

KEY TO ANNOTATED CHANGES:

Text – operative

Text and ~~Text~~ – proposed PC60 amendments as notified

Text and ~~Text~~ – proposed PC60 amendments as per interim decisions

Text – rejection of proposed text amendment; retention of operative

Text and ~~Text~~ – proposed PC60 further amendments as per final decisions

17.5 RURAL 1 ZONE RULES

Refer to Policy sets 5.1, 5.2, 5.3, 5.5, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.1, 9.2, 9.3, 11.1, 11.2, 13.1, 14.4.

17.5.1 Scope of Section

This section deals with land uses in the Rural 1 Zone, including the Rural 1 Closed and Rural 1 Coastal zones. Subdivisions are dealt with in Chapter 16.3. Information required with resource consent applications is detailed in Chapter 19.

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Op 1/15

17.5.2 Land Use

17.5.2.1 Permitted Activities (Land Use - General)

C19 5/10
Op 8/12

Any land use 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:
- (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;
 - (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 activity; C10 10/07
Op 3/14
 - (vii) a community activity, except on Part Section 217 Waimea East District (NMIT), where the permitted activity is education, training and research;
 - (viii) tourist accommodation;
 - (ix) ~~co-operative living; more than one residential activity per site, including where the activity is in a building that is a dwelling in existence on the site before 25 May 1996;~~
 - ~~(x) conversion and use of an existing building for a dwelling~~
 - (xi) a papakainga development;
 - (xii) on Lot 1 DP 20183, Lot 1 & 2 DP 435942, Lot 3 DP 435942, Lot 4 DP 435942, Lot 2 DP 4875, and Lot 3 DP 4875 (Hope Depot); C19 5/10 Op 8/12
C50 4/13 Op 8/14
 - (xiii) a home occupation, except as allowed by rule 17.5.2.2. C19 5/10 Op 8/12

~~(xiv) the maintenance, repair, storing, or parking of more than one heavy vehicles (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more (except those heavy vehicles that are directly associated with plant and animal production), that ~~is~~ are being used for or in connection with any commercial, industrial or rural industrial activity.~~

Except that on CT 3C/906 (Part Section 190 and 192, Waimea East District) at Appleby, the following activities are permitted to the extent set out:

- (i) A building and engineering contractor’s yard, operated by the resident occupier of the site, including storage and maintenance of the occupier’s equipment. (ii) Log, post and sawn timber production, including splitting, drying and storage of timber and the construction and repair of pallets and bins used in the horticulture industry.
- (iii) ~~One residential activity. The use of one dwelling.~~

Air Emissions – Dust and Odour

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

Noise

(c) Except in the Richmond West Development Area, 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: C10 10/07
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	Day	Night	
L _{eq}	55 dBA	40 dBA	C19 5/10 Op 8/12
L _{max}		70 dBA	

Except as required by condition (ea), 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
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- (i) mobile horticultural and agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times, plus public holidays.

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

Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics - Environmental Noise*. C19 5/10
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(d) In the Richmond West Development Area noise generated by the activity when measured at or within the notional boundary of any dwelling in a Rural 1 Zone (other than any dwelling on the site from which the noise is being generated), Rural Industrial, Light Industrial, Mixed Business, or at or within the boundary of any site within a Residential Zone, does not exceed: C10 10/07
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C14 5/09
Op 8/12

	Day	Night
L _{eq}	55 dBA	40 dBA
L _{max}		70 dBA

Except as required by condition (ea), this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) mobile horticultural or agricultural equipment;
- (ii) forest and tree harvesting activities;
- (iii) animals, except when associated with intensive livestock farming and animal boarding activities;
- (iv) bird scarers and hail cannons.

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times plus public holidays.

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*.

Frost Protection Devices

C14 5/09
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- (e) 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_{eq} 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*.

- (f) 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.
- (g) Any new residential activity that is sited within 300 metres of any frost protection device that is likely to exceed the noise limit in (e) above, 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.
- (h) 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

- (i) The setbacks in condition 17.5.3.1(h)(i) to (iv) are complied with.
- (j) Condition 18.5.3.3(a) is complied with.

