

17.8 RURAL RESIDENTIAL 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.
Refer to Rule sections 16.11

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.

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

17.8.2 Land Use**17.8.2.1 Permitted Activities (Land Use - General)**

C19 5/10
Op 8/12

NOTE: Rule 17.8.2.1 is subject to the regulations of the National Environmental Standards Plantation Forests 2017 (NES-PF). The NES-PF regulations for activities in relation to plantation forestry (as defined within the NES-PF) prevail unless specifically stated otherwise in advice notes below.

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

- (a) The 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; C19 5/10
Op 8/12
 - (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 two heavy vehicles with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with temporary construction, maintenance or demolition work) that are being used for or in connection with any commercial, industrial, rural industrial or home occupation activity. C60 1/16 &
V2-C60 7/18
Op 6/19
 - (vii) cooperative living. C73
Op 6/23

Air Emissions – Dust and Odour

- (b) There shall be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect within any site in the Residential Zone. C68 7/18
Op 6/19

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.
- Advice Note:** Clause (g)(vi) prevails over NES-PF regulations 14(3)(b) and 78(2)(c) because it is more stringent under regulation 6(1)(b).
- (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 (g) to (l) in rule 17.6.4.1.

Quarry Setback

- (j) A residential activity is 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

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 plant and animal production activity, including noise from: C14 5/09
Op 8/12

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

Advice Note: Clause (k)(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

- (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 (l) 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.

StormwaterC7 7/07
Op 10/10

- (p) 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.

C60 1/16
Op 6/19

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.

C20 8/10
Op 8/12**17.8.2.2 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:

Activities

- (a) The activity is not spray painting, motor vehicle repairs or dismantling, fibre-glassing, sheet-metal working, bottle or scrap storage, rubbish collection, motor-body building, or fish or meat processing.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles is carried out within a building.
- (c) Any goods, materials or equipment stored outside a building are visually screened from public roads and adjacent sites.
- (d) Boarding of domestic animals is limited to not more than six cats or four dogs at any time.
- (e) Retailing is permitted in accordance with the rural selling place provisions in rule 17.8.2.1 and is in accordance with the definition of ‘rural selling place’.

Hours

- (f) Except for visitor accommodation, where such restrictions do not apply, the home occupation is conducted at any time provided that there are no visitors, clients or deliveries outside the hours of 8.00 am to 6.00 pm.

Location

- (g) 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 the site;
- (ii) there are no visitors, clients or deliveries to the site.

Employment and AreaC22 2/11
Op 1/15

- (h) 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.

Amenities

- (i) The permitted activity conditions for dust, odour, and noise set out in 17.8.2.1(b) and (k).

Visitor Accommodation

- (j) Any home occupation that is visitor accommodation takes place in a dwelling which either existed on 25 May 1996, or is otherwise permitted by the Plan or by a resource consent.
- (k) The maximum number of visitors accommodated per site at any time is four.

17.8.2.3 Restricted Discretionary Activities (Home Occupations)

C19 5/10
Op 8/12

A home occupation that does not comply with the conditions of rule 17.8.2.2 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 Residential Character

- (1) The extent to which the activity will result in the loss of rural residential character on the site and in the vicinity of the site.
- (2) The extent to which the activities on the site remain predominantly residential and rural.
- (3) The extent to which the character of the site and the surrounding area will remain dominated by open space or vegetation rather than by buildings and areas of hard surfacing.
- (4) The extent to which any proposed outdoor activities will detract from the pleasantness, coherence and attractiveness of the site as viewed from adjoining roads and sites.
- (5) Adverse effects of the outdoor activity on the outlook of people on adjoining sites, including the loss of residential or rural character.
- (6) The extent to which the outdoor activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (7) The ability to mitigate any adverse effects of the outdoor activity on adjoining roads and sites, including the ability to screen activities from adjoining roads and sites.

General Adverse Effects

- (8) 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.
- (9) Any effects of any outdoor storage of materials or equipment associated with the home occupation.
- (10) Any effects relating to natural or technological hazards.

Miscellaneous

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

17.8.2.4 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) Appropriate access from adjoining roads and within the site.
- (2) Methods of wastewater and stormwater disposal and provision of a reliable potable water supply.
- (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.

17.8.2.5 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) The extent to which the activity will result in loss of rural character.
- (2) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (3) The scale of any building, structures and car parking compared to existing permitted development.
- (4) 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.
- (5) The duration of the consent and the timing of reviews of conditions.
- (6) Financial contributions, bonds and covenants in respect of the performance of conditions.

