

PROPOSED PLAN CHANGE No. 60

Rural Land Use and Subdivision Policy Review

Notified 30 January 2016

Explanatory Statement

This proposed Plan Change 60 is the outcome of the Council's review of the rural subdivision and land use objectives and provisions of the Tasman Resource Management Plan (the Plan). This follows a review of the planning framework commenced as far back as 2004 and re-continued from 2012 following an evaluation of the framework's effectiveness, definition of issues and evaluation of options and three community engagement processes, including with a draft change in 2014-15.

Current Plan objectives for managing the rural land resource sustainably provide for the:

- protection of the productive capacity of land, especially land with high productive value;
- flexible use of land (for rural living and rural business opportunities) while retaining the productive capacity of land; and
- maintenance of rural character and amenity values while providing for resource use and development.

The current Plan objectives are still considered appropriate and relevant but could achieve Plan outcomes more effectively. The proposed Plan change provisions seek to improve Council's objectives for rural subdivision and land use - and the policies, methods and rules that are used to achieve them, and the links between these.

The Proposed Plan Change 60 proposes to amend the Plan as follows:

Rural 1 and 2 Zone Subdivision

- Provision for a final subdivision opportunity as an 'as of right' Controlled activity. After this, further subdivision of the same area of land will be discouraged. From 30 January, 2016 second-generation or re-subdivision will become a Non-complying activity in the Rural 1 and 2 zones
- Introduction of a minimum average lot size as a Restricted Discretionary activity in addition to the 'as of right' minimum size per lot provisions in the Rural 1 and 2 zones, that will also be subject to noncomplying status of re-subdivision of the same area of land.
- Encouragement for boundary adjustments that reduce the number of existing titles as a Controlled activity
- Protection of productive potential and rural character and amenity on small lot subdivision
- Guidance for the subdivision of Rural 1 and 2 zoned land for co-operative living as a Discretionary activity if applied for at the same time as a co-operative living land use application.

Rural Residential Zone Locations

- A change in the activity status of below threshold subdivision from Discretionary to Restricted Discretionary; and
- Policy discouragement for the use of high productive (Rural 1) land for rural residential (lifestyle) development.
- A new definition of 'rural residential character' in addition to an amended current definition of rural character; and
- New and amended zone performance standards appropriate to rural residential living: building setbacks from boundaries, building coverage.

Multiple Housing and Co-operative Living in Rural Zones

- For the Rural 1 and 2 zones, new improved policy and rule guidance for co-operative living activities recognising co-operative living as a rural living option that can meet the demand for greater flexibility and choice of housing.

- Proposed policy for rural residential opportunities about the consolidation of residential development in existing Rural Residential zones.
- For all rural zones except for the Rural Industrial zone:
 - amendment to the current provisions for attached housekeeping units by removing the current floor limit of 60 sqm;
 - amendment to the current sleepout provisions to clarify that two sleepouts per dwelling are allowed;
 - amendment to the current provision for building coverage to include dwellings in the coverage limit.
- For the Rural 1, 2 and Rural Residential zones:
 - provision for a detached minor dwelling (up to 80 sqm in size or 120 sqm if there is an attached garage) as an alternative to an attached housekeeping unit (of any size), regardless of lot size in the Rural 1 and 2 zones and for lots of at least 2 hectares in size in the Rural Residential zone.

Business Activities

- New Discretionary matters of assessment that will guide what new commercial and industrial activities are appropriately located in the Rural 1 zone, namely:
 - activities that use or reuse an existing building;
 - activities that support or are substantially connected with plant and animal productive activities;
- New rules limiting the parking and storage of more than one heavy vehicle (excluding agricultural machinery) that is being used for or in connection with any commercial, industrial or rural industrial activity in the rural productive and rural residential zones; and
- Clarification that the current rural zone rule that excludes noise from ‘intermittent or temporary rural activities’ from the zone noise standards applies only to plant and animal production activities.
- New rules:
 - limiting night time business traffic on local rural roads;
 - restricting or limiting ‘to the in-doors’ the types of home occupations activities with the potential to generate particularly offensive effects; and
 - further discouraging commercial, industrial and rural industrial activities from establishing in the Rural Residential zone.