Planting Near Viewpoints

- (k) 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.

Amenity Plantings

C10 10/07
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- (l) In the Richmond West Development Area, all amenity plantings located within or 20 metres from the centreline of the electricity transmission lines as shown on the planning maps are designed to ensure:
 - (i) access to support structures is retained; and
 - (ii) the mature height of the vegetation maintains at least a 4-metre vertical and an 8-metre horizontal separation from all conductors.

Intensive ~~Pig Livestock~~ Farming

- (m) 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 Zone 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.
- (n) ~~Intensive livestock farming which is poultry farming, including animal poultry body part and poultry offal processing and composting, is set back at least 300–170 metres from any boundary of the site.~~

Temporary Activities

- ~~(p) The activity is a temporary activity, which meets the following conditions:
 - (i) the activity occurs for not more than five days within any 12month period;
 - (ii) conditions (c) and (d) (noise) can be met except where conditions (q) or (r) apply;
 - (iii) any temporary building or structure that is used is removed at the end of the activity.~~
- ~~(q) Noise resulting from a temporary activity that is construction, maintenance, or demolition work meets the noise limits provided for in NZS6803:1999 Acoustics – Construction Noise.~~
- ~~(r) The activity is an event:
 - (i) that is advertised for general public admission; and
 - (ii) for any one site, the noise limits are not exceeded for more than two consecutive days within any 12month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm~~
- (o) An event which is advertised for public admission meets the following conditions:

- (i) for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm;
- (ii) any temporary building or structure that is used is removed at the end of the event
- (iii) where the event is located in the high fire risk area as shown on the planning maps and occurs between 1 October to 30 April, a fire preparedness plan is provided to the Waimea Rural Fire Authority for management under the Forest and Rural Fire Act 1977 and to adjacent landowners 14 days before the activity commences, which provides sufficient detail to satisfy the purposes for which it is required and includes:
 - (a) the location, time and duration of the event and the number of people expected to attend the event;
 - (b) risk reduction measures including: briefing information for participants; management of spark hazardous activities (including smoking, lighting of fires and barbeques); length and dryness of grass; and a cancellation procedure for the event if the Build Up Index (BUI) of the nearest remote access weather station forecasts or has a BUI reading of 80 or more or a Fire Weather Index forecasts or reads 24 or higher;
 - (c) fire readiness measures including water and equipment for firefighting; number of people on site trained in firefighting to New Zealand Qualifications Authority (NZQA) or New Zealand Fire Service Training and Progressive System (TAPS) module standards; location of safe site areas; an evacuation plan with a stay/go procedure and at least two escape routes to safe areas; a plan of how emergency services will access the site; an emergency notification process for organisers and attendees and a tested communication plan for phone or radio for communication with emergency services.

Note: Other legislation or requirements relating to health, food safety, building, and traffic management and fire risk management may need to be complied with.

17.5.2.2 Permitted Activities (Home Occupations)

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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) 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.
- (b) 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;
 - (iv) is not bottle or scrap storage, rubbish collection or animal body part processing, including the composting of animal body parts;
 - (v) is not the boarding of domestic animals.
- (c) The conditions for ~~dust, odour and~~ noise set out in 17.5.2.1 ~~(b) and~~ (c) or (d).

- (ca) 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.
- (d) Retailing is permitted in accordance with the rural selling place provisions in rule 17.5.2.1 and is in accordance with the definition of rural selling place.
- (e) 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.

[Unchanged text omitted (17.5.2.3 to 17.5.2.7)]

17.5.2.8 Restricted Discretionary Activities (Community Activities)

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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 performance of conditions.

17.5.2.8A ~~Restricted Discretionary Activities (Cooperative Living)~~

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

- (a) The activity meets permitted conditions (a) – (r) of rule 17.5.2.1.
- (b) All buildings, including dwellings, meet permitted conditions (f) - (n) of rule 17.5.3.1.
- (c) All dwellings meet the controlled conditions of rule 17.5.3.2 (d), (e), (f) and (g).

