity – 2,000 metres.
  - (ii) Distance from a Rural Residential or Papakainga zone boundary, school, church, public hall, marae, recreation ground, or other area with frequent public use existing at the date of the establishment of the pig farming activity – 1,500 metres.
  - (iii) Distance from a dwelling on another site in a Rural 1, Rural 2 or Rural 3 zone existing at the date of the establishment of the pig farming activity, or in relation to Rural 3 Zone, distance from any building location area as approved on a survey plan of subdivision – 500 metres.
- (i) Any poultry body part and poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming, is set back at least 170 metres from any boundary of the site. **C60 1/16 &  
V2-C60 7/18  
Op 6/19**

**Stormwater**

- (m) (i) EITHER C7 7/07  
Op 10/10
- 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.

**17.7.2.2 Permitted Activities (Home Occupations)**C19 5/10  
Op 8/12

A home occupation on the site of any dwelling is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) On lots smaller than 4 hectares in area, the provisions of conditions 17.8.2.2(a) to (k) apply.
- (b) A home occupation which is visitor accommodation:
- (i) accommodates no more than six visitors at any time;
- (ii) occupies a building which is a dwelling which either existed on 25 May 1996, or is otherwise permitted by the Plan.
- (c) A home occupation which is other than visitor accommodation:
- (i) occupies no more than 75 square metres gross floor area;
- (ii) employs or engages no more than two full-time equivalent persons who reside elsewhere than on the site.
- (iii) takes place indoors if it is motor vehicle repairs or dismantling, motor body building, spray-painting, fibre-glassing, or sheet-metal working; C60 1/16  
Op 6/19
- (iv) is not bottle or scrap storage, rubbish collection or the composting of animal body parts;
- (v) is not the boarding of domestic animals.
- (d) The conditions for noise set out in 17.7.2.1(d). C60 1/16  
Op 6/19
- (da) Where a home occupation gains access from a local road, the home occupation does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic is generated by:
- (i) a home occupation that is visitor accommodation; or
- (ii) vehicles that are being used for or in connection with plant and animal production activities.
- (e) Retailing is permitted in accordance with the rural selling place provisions in rule 17.7.2.1 and is in accordance with the definition of rural selling place.
- (f) The home occupation is not undertaken on a site which is located on a shared access or private way, except where:
- (i) the activity is carried out solely by a person or persons permanently resident on site;
- (ii) there are no visitors, clients or deliveries to the site.

**17.7.2.3 Restricted Discretionary Activities (Home Occupations)**

C19 5/10  
Op 8/12

A home occupation that does not comply with the conditions of rule 17.7.2.2 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 the Council has restricted its discretion:

**Rural Character**

- (1) The extent to which the activity will result in the loss of rural character on the site and in the vicinity of the site.
- (2) Any adverse effect on the amenity values of the area.

**General Adverse Effects**

- (3) Adverse effects of the home occupation in terms of noise, odour, vibration, dust, glare, visual impact, loss of privacy, traffic and parking congestion on site, and safety and efficiency of traffic on roads giving access to the site.
- (4) Exposure of the building to road traffic noise, including from State Highway 60 and the designated Ruby Bay Bypass, and measures to mitigate such exposure.
- (5) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (6) Any effects relating to natural or technological hazards.

**Miscellaneous**

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

**17.7.2.4 Restricted Discretionary Activities (Papakainga Development)**

C19 5/10  
Op 8/12

A papakainga development 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) Consistency with the Design Guide for the Zone.
- (2) Infrastructure connection to the Council's reticulated services, road access, and roading within the site.
- (3) Risk from natural hazards.
- (4) Means of avoiding conflicts within the development.

- (5) Landscaping of the site to control any adverse visual effects.
- (6) The objectives and policies of Chapter 7 of the Plan.
- (7) Financial contributions, bonds and covenants.