Temporary Activities

- New provisions that allow temporary activities for all purposes subject to performance standards relating to the scale and duration, in the Rural 1 and 2 zones; and
- New provision that allows public events that are exempt from the zone noise rules for a maximum of two consecutive days per site per annum between the hours of 8.00 am – 6.00 pm, only, in the Rural 1 and 2 zones.
- New provisions for managing temporary military training activities in the District.

Boundary Setbacks

- New provision that increases the setback for all habitable buildings from internal property boundaries from 5m to 30m (with some notable exceptions for existing dwellings, where neighbour consent is obtained and a landowner owns adjoining titles);
- New provision for intensive poultry farming activities to be set back 300m from the boundaries of the site; and for new habitable buildings to be set back 300m from a lawfully established intensive poultry farm that existed on or before 30 January 2016;

Rural and Rural Residential Character and Amenity

- New policy to increase the weight of rural character protection in Rural 1 and 2 zones on small lot subdivision;
- New definition of ‘Rural Residential Character’ that complements the definition of ‘Rural Character’;
- Improved definition of ‘shelter belt’ and new definition of ‘reverse sensitivity’ to clarify meaning and to reduce uncertainty and compliance issues.
- Improved policies that provide stronger direction for and encouragement of Low Impact Design for land use and subdivision in rural areas.

Evaluation Report of Proposed Change 60 under Section 32 of the Resource Management Act

Council has considered the findings of technical reports and feedback from community consultation. It has considered the benefits and costs, and effectiveness, efficiency and appropriateness of the proposed Change provisions. The Section 32 evaluation report entitled "Report on the Assessment of Alternatives under Section 32 - Rural Land Use and Subdivision Policy Review - Proposed Plan Change 60" supports this proposed change. Council has had particular regard to the accompanying report in deciding to notify Proposed Change 60.

Scope of the Proposed Plan Change 60

The scope of the proposed Plan change does not include the rezoning of rural land. Any changes to the Rural 3 zone provisions are for the purpose of maintaining existing consistencies between rural zones only. Any changes to the existing rural character and amenity provisions relate directly to land use and subdivision only.

Proposed Plan Change Amendments

For the sake of brevity, only excerpts from the TRMP chapters affected by changes and immediate context have been included in this proposed Plan Change. For complete context please refer to a full copy of the current TRMP, available at Council offices and libraries and online via Council's website <http://www.tasman.govt.nz/link/trmp>.

Schedule of Amendments

The Tasman Resource Management Plan is amended in accordance with the following schedule:

NOTE:

- *Italics* denotes TRMP text whether existing or proposed.
- Underlining denotes proposed new text inserted or text amended.
- ~~Strikethrough~~ denotes text deleted.

1. Chapter 2: Meanings of Words

1.1 Section 2.2: Defined Words

1.1.1 **Insert** new definitions as follows:

Boundary adjustment – *means a subdivision of existing sites that does not result in any additional sites, and adjusts the common boundary between two or more sites. In relation to boundary adjustments, sites are those that have been created by a previous subdivision consent or equivalent approval.*

Cooperative living – *means the use of land and buildings, including three or more dwellings, where a legal arrangement exists for the collective ownership or use of the land and buildings.*

Plant and animal production – *means the use of land and buildings primarily for or associated with the production (but not processing) of plant or animal products, including agricultural, pastoral, horticultural and forestry products.*

Reverse sensitivity – *means the risk to an existing activity that may generate adverse effects, of receiving complaints or other expressions of sensitivity from any new activity locating nearby.*

Rural residential character – *means the character of the land as shown by the predominance of low density residential activity in a rural area at locations that may be close to rural production activities and includes:*

(a) the proportion of open-space to buildings maintains a sense of openness with opportunity for rural outlook

(b) allotment sizes are large enough to allow for small scale farming or other plant and animal production activities, ancillary to residential use;

(c) buildings associated with residential and ancillary plant and animal production activities.

