

17.7 RURAL 3 ZONE RULES

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

17.7.1 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.

17.7.2 Land Use**17.7.2.1 Permitted Activities (Land Use - General)**C19 5/10
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Any land use is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

[Condition (a) 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;
 - (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) 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;~~
 - (ix) 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;
 - (x) a papakainga development;
 - (xi) a home occupation, except as allowed by rule 17.7.2.2.
 - (xii) the maintenance, repair, storing, or parking of more than one two 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.

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Air Emissions – Dust and Odour

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

Noise

- (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 _{eq}	55 dBA	40 dBA	C19 5/10 Op 8/12
L _{max}		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
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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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Frost Protection Devices

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- (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_{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*.

- (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.
- (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 (ea) 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.
- (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(a) 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.

Intensive Livestock Pig-Farming

- (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) 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.

Stormwater

- (m) (i) EITHER
- All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.
- OR
- The discharge complies with section 36.4 of this Plan.
- AND
- (ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may

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adversely affect the efficient functioning of the network.

17.7.2.2 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) 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;
 - (iv) is not bottle or scrap storage, rubbish collection or the composting of animal body part processing, including the composting of animal body parts;
 - (v) is not the boarding of domestic animals.
- (d) The conditions for ~~dust, odour and~~ noise set out in conditions 17.7.2.1(c) ~~and or~~ (d).
 - (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.

[Unchanged text omitted (17.7.2.3 to 17.7.2.5)]

17.7.2.5A Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)

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)

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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 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 is generated by agricultural machinery generated is directly associated with plant and animal production.

A resource consent is required and may include conditions.

17.7.2.7 Non-Complying Activities (Land Use)

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, ~~or~~ Alteration, or Use

17.7.3.1 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:

[Condition (a) deleted]

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Dwellings (including sleepouts) 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 (d) to (l) [building height, setbacks, location area, coverage and envelope].

Height

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

Setbacks

- (f) Buildings are set back at least:
- (i) 10 metres from road boundaries and 5 metres from internal boundaries (subject, in the case of artificial shelter, to condition 17.7.4.1 (c)), except that telecommunication and radio-communication facilities less than 10 square metres in area and less than 3 metres in height are exempt from this requirement;
 - (ii) 20 metres from the margins of lakes, and from the boundaries of Open Space, Recreation and Conservation zones;
 - (iii) 8 metres from the top of the bank of any river with a bed less than 5 metres in width;
 - (iv) 20 metres from the top of the bank of any river with a bed greater than 5 metres in width;
 - (v) 30 metres from a plantation forest.
- (g) Any building forming part or all of a rural selling place is set back at least 30 metres from the road boundary.

(ga) Habitable buildings are set back at least:

(i) 30 metres from any boundary where that boundary is to the Rural 1 or Rural 2 Zone, except for a habitable building on a site located in a subdivision that was consented before 30 January 2016 where the setback is 5 metres, and where the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced;

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

(gbiii) Dwellings are set back at least 500 metres from any boundary of a ~~non-existing~~ hard rock 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), ~~condition 17.6.2.1(a)(ii) or condition 17.7.2.1(b)(ii).~~

- (h) Buildings are set back at least 100 metres of a Viewpoint shown on the planning maps.
- (i) On the parts of CT 8B/1025 and CT 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 the site, excluding dwellings and greenhouses, 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.
The total area of all buildings on any site, excluding greenhouses artificial shelters and poultry sheds or enclosures, is:

- (i) not greater than 600 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

- (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, ~~or~~ Alteration, or Use)

Construction, ~~or~~ 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 as a dwelling on a site, except as provided in condition (aa), and except that on the parts of CT 8B/1025, CT 8B/1026 and CT 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:

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~~A dwelling ~~may~~ contains no more than two self-contained housekeeping units, provided:

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

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

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

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

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- 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 17.7.3.2(c)(ii) 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 rule 36.1.3.1 or rule 36.1.4.2.
- ~~(f) 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, except on CT 8B/1025, CT 8B/1026 and CT 11A/465, as shown in the annotated area on the planning maps at Ruby Bay, where a 20-metre setback applies.~~
- ~~(f) Dwellings and habitable buildings are set back at least:~~
- ~~(i) 30 metres from any boundary where that boundary is to a Rural 1 or Rural 2 Zone, except for a habitable building on a site located in a subdivision that was consented before 30 January 2016 where the setback is 5 metres, and where the activity is an alteration to a dwelling and the existing setback to the boundary is not thereby reduced;~~
- ~~(ii) 300-200 metres from any building or enclosure that houses poultry on an existing, lawfully-established intensive livestock farm which is a poultry farm on or before 30 January 2016, except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.; and~~

~~(faiii) Dwellings are set back at least 500 metres from any boundary of a n-existing hard rock 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), condition 17.6.2.1(a)(ii) or condition 17.7.2.1(b)(ii).~~

(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 for any associated with any principal dwelling or second dwelling that is not a minor dwelling.~~

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

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

~~(5B) 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) 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.

(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, ~~or~~ Alteration, ~~or~~ Use)

Construction, ~~or~~ 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 as dwellings may be are placed on the site, except that no more than one dwelling or building used as a dwelling may be is placed on CT 8B/1025 within Area “D” of the Ruby Bay planning map.

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:
 - (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 where a spray belt is established along the boundary common to the horticultural plantings, including vineyards, and the building or grounds; ~~or~~
 - ~~(iii) 30 metres from the horticultural plantings that are vineyards.~~
- ~~(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 condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).~~

[Unchanged text omitted]

17.6.20 Principal Reasons for Rules

[Unchanged text omitted]

Sleepouts

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

[Unchanged text omitted]