#### 17.7.2.5 Restricted Discretionary Activities (Community Activities)

C19 5/10  
Op 8/12

A community activity 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) Consistency with the Design Guide for the area.
- (2) Adequacy and appropriateness of servicing.
- (3) The extent to which the activity will result in loss of rural character and effects on productive and coastal character.
- (4) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (5) The scale of any building, structures and car parking compared to existing permitted development.
- (6) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site.
- (7) The duration of the consent and the timing of reviews of conditions.
- (8) Financial contributions, bonds and covenants.

#### 17.7.2.5A Restricted Discretionary Activities (Intensive Livestock Farming — Poultry Farming)

C60 1/16 &  
V2-C60 7/18  
Op 6/19

Any poultry body part or poultry offal processing and composting activity for or in connection with intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.7.2.1 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 Council has restricted its discretion:

- (1) Effects on amenity, including:
  - (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity.

**17.7.2.6 Discretionary Activities (Land Use)**C19 5/10  
Op 8/12

Any land use that does not comply with the conditions of rules 17.7.2.1 to 17.7.2.5 is a discretionary activity, if it complies with the following conditions:

- (a) Where relevant, the conditions in rule 18.6.4.1 affecting quarrying.
- (b) Where relevant, the conditions in rule 17.7.5.3 affecting the destruction or removal of indigenous forest.
- (c) Where a commercial, industrial or rural industrial activity gains access from a collector road, sub-collector road, local road or residential lane, the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic generated is directly associated with plant and animal production.

C60 1/16  
Op 6/19  
C69 6/19  
Op 6/20

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

**17.7.2.7 Non-Complying Activities (Land Use)**C60 1/16  
Op 6/19

Any activity in the Rural 3 Zone that does not comply with the conditions of rule 17.7.2.6 is a non-complying activity.

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

**17.7.3 Building Construction, Alteration, or Use**C60 1/16  
Op 6/19**17.7.3.1 Permitted Activities (Building Construction, Alteration, or Use)**

Construction, 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:

*[Condition (a) deleted]*

C19 5/10 Op 8/12

**Dwellings (including Sleepouts) and Workers' Accommodation**

- (b) Any building that is constructed is not:
  - (i) a dwelling or sleepout; or
  - (ii) part of any workers' accommodation; or
  - (iii) altered to become a dwelling or sleepout; or
  - (iv) used for the purpose of a dwelling or sleepout.
- (c) Any alteration of a dwelling complies with conditions (d) to (l) [building height, setbacks, location area, coverage and envelope].

C60 1/16 &  
V2-C60 7/18  
Op 6/19  
C73  
Op 6/23**Height**

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

**Setbacks**

- (f) The building is set back at least:

- (i) 10 metres from road boundaries and 5 metres from internal boundaries except: **C60 1/16  
Op 6/19**
- (a) where conditions (ga) and (gaa) apply and subject, in the case of artificial shelter, to condition 17.7.4.1(b); and
- (b) 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 the boundary, and not within the boundary, of any indicative road or indicative reserve, except for the following: **C73  
Op 6/23  
)**
- (a) 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; except that if the certificate pursuant to section 224 of the Resource Management Plan lapses, then this rule shall apply.
- (b) 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.
- (c) No building setback is required in the Pohara area between Richmond Road and Falconer Road.
- (g) Any building forming part or all of a rural selling place is set back at least 30 metres from the road boundary.
- (ga) Any habitable building is set back at least: **C60 1/16  
Op 6/19**
- (i) 30 metres from any internal boundary where that boundary is to the Rural 1 or Rural 2 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced; or
- (b) the site of the building was approved by subdivision consented on or before 30 January 2016, where the setback is 5 metres;
- (ii) 130 metres from any barn, shed or roofed 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. **C60 1/16 &  
V2-C60 7/18  
Op 6/19**
- (gaa) Any barn, shed, or roofed enclosure which houses poultry on an intensive livestock farm that is a poultry farm is setback at least 100 metres from any boundary of the site. **V2-C60 7/18  
Op 6/19**
- (gb) Dwellings are set back at least 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**
- (h) Buildings are set back at least 100 metres of a viewpoint shown on the planning maps.