Temporary activity – means any use of land that is of a non-repetitive, transient or intermittent nature of limited duration, and includes:

- (a) building, scaffolding and false-work, storage of materials, workshops and building, or uses of similar character where such activities are incidental to a building or other construction project or filming on the site;
- (b) sporting events, galas, market days, carnivals, shows, concerts and similar events.

Temporary Military Training Activity - means a temporary military activity undertaken for defence purposes. The term 'defence' is as described in Section 5 of the Defence Act 1990.

1.1.2 **Amend** the meaning of various definitions as follows:

Commercial activity – means the use of land and buildings for the primary purpose of display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, Tourist accommodation, the sale of liquor and associated parking areas; but excludes recreational and community activities, and home occupations.

Community activity – means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational and temporary military training activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors' surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, stations, courthouses, and probation and detention centres.

Dwelling – means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where "single self-contained housekeeping unit" means a single integrated set of sleeping, ablution, and cooking facilities under a continuous roof and fully enclosed walls). A minor dwelling is a dwelling that is up to 80 square metres in area excluding any garage. Where any garage is attached to the dwelling the total area of the building is no more than 120 square metres.

High productive value – in relation to land, means land which has ~~the following features:~~

- (a) ~~flat to gently rolling topography;~~
- (b) ~~free draining, moderately deep to deep soils;~~
- (c) ~~moderate to good inherent soil fertility and structure;~~
- (d) ~~a climate with sufficient ground temperature, sunshine, available moisture, and calmness to make the land favourable for producing a wide range of types of plants.~~

~~{See "Classification System for Productive Land in the Tasman District", Agriculture New Zealand, December 1994.}~~

a combination of at least two of the following features, one of which must be (a):

- (a) a climate with sufficient soil temperature, sunshine, and available soil moisture;
- (b) a slope of up to 13 degrees;
- (c) imperfectly- to well-drained soils;
- (d) soil with a potential rooting depth of more than 0.8 metres;
- (e) soil that has no major fertility requirements that could not be practicably remedied;

where that combination is to such a degree that it makes the land capable of producing crops at a high rate or across a wide range.

Note: This meaning is adapted from "Classification System for Productive Land in the Tasman District", Agriculture New Zealand, December 1994 and is equivalent to land under classes A, B, and C.

Low impact building design – means the design of a building or structure to minimise the visual impact of the building or structure on the landscape, and includes the careful siting of a building or structure within the landscape; minimising the building footprint; the use of visually recessive building form, finish materials and colour choices; and the use of careful vegetation plantings and landscaping to further reduce any visual impact of the building or structure within the landscape, adverse effects on the productive potential of the

land, and the effects of servicing the building or structure in terms of access, water supply, energy efficiency, stormwater and wastewater management.

Low impact design - means the use of subdivision and land development design solutions ~~and stormwater management methods~~, including servicing, roading and allotment layouts that reduce the impact of any development on natural resources and processes. In particular, Low Impact Design approaches to stormwater management can be used to protect, incorporate or mimic natural drainage conditions of any site or area in the management of stormwater, and this includes the retention and use of existing catchment drainage characteristics, minimisation of impervious surface cover, the enhancement of natural eco-systems, and maintenance of vegetation in the planning and management of development within catchments.

Productive value – in relation to land, means the inherent ~~or existing~~ ability of the land to produce plant or animal biomass, arising from its natural and physical features, and includes measures of productivity and versatility.

Productivity – in relation to land, means the inherent ~~or existing~~ ability to produce any type of plant or animal biomass over a given period and area.

Residential activity – means the use of land and buildings by people for the purpose of living accommodation, including:

- (a) the use of a dwelling, including any secondary self-contained housekeeping unit and all associated accessory buildings,
- (b) leisure activities,
- (c) the keeping of domestic livestock, and ~~includes~~
- (d) emergency and refuge accommodation,

but does not include workers' accommodation.

Rural character - means the character of the land as shown by the predominance of rural productive activities and includes:

- (a) a high ratio of open space to built features;
- (b) large areas of pasture, crops, forestry and land used for a productive end;
- (c) built features usually associated with productive rural land uses, including crop protection structures and crop support structures;
- (d) low population density;
- (e) ~~predominant form of residential activity~~ usually directly associated with a productive land use;
- (f) social and economic activity associated with productive land use;
- (g) ~~cultural values associated with farming and living on the land~~ noises, smells and other effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes.