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

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

C60 1/16
Op 6/19

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

C60 1/16 Op 6/19

A resource consent is required and may include conditions.

17.8.2.6A Discretionary Activities (Cooperative Living)C60 1/16
Op 6/19*Items (a & b) deleted as part of Plan Change 73*C60 1/16
Op 6/19
C73
Op 6/23

Cooperative living is a discretionary activity

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

Item (i) to be amended as follows

- (1) The extent to which the proposed legal arrangement establishes, in an enduring manner:
 - (a) the purpose or intent of the cooperative living activity;
 - (b) how it will be managed now and in the future; and
 - (c) how the individual members will be bound by this arrangement.
- (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.

C60 1/16
Op 6/19**17.8.2.7 Non-Complying Activities (Land Use)**V2-C60 7/18
Op 6/19

Any activity in the Rural Residential Zone that does not comply with the conditions of rule 17.8.2.6 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.

17.8.3 Building Construction, Alteration, or UseC60 1/16
Op 6/19**17.8.3.1 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:

Dwellings

- (a) There is no more than one dwelling or building used for the purpose of a dwelling on a site.
- (b) The dwelling contains no more than two self-contained housekeeping units, provided:
 - (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;
 except that this condition does not apply in the Milnthorpe Rural Residential Zone.

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

Sleepouts

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| (ba) | 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 |
| (c) | The gross floor area of each sleepout is no more than 36 square metres. | C60 1/16
Op 6/19 |
| (d) | The location of each sleepout is within 20 metres of any dwelling, including any minor dwelling on the site. | C73
Op 6/23 |
| (da) | The sleepout is not part of a cooperative living activity. | C73
Op 6/23 |

Height

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

Setbacks

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| (g) | 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 condition (h)(i) applies and subject, in the case of artificial shelter, to condition 17.8.2.1(f); 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 internal boundaries in the case of buildings housing livestock; | |
| (vii) | 32 metres from the centreline of any electricity transmission line in Mangles Valley, Murchison, and in the Richmond East Development Area (notwithstanding condition (g)(i)) as shown on the planning maps). | C20 8/10
Op 8/12
C77 9/22
Op 10/23 |
| (viii) | 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. | |

- (h) Any dwellings or habitable building is set back at least: C60 1/16 &
V2-C60 7/18
Op 6/19
- (i) 30 metres from an internal boundary where that boundary is to the Rural 1, Rural 2 or Rural 3 Zone, except where:
- (a) the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced;
- (b) the site of the building was approved by subdivision 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.
- (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. C22 2/11
Op 1/15

Building Coverage

- (k) The total area of all buildings on the site, excluding greenhouses, does not exceed 20 percent of the net site area or 600 square metres per site, whichever is the smaller. C60 1/16
Op 6/19

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 for the purpose of a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply: C19 5/10
Op 8/12
C34 3/12
Op 4/13
C60 1/16 &
V2-C60 7/18
Op 6/19
- 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 C19 5/10
Op 8/12
- (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: C34 3/12
Op 4/13
- 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. C60 1/16
Op 6/19

Item (n) deleted as part of Plan Change 73

C73
Op 6/23

- (o) Dwellings are set back at least 500 metres from any boundary of an existing 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).
- (p) Except in the Mapua and Waimea Rural Residential zones, there is adequate area on site for effluent disposal for each dwelling.

Stormwater

C7 7/07
Op 10/10

- (q) 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. C60 1/16
Op 6/19

Note: Stormwater discharge provisions within Section 36.4 of the Plan will also apply. C60 1/16
Op 6/19

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

C60 1/16
Op 6/19

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.

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 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 plant and animal production.
- (6) Low impact building design.
- (7) The on-site management of stormwater in accordance with Low Impact Design solutions.
- (8) 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, 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 17.8.3.1 or rule 17.8.3.1A is a restricted discretionary activity, if it complies with the following conditions:

- (a) Except as provided for in condition (a) of rule 17.8.3.1A, there are no more than two dwellings or buildings used for the purpose of dwellings on a site.

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

Setbacks

C60 1/16 Op 6/19

- (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.

C20 8/10
Op 8/12

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.