- (i) On the parts of Records of Title 8B/1025 and 8B/1026, shown as areas “A” and “B” in the annotated area on the planning maps at Ruby Bay, buildings are set back at least 25 metres from the edge of the Ruby Bay Cliff, except that this rule does not apply where the building is a dwelling that complies with rule 17.5A.5, or where a reduction to no less than 15 metres is certified by an appropriately qualified and experienced engineering geologist or geotechnical engineer as not resulting in the building being subject to damage from any slope failure within its useful life.

#### **Building Location Area**

- (j) Where the site was created by a subdivision approved after 20 December 2003, all buildings are located within a building location area approved as part of a subdivision in terms of rule 16.3.7.3.

#### **Building Coverage**

- (k) The total area of all buildings on any site, excluding, artificial shelters and poultry sheds or enclosures, is: C60 1/16  
Op 6/19
- (i) not greater than 600 square metres for any site with a net area of 4,000 square metres or less; or
- (ii) either:
- (a) not greater than 600 square metres; or
- (b) 5 percent of the net site area (but not greater than 2,000 square metres)
- for any site with a net area greater than 4,000 square metres.

#### **Building Envelope**

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

### **17.7.3.2 Controlled Activities (Building Construction, Alteration, or Use)**

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.7.3.1 is a controlled activity, if it complies with the following conditions:

#### **Dwellings**

- (a) There is no more than one dwelling or building used for the purpose of a dwelling on a site, except as provided in condition (b), and except that on the parts of Records of Title 8B/1025, 8B/1026 and 11A/465 shown as areas “A”, “B” and “C” in the annotated area on the planning maps at Ruby Bay, there can be the following number of dwellings on separate sites, each of which is no less than 2500 square metres in area C60 1/16 &  
V2-C60 7/18  
Op 6/19

Area “A”: 3  
Area “B”: 6  
Area “C”: 2

and where the dwelling is to be located within an area approved as a building platform for a dwelling as part of the subdivision consent.

- (b) The dwelling contains no more than two self-contained housekeeping units, provided: C60 1/16  
Op 6/19
- (i) both are contained within the same building;
- (ii) one is clearly subsidiary;
- (iii) connecting rooms or passages have a continuous roof; and
- (iv) the walls are fully enclosed.

- (c) Only in relation to the construction of a dwelling or the use of a building for the purpose of 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:
- 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;
- 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 Fire and Emergency New Zealand and the Fire and Emergency New Zealand 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 Fire and Emergency New Zealand or the Waimea Fire and Emergency New Zealand's Principal Rural Fire Officer.
- Note 4:** The water supply provided for in this condition may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.
- (d) The dwelling has a rainwater collection system for any domestic use.
- (e) Any wastewater discharge complies with the permitted activity rules in chapter 36.1.
- (f) Any dwelling or habitable building is set back at least:
- (i) 30 metres from any internal boundary where that boundary is to a Rural 1 or Rural 2 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced; or
- (b) the site of the building was approved by subdivision consented on or before 30 January 2016, where the setback is 5 metres;

- (ii) 130 metres from any barn, shed or roofed 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. C60 1/16 & V2-C60 7/18 Op 6/19
- (fa) Dwellings are set back at least 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 conditions 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
- (g) The dwelling complies with condition (d) [Height] in rule 17.7.3.1.

**Workers' Accommodation**

- (h) All buildings which are part of workers' accommodation are relocatable.
- (i) The site of the workers' accommodation has a minimum area of 50 hectares in the Rural 3 Zone.

**Sleepout**

- (ia) There are no more than two sleepouts associated with any principal dwelling or second dwelling that is not a minor dwelling. C60 1/16 Op 6/19
- (j) The area of each sleepout is no more than 36 square metres.
- (k) The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling.