Rural industrial activity ~~industry~~ - means the use of land and buildings for an ~~industry~~ industrial activity that depends on the ~~direct handling or processing of produce harvested from farming, forestry plant and animal production~~, or the sea, or any other land-derived product, including any sawmill, timber treatment plant, abattoir, stockyard, packhouse, cold storage, rural transport depot or agricultural contractor's depot or yard, and the processing of minerals and quarry products.

Shelter belt – means a line or area of vegetation, which at maturity, will be three metres or more in height and which is established to provide shelter from weather for stock or for other agricultural or horticultural purposes, and includes a spray belt.

2. Chapter 6: Urban Environment Effects

2.1 Section 6.2: Land Effects from Urban Growth

2.1.1 Amend policy 6.2.3.8 by deleting the words in brackets, as follows:

To avoid inappropriate expansion of existing residential settlement areas in the Takaka-Eastern Golden Bay Area where the land is of high productive value (~~especially Class A and B lands~~).

2.1.2 Amend principal reason 6.2.30 by:

(a) amending the third sentence of the **first paragraph** as follows:

Versatile ~~land~~ with high productive value is a scarce resource in the District (estimated at only 5.4 percent of the land area of the District) that should be kept available to meet the needs of future generations.

(b) amending the first sentence of the **second paragraph** as follows:

Options for future urban expansion in each of the main settlements have been assessed, taking into account factors such as traffic effects, access to utility services, hazard effects, landscape effects and effects on ~~versatile soils~~ productive value.

(c) amending the first sentence of the **sixth paragraph** as follows:

The loss of land of high productive value, ~~especially Class A and B lands~~, to residential development in the Takaka-Eastern Golden Bay Area is an issue that must be addressed in relation to the expansion of settlement areas.

(d) amending the **seventh paragraph** as follows:

In the case of the existing Takaka Township, as well as being located on ~~Class A and B lands~~ of high productive value, if the land is subject to flood risk, then both issues need to be taken into account when considering future development in this area.

2.1.3 Amend performance monitoring indicator 6.2.40.1 as follows:

Area and type of land taken up for urban and rural residential purposes, ~~including highly productive land~~.

2.1.4 Add a new performance monitoring indicator:

6.2.40.2 Percentage of consents issued that waives any urban building setback from rural zones.

2.2 Section 6.11: Takaka-Eastern Golden Bay

2.2.1 Amend issue 6.11.1.1 as follows:

How to ensure that land of high productive value (~~especially Class A or B~~) ~~are~~ is retained for current or future use in rural production.

3. Chapter 7: Rural Environmental Effects

3.1 Section 7.0: Introduction

3.1.1 Amend the fourth sentence of the **third paragraph** as follows:

As subdivisional lots become smaller, and as new structures or services are established, the range of ~~soil-based~~ plant and animal production activities that can be physically or economically undertaken progressively reduces in scope.

3.1.2 Amend the third sentence of the **fourth paragraph** as follows:

The prospect of residential development may increase the value of other rural land in the vicinity to the extent that ~~soil-based~~ productive plant and animal production activities are progressively rendered uneconomic.

3.1.3 **Amend** the first sentence of the **twelve paragraph** as follows:

In addition to production activities, the rural environment provides locations for built development that does not involve or rely on ~~soil-based~~ plant and animal production.

3.1.4 **Add** two new paragraphs:

The zone framework within Tasman District's rural areas is based on the productive capacity of the Tasman District's land and soil resources. The rural production zones are the Rural 1 and Rural 2 zones, and the Rural 3 Zone where that zone contains land with high productive value. In these zones, activities involving plant and animal production are prioritised above opportunities for rural housing, industry or commercial activity where that value is high.

The demand for rural-living opportunities is also recognised within the rural zone framework. In the Tasman District, this demand is met by a range of Rural Residential Zone locations that are provided in rural, coastal and peri-urban areas. The Rural 3 Zone also provides for rural living opportunities within the variably productive landscape of the Coastal Tasman Area. Some rural housing opportunities without subdivision are also provided for in the Rural 1 and Rural 2 zones, where the productive value of this land resource is not compromised, and there is no risk of further fragmentation.