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. In considering the applications and determining conditions, Council will have regard to the following criteria and to other provisions of the Plan or Act:

- (1) The extent to which the proposal has retained or enhanced the potential of the land to support plant and animal production.

- (2) The extent to which the buildings and proposed land use are consistent with low impact design and low impact building design principles and methods.
- (3) Provision for the long term protection of the site from inappropriate subdivision contributing to land fragmentation of the site.
- (4) The proposed legal arrangement regarding the collective ownership or use of the land and buildings.
- (5) Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, trees, and cultural heritage sites.
- (6) The extent to which the development minimises the potential for adverse cross-boundary effects and reverse sensitivity.
- (7) Natural hazards within and beyond the site, including wildfire risk, slope instability and flood hazard effects.
- (8) Effects on the rural landscape and on amenity values and coastal natural character.
- (9) Effects on servicing, including road access, water supply, and wastewater and stormwater systems.
- (9A) Effects on the road network.
- (10) The extent to which buildings, structures and accessways minimise the physical fragmentation of a site.

17.5.2.8B Restricted Discretionary Activities (Intensive livestock farming which is poultry farming)

Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 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.

17.5.2.9 Discretionary Activities (Land Use)

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Any land use that does not comply with the conditions of rules 17.5.2.1 to 17.5.2.8A 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 17.5.5.3 affecting the destruction or removal of more than 5 hectares of indigenous forest.
- (c) Where relevant, the conditions in rule 17.5.2.8A.

(d) Where a commercial, industrial or rural industrial activity gains access from a local road (other than a rural arterial class road), the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic generated by agricultural machinery generated is directly associated with plant and animal production.

A resource consent is required and may include conditions.

17.5.2.10 Non-Complying Activities (Land Use)

Any activity in the Rural 1 Zone that does not comply with the conditions of rule 17.5.2.8A or 17.5.2.9 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.

17.5.3 Building Construction, ~~or~~ Alteration or Use

17.5.3.1 Permitted Activities (Building Construction, ~~or~~ Alteration or Use)

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

- (a) The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road or indicative reserve in the Richmond West Development Area and the Richmond South Development Area. C10 10/07
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Dwellings and Workers' Accommodation

- (b) Any building that is constructed is not a dwelling or part of any workers' accommodation and any building is not altered to become a dwelling nor used as a dwelling.
- (c) Any alteration of a dwelling complies with conditions (g) to (m) [building height, setbacks, coverage and envelope].

Sleepout

(ca) There are no more than two sleepouts for any associated with any principal dwelling or second dwelling that is not a minor dwelling.

(d) The area of ~~the either~~ sleepout is no more than 36 square metres.

(e) The ~~distance location~~ of either sleepout is within 20 metres of any from the principal dwelling, including any minor dwelling is no more than 20 metres.

(ea) The sleepout is not part of a cooperative living activity.

Height

- (f) The maximum height of a building is 7.5 metres, except that:
- (i) for slimline, self-supporting masts and poles and attached infrastructure, condition 16.6.2.1(j) applies;
 - (ii) for antenna attached to a building, condition 16.6.2.1(k) applies.

- (iii) Outside the Airport Height Control Areas at Motueka and Takaka described in Schedules 16.11A and 16.11B, any chimney or other structure that is the best practicable option for the management of any emission to air, including dust, smoke and odour, may exceed this height, notwithstanding the definition of “height” in the Plan. C42 12/12 Op 4/13
- (iv) For Hope Depot site, Schedule 17.5A(1)(c)(ii) applies. C50 4/13 Op 8/14
- (g) Buildings sited on a hill whose ridgeline is identified on the planning maps are no higher than the level of the ridgeline.