**General**

- (l) The building complies with conditions (e) to (l) [Height in relation to ridgelines, building setbacks, building location area, building envelope and building coverage] in rule 17.7.3.1.
- (m) The maximum height of the building is 12.5 metres.

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

- (1) The location of the building on the site and the effects on the opportunity to utilise land with productive value.
- (2) Consistency with the 'Coastal Tasman Area Subdivision and Development Design Guide' (Part II, Appendix 3). C6 7/07 Op 10/10
- (3) Effects of access and traffic safety.
- (4) For workers' accommodation, effects relating to any on-site servicing.
- (5) Effects on the amenity values of the area, including landscaping and the colour, materials and surface treatment of buildings and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (5A) The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated. C60 1/16 Op 6/19

- (5B) 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. C60 1/16  
Op 6/19
- (6) Exposure of the building to road traffic noise, including from State Highway 60, and measures to mitigate such exposure.
- (7) Effects of any proposed outdoor storage of goods, machinery or produce.
- (8) 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.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Bonds, covenants and financial contributions in addition to those specified in standards.

### **17.7.3.3 Restricted Discretionary Activities (Building Construction, Alteration, or Use)**

C60 1/16  
Op 6/19

Construction, alteration, or use of a building that does not comply with the conditions of rule 17.7.3.2 is a restricted discretionary activity, if it complies with the following conditions:

#### **Dwellings**

- (a) No more than two dwellings or buildings used for the purpose of dwellings are placed on a site, except that no more than one dwelling or building used for the purpose of a dwelling is placed on Record of Title 8B/1025 within Area “D” of the Ruby Bay planning map. C60 1/16 &  
V2-C60 7/18  
Op 6/19

#### **Services**

- (b) The dwelling complies with conditions 17.7.3.2(c), (d) and (e) (servicing).

#### **All Buildings**

- (c) The building complies with rule 17.7.3.1(j).

#### **General**

- (d) If an adjoining property has 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: C60 1/16  
Op 6/19
- (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.
- (e) Dwellings are set back at least 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 conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).

**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 location of the building on the site and the effects on the opportunity to utilise land with productive value.
- (2) Consistency with the ‘Coastal Tasman Area Subdivision and Development Design Guide’ (Part II, Appendix 3). C7 7/07  
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- (3) Location and effects of on-site servicing, including wastewater services, access and traffic safety.
- (4) For workers’ accommodation, effects relating to any on-site servicing.
- (5) Effects on the amenity values and the coastal and rural character of the area and the potential impact for existing productive activities to be adversely affected by complaints from new residential activities arising from adverse cross-boundary effects.
- (6) Exposure of the building to road traffic noise, including from State Highway 60, and measures to mitigate such exposure.
- (7) Effects of any proposed outdoor storage of goods, machinery or produce.
- (8) The adverse environmental effects of a higher building, including visibility on a ridgeline.
- (9) The circumstances leading to, or need for, an increase in height.
- (10) The potential for shading across property boundaries, including onto roads, from the building or any associated planting or screening structure.
- (11) The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.
- (12) The adverse environmental effects of a building with reduced setbacks.
- (13) The influence of topography on shading.
- (14) The effects of natural hazards and site contamination.
- (15) The nature of adjoining uses, buildings and structures, and all adverse effects of closer development on these.
- (16) The potential for cross-boundary conflicts arising from drift of pesticides across the boundary.
- (17) The extent to which the proposed building would detract from the openness and rural character of the locality.
- (18) The extent to which the building would be compatible with existing development in the vicinity.
- (19) The potential for landscaping to maintain privacy for neighbours.
- (20) The visual impact and appropriateness of colour and materials for buildings and structures.
- (21) The degree to which views are obscured.