3.2 **Section 7.1: Cumulative Effects of Land Fragmentation on Productive Opportunities**

3.2.1 **Amend** issue **7.1.1.1** as follows:

Cumulative adverse effects of the subdivision, development, and ~~non-soil-based~~ use of rural land other than for plant and animal production uses of rural land, on:

- (a) *the life-supporting capacity of soil, water and ecosystems in rural areas;*
- (b) *the availability of land for ~~soil~~ plant and animal production and other natural resource-based production opportunities for the well-being of present and future generations;*
- (c) *service provision, site amenity, contamination and natural hazard risk, and on heritage and landscape values.*

3.2.2 **Amend** issue **7.1.1.2** as follows:

In the Takaka-Eastern Golden Bay Area, how to avoid the loss of productive ~~potential~~ value through land fragmentation and inappropriate built development, especially the further fragmentation of land of high productive value (~~especially Class A and B lands~~).

3.2.3 **Amend** objective **7.1.2** as follows:

7.1.2.1 *Except where rural land is deferred for urban use, avoiding the loss of ~~potential~~ value for all rural land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.*

3.2.4 **Add** two new objectives:

7.1.2.2 *Retention and enhancement of opportunities for plant and animal production on land with the highest productive value in the District, identified as the Rural 1 Zone.*

7.1.2.3 *Retention of opportunities primarily for plant and animal production on land that has varying productive value, identified as the Rural 2 Zone.*

3.2.5 **Amend** policies **7.1.3.2**, **7.1.3.4** and **7.1.3.5** as follows:

7.1.3.2 *To avoid, remedy or mitigate the effects of activities which reduce the area of land available for ~~soil-based~~ plant and animal production purposes in rural areas.*

7.1.3.4 *To require land parcels upon subdivision to be of a size and shape that retains:*

- (a) *the land's productive ~~potential~~ value, having regard to ~~the~~ its actual and potential productive values, and the versatility of the land; and*
- (b) *its contribution to ecosystem values, and to the management of cross-boundary effects, access, and the availability of servicing.*

7.1.3.5 *To facilitate the amalgamation of land parcels and ~~relocations~~ enable adjustments of the boundaries of land parcels in rural areas where this would enable improved land management or enable a greater range of soil-based plant and animal production activities.*

3.2.6 **Delete** and **replace** policy 7.1.3.6 as follows:

~~*To enable minor adjustments in the location of boundaries of land parcels in rural areas where this will increase the life-supporting capacity of the soil or the potential of the land for soil-based production purposes.*~~

To encourage a long-term approach to rural subdivision that reduces further land fragmentation, by avoiding the re-subdivision of allotments created by way of an initial subdivision.

3.2.7 **Insert** six new policies after policy 7.1.3.6:

7.1.3.6A *To limit further subdivision and residential development of existing small allotments in the Rural 1 and Rural 2 zones to avoid the potential for reverse sensitivity and increasing value of surrounding land, that cumulatively adversely affect the potential of that land to be used for plant and animal production.*

7.1.3.6B *To protect land with the highest productive value from residential activity.*

7.1.3.6C *To avoid further subdivision and development of existing allotments in the Rural 1 and Rural 2 zones that were created by boundary adjustment or amalgamation.*

7.1.3.6D *To discourage commercial, industrial and rural industrial activities in the Rural 1 Zone, except where the activity is directly associated with plant and animal production.*

7.1.3.6E *To accommodate rural living, commercial, industrial and rural activities in the Rural 1 Zone where the activity is wholly undertaken within existing buildings.*

7.1.3.6F *To enable rural living opportunities in the Rural 1 and Rural 2 zones, where the actual or potential productive value of the land is retained and further subdivision opportunities are avoided.*

3.2.8 **Amend** policy 7.1.3.8 as follows:

In the Takaka-Eastern Golden Bay Area, to ensure that:

(a) *subdivision and development for residential purposes of land that is of high productive value ~~(especially Class A or B lands)~~ is actively discouraged; and*