Setbacks

- (h) Buildings are set back at least:
- (i) 10 metres from road boundaries except as provided for under condition (ka) (15 metres from the east side of Queen Victoria Street between Green Lane and Whakarewa Street) and, except as provided for under condition (ka), 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.5.4.1(b)), except:
- that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement, C50 4/13 Op 8/14
 - as provided for in Schedule 17.5A (Hope Depot site);
- (ii) 20 metres from the margins of lakes, 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.
- (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 at least 100 metres of a Viewpoint shown on the planning maps.
- (k) In the Richmond West Development Area, notwithstanding the exemption in condition (h)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps. C10 10/07 Op 3/14
- (ka) A building, which is not a habitable building, may be set within 5 metres of an internal boundary, where the landowner of the property has provided written permission.
- (kb) Habitable buildings are set back:
- (i) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced and except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres;
- (ii) at least 300-200 metres from any building or enclosure that houses poultry that is 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.;

Building Coverage

- (l) Except as provided for in Schedule 17.5A (Hope Depot site), the total area of all C50 4/13

buildings on the site, excluding ~~dwelling~~s and ~~greenhouses, artificial shelters and poultry sheds or enclosures~~, is ~~not greater than 200 square metres for any site with a net area of 4,000 square metres or less, or is not greater than five 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.;~~

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(i) ~~not greater than 600 200 square metres for any site with a net area of 4,000 square metres or less; or~~

(ii) ~~not greater than 600 square metres or 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

- (m) 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.

Stormwater

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- (n) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan.

17.5.3.2 Controlled Activities (Building Construction, ~~or~~ Alteration or Use)

Construction, ~~or~~ alteration, or use of a building that does not comply with the conditions of rule 17.5.3.1 is a controlled activity, if it complies with the following conditions:

Dwellings

- (a) There is no more than one dwelling on a site and

~~(b) the A~~ dwelling ~~may~~ contain no more than two self-contained housekeeping units, provided:

(i) ~~both are contained within the same building; and~~

(ii) ~~one is clearly subsidiary; and is no more than 60 square metres in floor area;~~

(iii) ~~connecting rooms or passages have a continuous roof; and~~

(iv) ~~the walls are fully enclosed.~~

- (c) The site has a minimum area of 12 hectares or the site was created by a subdivision which was approved by the relevant territorial authority prior to 25 May 1996, except for sites created pursuant to condition 16.3.5.1(c) on Lot 1, DP 12203 in Golden Hills Road, where there can be up to seven dwellings on separate sites, each of which is no less than four hectares in area.

- (d) Only in relation to the construction of a dwelling or the use of a building as a dwelling, and not an alteration, and except where any dwelling is connected to a reticulated water supply:

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- incorporating water mains fitted with fire hydrants; and
 - the closest fire hydrant is no more than 135 metres from the dwelling,
- the dwelling is:

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EITHER

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

OR

(ii) provided with a water supply that is:

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

either

- stores at least 45,000 litres;

or

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

~~OR~~

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

AND

- (iii) connected to a reticulated supply that is capable of supplying a potable water supply, or if such a supply is not available, the dwelling is supplied from:
- a rainwater supply; or
 - a surface water source; or
 - a groundwater source
- that is both reliable and potable and, where stored on site, is at least 23,000 litres in volume.

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

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

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

~~**Note 4:** The water supply provided for in 17.5.3.2(d)(ii) may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.~~

- ~~(e) If an adjoining property has horticultural plantings where pesticides may be discharged to air, any dwelling or any other building used for any residential activity is set back at least:~~

- ~~(i) 30 metres from the boundary common to the horticultural plantings and the building;
or~~

- ~~(ii) 20 metres from horticultural plantings where a spray belt is established along the boundary common to the horticultural plantings and the building; or~~

- ~~(iii) 30 metres from the horticultural plantings that are vineyards.~~

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

- ~~(i) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced and except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres;~~

- ~~(ii) at least 300 200 metres from any building or enclosure that houses poultry that is 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.~~

- (f) Dwellings are set back at least 500 metres from any boundary of ~~an existing hard rock a~~ quarry site; ~~that has or is likely to create noise, vibration and dust effects,~~ except for a quarry permitted under condition 17.5.2.1(a)(ii), ~~or condition~~ 17.6.2.1(a)(ii) ~~or condition~~ 17.7.2.1(b)(ii).
- (g) There is adequate area on site for effluent disposal for each dwelling.
- (h) The dwelling complies with condition (f) [Height] in rule 17.5.3.1.
- (i) On Lot 1, DP 12203 in Golden Hills Road, the exterior cladding of dwellings and ancillary buildings (including roofing) is to be in recessive colour tones.