**17.7.4.1 Permitted Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)**

- (22) Any effects on natural character of water bodies and the coast.
- (23) Any effects on indigenous vegetation and habitats of indigenous fauna.
- (24) Any effects on areas of predominantly natural, coastal and rural landscape.
- (25) Any effects on ridgelines and hilltops.
- (26) For buildings and structures in or near rivers, lakes and wetlands, effects on the natural functioning of the water body, including habitat values and natural hazards.
- (27) Any contribution of more than one dwelling on a site to cumulative adverse effects.
- (27A) Alternatives for fire risk management. C34 3/12 Op 4/13 |
- (28) Bonds, covenants and financial contributions in addition to those specified in standards.

**17.7.4 Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts****17.7.4.1 Permitted Activities (Plantation Forests, Horticultural Plantings, Spray Belts and Shelter Belts)**

**NOTE:** Rule 17.7.4.1 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.

Planting of plantation forests, horticultural plantings, spray belts and shelter belts, and the construction of artificial shelter is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

**Plantation Forest Setbacks**

- (a) Plantation forests are set back at least:
  - (i) 50 metres from a Residential Zone boundary;
  - (ii) 30 metres from a dwelling;
  - (iii) 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; and
    - (b) this setback need not apply where there is a written agreement between adjoining property owners that is lodged with Council.
  - (iv) 10 metres from the intersection of any formed legal road;
  - (v) 10 metres from the bed of any river or stream greater than 3 metres average bed width;
  - (vi) 10 metres from the bed of any lake;
  - (vii) 50 metres from the coastal marine area.

**Advice Note:** Clause (a)(vii) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).

**Spray and Shelter Belt and Artificial Shelter Setbacks**

- (b) Spray belts, shelter belts and artificial shelter are set back at least:
  - (i) 3 metres from property boundaries;
  - (ii) 10 metres from the intersection of any formed legal road.

**Horticultural Planting Setbacks**

- (c) Horticultural plantings are set back at least:
  - (i) 10 metres from the intersection of any formed legal road;
  - (ii) 3 metres from property boundaries.
- (d) 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 (i) above, where a spray belt is established along the boundary common to the horticultural plantings and the buildings or grounds.

**Trees and Shelter near Roads**

- (e) Trees are not planted or allowed to grow, and artificial shelter is not constructed, in a position which could result in any icing of roads being prolonged by shading of the road between 10.00 am and 2.00 pm on the shortest day.

**Height**

- (f) The maximum height of horticultural plantings, spray belts or shelter belts growing within 20 metres of a boundary is 6 metres.
- (g) The maximum height of artificial shelter is 6 metres.
- (h) The height of horticultural plantings, spray belts or shelter belts does not exceed the horizontal distance between the shelter or horticultural plantings and the nearest dwelling.

**Maintenance of Horticultural Plantings and Shelter Belts**

- (i) Spray belts or shelter belts and horticultural plantings are maintained by the owner so that no vegetation extends over property boundaries or roads.
- (j) Prunings are removed or otherwise disposed of by the tree owners when they fall on other properties, with the permission of the owners of the other properties.
- (k) Root pruning of horticultural plantings, shelter or spray belt trees along a property boundary is carried out by the owner of trees at least once every five years, or at a lesser frequency agreed between adjoining landowners.

**17.7.4.2 Restricted Discretionary Activities (Plantation Forests, Horticultural Plantings, and Spray and Shelter Belts)**

Planting of plantation forests, trees, horticultural plantings, spray belts and shelter belts and the construction of artificial shelter that does not comply with the conditions of rule 17.7.4.1 is a restricted discretionary activity.

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

- (1) The adverse effects of shading on adjoining properties.
- (2) The actual or potential fire risk.
- (3) The actual or potential adverse effects on the open space or amenity values of the area.
- (4) The actual or potential adverse effects of pesticide drift across property boundaries.
- (5) The potential for exotic wildling spread to significant indigenous vegetation or habitat.
- (6) The adverse effects of tree planting or construction of artificial shelter on visibility at road intersections and property accesses or icing on roads.
- (7) The influence of topography on shading.
- (8) The nature of adjoining uses and adverse effects of higher trees or shelter.
- (9) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (10) Bonds, covenants and financial contributions in addition to those specified in the standards.