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| (d) | The building is within the Ruby Bay ridgeline setback but a favourable geotechnical report has been provided. | C22 2/11
Op 1/15 |
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General

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| (e) | 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. | C60 1/16
Op 6/19 |
| (f) | 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. | C7 7/07
Op 10/10
C60 1/16
Op 6/19
C60 1/16
Op 6/19 |
| | 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:

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| (1) | Matters of control (1) – (11) in rule 17.8.3.1A. | C60 1/16
Op 6/19 |
| (2) | Effects of a building with reduced setbacks. | |
| (3) | Additional matters for buildings at Alpine Meadows: building design, appearance, and site layout. | |
| (4) | Additional matters for second dwellings: whether the dwelling is proposed to be relocatable; whether the dwelling will be removed once its purpose ceases. | |
| (5) | In the Mangles Valley, Murchison and in 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
Op 8/12
C77 9/22
Op 10/23 |
| (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. | |
| (6) | Alternatives for fire risk management. | C34 3/12 Op 4/13 |

17.8.3.3	Non-Complying Activities (Building Construction, Alteration, or Use)	C20 8/10 Op 8/12
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Construction, alteration, or use of a building that does not comply with condition (c) of rule 17.8.3.2 is a non-complying activity.

C60 1/16
Op 6/19

17.8.5 Destruction or Removal of Indigenous Vegetation and Forest**17.8.5.1 Permitted Activities (Destruction or Removal of Indigenous Vegetation)** [17.6.7A Proposed]

NOTE: Rule 17.8.5.1 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;

Proposed as at 1 November 2008

- (b) (iii) woody indigenous vegetation in the Coastal Environment Area;
- [(c) Proposed]

C3 12/03

- (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.

17.8.5.2 Discretionary Activities (Destruction or Removal of Indigenous Vegetation)

The destruction or removal of indigenous vegetation that does not comply with the conditions of rule 17.8.5.1 is a discretionary activity.

A resource consent is required and may include conditions.

17.8.5.3 Permitted Activities (Destruction or Removal of Indigenous Forest) [17.6.8 Proposed]

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

Proposed as at 1 November 2008

- (a) The site is outside the Coastal Environment Area. [(aa) Proposed]

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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.

17.8.5.4 Controlled Activities (Destruction or Removal of Indigenous Forest)

The destruction or removal of indigenous forest that does not comply with the conditions of rule 17.8.5.3 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.

17.8.5.5 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 17.8.5.4 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).

17.8.20 Principal Reasons for Rules**Noise**

These standards are designed to reflect the current noise climate in the District and community expectations. The noise standards stated are designed to achieve a moderate level of protection from noise, in the respective locations. This approach to sound level rules provides certainty for any activity either already established in a zone, or intending to establish. On the margins of any zone, the noise standards in any adjoining zone will need to be taken into account, in order to determine the likely noise level that could be generated in an adjoining zone.

Dwelling Setbacks

The setbacks for dwellings from quarry 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 Setbacks from Boundaries, Roads, Lakes, Ridgelines, etc.

Setbacks from roads enhance the visual difference between urban dwellings and rural residential dwellings, and helps to maintain rural character and reduce the adverse effects of roads, such as dust and noise. The setback from lakes and reserves is sought to maintain openness and unbuiltness and for domestic livestock buildings to minimise noise, smell and visual effects across boundaries.

Buildings are required to be set back from the top and bottom of the ridge at Ruby Bay to avoid falling debris and adverse visual effects. They are not necessarily prevented but should be justified both geotechnically and on visual amenity grounds.

C22 2/11
Op 1/15**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.

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 (where future residents may try to limit quarry activities), are addressed.

Indicative Roads and ReservesC73
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.

Height

Buildings on significant ridgelines provide an inappropriate visual focus. However, there are many ridgelines in the District and only the most prominent are identified as requiring special controls.

Building Coverage

The Rural Residential Zones are areas which are primarily intended for residential purposes but where site sizes are large enough to provide for a range of rural activities, and also to retain the rural character of the zone, with a significant part of each site being maintained as open space.

Pesticide Discharges

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

Fire Hazard

Fire hazard controls are applied to all rural buildings, not just dwellings. A 30-metre separation distance between buildings and tree crops will 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 build up areas. The rule reflects the firebreak recommendations for exotic forestry in the Waimea Rural Fire Control Policy.

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 are protected where distinctive indigenous vegetation associations, with some threatened species, are present. 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 Amendment Act Part 3A 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 Residential 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.

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.

Second Dwellings

Second dwellings can alter the character of existing zones and reduce the amenity level. They can also result in pressure for subdivision, especially where the second dwelling is permanent.