Workers' Accommodation

- (j) All buildings which are part of workers' accommodation are relocatable.
- (k) The site of the workers' accommodation has a minimum area of 12 hectares.
- ~~(ka) The site is not part of a cooperative living activity.~~

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- (l) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan.

General

- (m) The building complies with conditions (g), (h), (i), (j), (l) and (m) [Setback, Building Envelope and Building Coverage] in rule 17.5.3.1.
- (n) The maximum height of the building (except a dwelling) is 12.5 metres.
- ~~(o) Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.~~
- (p) The activity is not the construction or alteration of any building within, or 10 metres from, any indicative road, indicative reserve (including Borck Creek) or amenity planting setback in the Richmond West Development Area.
- (q) In the Richmond West Development Area, notwithstanding the exemption in condition 17.5.3.1(h)(i) relating to telecommunication and radio-communication facilities, the building is set back at least 20 metres from the centreline of any electricity transmission line as shown on the planning maps.

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A resource consents 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 potential availability of productive land.
- (2) Location and effects of on-site servicing, including wastewater disposal, access and traffic safety.

Proposed as at 28 November 2015

- (2A) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.

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- (3) Effects on the amenities 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.

- (4) Effects of any proposed outdoor storage of goods, machinery or produce.
- (5) 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.
- (5A) 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.
- (5B) Low impact building design.
- (6) The on-site management of stormwater in accordance with Low Impact Design solutions. C7 7/07
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- (6A) ~~Effects of natural hazards~~ The extent to which the effects of natural hazards, within and beyond the boundaries of the site, including wildfire risk and coastal, flood, stormwater, geotechnical or earthquake hazards will be avoided or mitigated.
- (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).

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

Construction, ~~or~~ alteration or use of a building that does not comply with the conditions of rule 17.5.3.2 is a restricted discretionary activity, if it complies with the following conditions:

Dwellings

- (a) No more than two dwellings are placed on the site or buildings used on the site as dwellings; except that no dwelling may be placed on the parts of CT 8B/1026 and CT 11A/465 which are within Area “D” in the annotated area on the planning map at Ruby Bay, and no more than one dwelling may be placed on the part of CT 8B/1025 within Area “D”.
- (b) Except as provided for in condition (ba), Aa site containing more than one dwelling has a minimum area of 24 hectares.
- (ba) The activity is a second dwelling that is a minor dwelling and the principal dwelling contains a single housekeeping unit only.
- (bb) The second dwelling that is a minor dwelling complies with the controlled conditions of rule 17.5.3.2 (d) - (h), (i), (l), (m), (o), (p), (q).
- (bc) Dwellings are set back at least 500 metres from any boundary of an existing quarry site, except for a quarry permitted under condition 17.5.2.1(a)(ii), ~~or condition 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).~~

Stormwater

- (c) Stormwater is managed and disposed of on site, and the stormwater discharge complies with section 36.4 of this Plan. C7 7/07
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- (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:
- (i) 30 metres from the boundary common to the horticultural plantings, including vineyards, and the building or grounds; or
 - (ii) 20 metres from horticultural plantings, including vineyards, where a spray belt is established along the boundary common to the horticultural plantings and the building or grounds; or (iii) 30 metres from the horticultural plantings that are vineyards.
 - ~~(iii) 30 metres from horticultural plantings that are vineyards.~~

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 of the building on the potential availability of productive land, including any effects relating to the extent of the building and capitalisation of the site.~~
- ~~(2) Location and effects of servicing, including wastewater disposal, water supply, access and traffic safety.~~
- (1) Matters of control (1) – (8) in rule 17.5.3.2.
- (2) Effects of a building with reduced setbacks.

Proposed as at 28 November 2015

- (2A3) Where any land is subject to any deferred urban zone, the adverse effects of the building on future opportunities for efficient subdivision, use, and development of the land or of any other land in the area that is deferred, for the purposes of the relevant urban zone once it takes effect.