## 17.7.5 Destruction or Removal of Indigenous Vegetation and Forest

### 17.7.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation)

**NOTE:** Rule 17.7.5.1 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.

The destruction or removal of indigenous vegetation (excluding indigenous forest) is a permitted activity, if it complies with the following conditions:

- (a) The site is not a naturally occurring wetland.
- (b) The site does not include any of the following:
  - (i) indigenous dune vegetation;
  - (ii) salt herb fields;
  - (iii) woody indigenous vegetation in the Coastal Environment Area.
  - (iv) indigenous vegetation on any area of karst that contains an area of fissured or fluted rock outcrops, a cliff face or any talus slope;
  - (v) indigenous vegetation containing small-leaved coprosma shrubs (*Coprosma propinqua* or *Coprosma rigida*) or small-leaved shrub daisy (*Olearia virgata*) on any lowland alluvial site (up to 600 metres above sea level) in the Buller catchment; between 600 and 1200 metres above sea level in the Takaka catchment (including the Cobb); and up to 950 metres in the Canaan Downs/Pikikirunga area.

**Advice Note:** Clauses (b) (i), (ii), (iii), (iv), (v) prevail over NES-PF regulation 93 because they are more stringent under regulations 6(1)(b) NZCPS and 6(3)(b) Karst.



### 17.7.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)

The destruction or removal of indigenous vegetation that does not comply with the conditions of rule 17.7.5.1 is a discretionary activity:

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

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

**NOTE:** Rule 17.7.5.3 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 is a permitted activity if it complies with the following conditions:

- (a) The site is outside the Coastal Environment Area.

EITHER

- (b) The area of indigenous forest to be destroyed or removed is less than 0.2 hectare (2000 square metres) per site over a three-year period.

OR

- (c) The area is subject to a sustainable forest management plan, permit, or personal use approval under Part 3A of the Forests Act 1949, approved as at 31 March 2007.

OR

- (d) The area is subject to a sustainable forest management plan, permit or personal use approval either required or approved under Part 3A of the Forests Act 1949 after 31 March 2007 that is not:

- (i) on a lowland alluvial site; or  
(ii) on karst;

and a copy of the approved plan, permit, or personal use approval has been lodged with Council.

### 17.7.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)

The destruction or removal of indigenous forest that does not comply with the conditions for a permitted activity is a controlled activity, if it complies with the following conditions:

- (a) The area of indigenous forest destroyed or removed is greater than 0.2 hectare and less than 1 hectare per site over a three-year period.
- (b) The forest is not on a lowland alluvial site.
- (c) The site is outside the Coastal Environment Area.
- (d) The activity is not subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949.

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

- (1) Species to be removed and volume.

- (2) Replanting.
- (3) Extraction techniques.
- (4) Mitigation of effects.

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

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.7.5.4 is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity is subject to a sustainable forest management plan or permit either required or approved under Part 3A of the Forests Act 1949 and a copy of the approved plan or permit has been lodged with Council.

**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 significance of the indigenous forest affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological, scientific, recreational, tourist and landscape values, and natural features of the area.
- (2) The extent to which any retention of the forest is necessary to prevent instability, flooding, or erosion of land and to maintain water quality.
- (3) Effects on archaeological, cultural and historic sites within the application area.
- (4) The extent to which the proposal provides for regeneration or modification of indigenous forest or sustainable management of the indigenous forest resource.
- (5) The extent of the reduction of the indigenous forest associations in the District should the application proceed, and the impact on the sustainability of that indigenous forest association.
- (6) The extent to which the adverse effects of the activity can be mitigated (for example, revegetation, covenanting, fencing, pest and weed management).
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

#### **17.7.20 Principal Reasons for Rules**

##### **Noise**

The rural environment is a working environment where noise is generated as part of many rural activities. Rules limit noise problems arising from continuous sources and from residential sources within the zone, but greater freedom is given to the types of noise that arise in normal day-to-day rural activities. For these types of noise, methods other than rules such as codes of practice and the best practicable option approach, will be applied as appropriate.

##### **Building Height**

The height of buildings in rural areas is regulated to preserve visual amenities and, coupled with setback and building envelope requirements, to avoid shading across boundaries.

##### **Setbacks**

Setbacks from roads promote road safety and help maintain rural open space. They also separate dwellings from the adverse effects of road use, such as dust, noise and vibration. Separation between buildings on

adjoining sites maintains open space and privacy and minimises shading of neighbouring properties. Separation between dwellings and existing horticultural plantings helps to reduce reverse sensitivity from cross-boundary effects.

The setbacks for dwellings for quarry areas and activities ensures that the potential adverse effects of present and future quarries on nearby dwellings are avoided, remedied or mitigated, and that any potential reverse sensitivity (for example, where future residents may try to limit quarry activities) is addressed.

### **Building Setback from Rivers**

The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips. Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.

### **Setback of Buildings from Lake Margins and Other Zone Boundaries**

The setback of buildings from the margins of natural occurring lakes and large impounded lakes, and from the boundary with Open Space, Recreation and Conservation zones provides for open space to retain natural character and possible public access or recreational use through esplanade reserves or strips. The setbacks also help reduce possible conflict between lake use and adjacent residential or other uses of buildings.

### **Indicative Roads and Reserves**

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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.

### **Shading Caused by Buildings and Trees**

Shading caused by buildings is a problem over winter, with buildings casting long shadows to the southwest, south and southeast. The setback from southern boundaries, coupled with the height restrictions, is based on a sun path for June, and avoids shading of neighbouring dwellings between 10.00 am to 3.00 pm.

Trees, located alongside roads can cause shading of roads in winter with consequent problems with icing of the road surface and obvious traffic hazards and road maintenance effects. New shading problems can be avoided by ensuring that new plantings are not located in positions which would impede the access of sunlight to road surfaces in the middle of the day in winter.

Trees can also cause shading problems on neighbouring properties, particularly on dwellings and horticultural crops. Setback and height restrictions reflect the difference in intensity of adverse effects caused by different trees.

### **Live Shelter and Horticultural Plantings**

These rules mitigate shading and crop competition effects and also provide access for tree maintenance, including both root and branch pruning, on the owner's property. The setbacks allow for pruning to be undertaken from the property and avoid traffic hazards.

## Fire Hazard

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and plantation forests help to contain a fire in proximity to an isolated rural building. A setback of 50 metres from Residential Zone boundaries is required because of the potentially greater risks in the higher density built-up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

## Building and Planting Near Viewpoints

Some viewpoints in rural areas have been identified as amenities of value to the community. It is usually possible to re-site buildings, structures and plantings so that views are not compromised.

## Pesticide Discharges

The setback and spray belt requirements will avoid or mitigate adverse effects arising from the drift of pesticides across property boundaries.

## Land Fragmentation

The construction of buildings, especially dwellings, has been recognised as a contributing factor to fragmentation of land which limits the productive values, including versatility of land. The rules relating to land use, including those for buildings and location, are to control the adverse effects of land fragmentation on the productive values of the land, as well as on coastal and rural character and amenity values.

In the Rural 3 Zone, the accommodation of additional residential development has been identified as desirable, provided that the productive values of the land are safeguarded; that the subdivision and subsequent development does not adversely affect the qualities and values of the coastal and rural landscape; that the development is adequately serviced; and that cumulative adverse effects are avoided or mitigated to appropriate levels. These aspects are primarily assessed through the subdivision process, but part of the assessment includes the effects of the developed sites. The rules provide for control over the location of buildings within a site at the time of subdivision consent, and an additional assessment of dwellings as controlled or discretionary activities. Consent applications for dwellings may be assessed and issued at the same time as for the subdivision. The 'Coastal Tasman Area Subdivision and Development Design Guide' will assist developers in identifying successful subdivision concepts and Council officers in determining appropriate conditions of consent.