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- ~~(3) Effects on the amenities and the 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.~~
- ~~(4) Effects of any proposed outdoor storage of goods, machinery or produce.~~
- ~~(5) The adverse environmental effects of a higher building, including visibility on a ridgeline.~~
- ~~(6) The circumstances leading to, or need for, an increase in height.~~
- ~~(7) The potential for shading across property boundaries, including onto roads, from the building or any associated planting or screening structure.~~
- ~~(8) The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.~~
- ~~(9) The adverse environmental effects of a building with reduced setbacks.~~
- ~~(10) The influence of topography on shading.~~
- ~~(11) The effects of natural hazards.~~
- ~~(12) The nature of adjoining uses, buildings and structures, and all adverse effects of closer development on these.~~
- ~~(13) The potential for cross boundary conflicts arising from drift of pesticides across the boundary.~~

- ~~(14) The extent to which the proposed building would detract from the openness and rural character of the locality.~~
- ~~(15) The extent to which the building would be compatible with existing development in the vicinity.~~
- ~~(16) The potential for landscaping to maintain privacy for neighbours.~~
- ~~(17) The visual impact and appropriateness of colour and materials for buildings and structures.~~
- ~~(18) The degree to which views are obscured.~~
- ~~(19) Any effects on natural character of water bodies and the coast.~~
- ~~(20) Any effects on indigenous vegetation and habitats of indigenous fauna.~~
- ~~(21) Any effects on areas of predominantly natural rural landscape.~~
- ~~(22) Any effects on ridgelines and hilltops.~~
- ~~(23) For buildings and structures in or near rivers and lakes, effects on the natural functioning of the water body, including habitat values and natural hazards.~~
- ~~(24) The on-site management of stormwater in accordance with Low Impact Design solutions.~~ C7 7/07
Op 10/10
- ~~(425)~~ In the Richmond West Development Area: C10 10/07
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- (a) the extent to which buildings comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001).
- (b) the extent to which the buildings are set back from high voltage transmission lines to ensure adverse effects on the National Grid and public safety are appropriately avoided, remedied or mitigated.
- ~~(526)~~ Alternatives for fire risk management. C34 3/12 Op 4/13
- ~~(27) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).~~
- ~~(28) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).~~

17.5.3.3B Discretionary Activities (Building Construction, Alteration or Use)

Any construction, alteration, or use of a building that does not comply with the conditions of rule 17.5.3.3 is a discretionary activity, if it complies with the following conditions:

- (a) The activity is not a second dwelling and the site is less than 24 hectares.

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 other provisions of the Plan or Act.

17.5.3.3C Non-Complying Activities (Building Construction, Alteration or Use)

Any construction, alteration, or use of a building in the Rural 1 Zone that does not comply with the conditions of rule 17.5.3.3B 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 other provisions of the Plan or Act.~~

[Unchanged text omitted (7.5.4 and 17.5.5)]

17.5.20 Principal Reasons for Rules

[Unchanged text omitted]

Hours of operation for activities are subject to specified limits but may be extended at the discretion of Council, recognising that some activities, by their nature, may be able to operate with minimal discernible off-site effects on the amenity of nearby properties occupied by residential activities, particularly in the evening.

Industrial and Commercial Activities

~~The Rural 1 Zone is not appropriate to contain or manage the cumulative effects of business activities where these activities are better located in Commercial, Industrial and Rural Industrial zones. This is because the primary purpose of the Rural 1 Zone is to protect the use of productive land for plant and animal production activities. Where the proposed activity is related to plant and animal production, or the activity re-uses and is contained within an existing building, it may be more appropriate.~~

~~The Rural 1 and Rural 2 Zones are generally not appropriate for accepting the potential cumulative effects of business activities, either outside zoned locations for them or where they are more appropriately located in industrial or mixed business zones. This is because the primary purpose of these zones is to support the use of productive land for plant and animal production. Business activity associated with plant and animal production and with efficient locations with capacity and for transport links may be appropriate.~~

[Unchanged text omitted]

Sleepouts

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

[Unchanged text omitted (Schedule 17.5A)]