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Small subsidiary units that are dependent on the main dwelling are permitted, whereas consent is required for additional dwellings because of their propensity to contribute to land fragmentation. Cooking facilities are not allowed in these subsidiary units as they can encourage separation and independence from the main dwelling.

## Destruction or Removal of Indigenous Forest and Vegetation

Indigenous forest and other indigenous vegetation has intrinsic ecological and biodiversity value. It also adds to the visual character of the District. While much of the upland vegetation of the District is protected in the extensive conservation estate, the lowland forest remnants and coastal vegetation is less well protected and has been identified in Chapter 10 as a priority for protection. Specific locations where there are distinctive indigenous vegetation associations, with some threatened species, are protected. These include indigenous vegetation on largely rocky surfaces of karst formed on limestone, marble, dolomite or magnesite, and frost flat shrublands. Frost flat shrublands containing small-leaved species of *Coprosma* and *Olearia* is indigenous vegetation in locations along inland valley floors in the Buller or at higher altitudes elsewhere where frequent heavy frosts limit larger woody species. Some frost flat species are nationally threatened. The Forests Act 1949 provides for the management and some protection of indigenous forest. The rules are interim and may be changed when further studies have been done to identify significant natural areas.

### **Home Occupations**

Rural areas are appropriate for small-scale industrial and commercial activities, which can provide employment opportunities for site occupants and a limited number of employees, with minimal adverse impact on the environment. The rules ensure that permitted activity home occupations can be managed in a way that limits potential adverse effects. As the Rural 3 Zone has a range of lots sizes, different controls are applied to smaller lots to safeguard amenity.

### **Quarrying**

The Rural 3 Zone is, in places, closely subdivided and closely settled, and are often used for intensive productive rural activity, and much of the land resource has high actual and potential productive and versatile qualities for present and future generations. Quarry activities have a range of potential adverse effects. In the context of the zones, the effects of new quarries and quarry expansion activities need to be evaluated on a case-by-case basis as a discretionary activity.

### **Papakainga Development**

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a degree of self-management of communally-owned Maori land. The flexible style of development provided for is specifically targeted to meet the needs of land held in multiple ownership.

### **Community Activities**

These activities can have significant adverse effects in a rural environment because of scale and intensity of use. Their discretionary status provides for evaluation of effects on a case-by-case basis.

### **Reticulated Services**

The Rural 3 Zone is intended to be fully serviced with Council-provided infrastructure on a staged programmed basis to avoid, mitigate and, in some circumstances, remedy adverse effects. In the period that reticulated services provided by Council are not available, the rules require that buildings are serviced adequately.

### **Wastewater Management**

The requirements of the wastewater discharge rules will be considered as part of the land use activity to enable a consistent and integrated approach to management of land use effects as well as management of effects of discharges.

The Council will require attention to be paid to site constraints for on-site treatment at the time applications for building consents are received and will consider requirements for discharge permits to be sought at the same time as building consents to ensure house design, location and wastewater provision will be integrated.

### **Water Supply**

Where water reticulation is available, new dwellings will be expected to connect to the service. In Rural and Rural Residential zones, except in locations where a high pressure reticulation is present, new dwellings are required to have access to sufficient stored water for fire protection or install a home sprinkler system for the purpose of fire protection and to install water collection and storage systems to ensure that a minimum potable water supply is available. The potential for adverse landscape and amenity effects of water storage tanks, especially on small sections is acknowledged, however an efficient fire risk management solution can also be provided by home sprinkler systems. Water supplies may include ponds, lakes or rivers with sufficient storage or flow that are not on the same site as the dwelling but are within the required distances.

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### Sleepouts

The number of sleepouts able to be constructed as a controlled activity on any given property is two sleepouts per principal dwelling or 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.

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