(b) *opportunities for title amalgamation and boundary adjustment are provided to enable small landholdings on ~~Class A or B~~ such land to rationalise existing title boundaries around existing dwellings without further fragmenting land of high productive value.*

3.2.9 **Amend** method 7.1.20.1(a) as follows:

(a) *Zones and areas that are delineated on the basis of actual and potential productive capacity of the land, and to which variations in rules apply. The zone framework applies as follows:*

(i) *The Rural 1 Zone covers land areas identified as having generally the highest existing and potential productive value. In the area of this zone, rules for subdivision and development have been developed primarily to protect these qualities on a long-term basis, while allowing for reasonable use and development of the land resource.*

(ii) *The Rural 2 Zone covers land areas which do not have the highest productive ~~values~~ value, and which may have varying productive ~~values~~ value. Rules in this area recognise the land's potential for a range of plant and animal productive production activities, generally based on a lower intensity of use and development than in the Rural 1 Zone.*

(iii) *The Rural 3 Zone covers a specific part of the Coastal Tasman Area within the District. This area contains land of high productive value, generally the more coastal land, and also land of lesser productive value, generally the more inland land in the zones. However, the rules for these zones have been specifically developed to accommodate a level of residential development through a framework that provides for restricted discretionary subdivision and controlled residential development, and that recognises and protects the land with more productive ~~land~~ value. In this way, much of the most potentially productive land in the area within the two zones should be retained and protected, although residential development takes place.*

- (iv) *Other rural zones: Rural Residential Zone and Rural Industrial Zone, and the Tourist Services Zone, cover small parts of the wider rural environment. Most of the areas occupied by these zones are of lower productive value and the Plan provisions have not been developed to protect or maintain any such values within the zoned areas.*

3.2.10 **Add** to the beginning of principal reasons **7.1.30**:

The Council has classified the District's rural land for productive value using an eight class classification that assesses factors of ground slope, soil depth, drainage and inherent fertility, and climate factors of soil temperature, available soil moisture, and sunshine. Classes A and B are the highest productive value lands with versatility, or productivity for any particular crop regime.

3.2.11 **Amend** the **first paragraph** of principal reasons **7.1.30** as follows:

Only a small proportion of the Tasman District is land that has high productive value. The potential and cumulative adverse effects of land fragmentation include the progressive loss of this land for ~~soil-based~~ plant or animal production uses. Similar effects occur with fragmentation of less productive land, but the significance of the loss is likely to be less in terms of the ~~soil~~ land resource and the potential needs of future generations. In order to maintain an acceptable level of availability of land for productive use, controls are required on subdivision and some rural land uses. These will allow for a range of ~~soil-based~~ plant and animal production opportunities to be retained, despite shifts over time in the economic prospects for particular production activities.

3.2.12 **Amend** the **third paragraph** of principal reasons **7.1.30** as follows:

Rural Residential zones and other zones within the rural area are generally associated with land of less productive and value, although some reflect historical development patterns. These are intended to relieve ongoing pressure for fragmentation of the rural land resource. The area of the Rural 3 Zone comprises a substantial proportion of land which has high productive value, generally in the more coastal areas, but it includes dispersed areas of lower value, generally in the more inland parts of the Zone. It has a location, topography and specific landscape values, including natural features, which mean that it is attractive for, and has come under pressure for, residential development. This area has been identified as suitable for further development through the provision of specific subdivision and development opportunities, while retaining the land of ~~highest~~ high productive value. In this area innovative and sustainable proposals for subdivision which can accommodate additional residential development will be evaluated as restricted discretionary activities, and design guidelines will apply.

3.2.13 **Amend** performance monitoring indicator **7.1.40.1** as follows:

Changes in areas of land available for plant and animal productive production activities and land available for urban or residential activities, particularly in relation to land of high productive value.

3.2.14 **Add** two new performance monitoring indicators:

7.1.40.2 The number and size range of allotments available for plant and animal production purposes.

7.1.40.3 On lands of high productive value, the number of titles amalgamated to create larger allotments and the number of boundary adjustments.

3.3 **Section 7.2: Provision for Non Soil-Based Activities**

3.3.1 **Amend** the heading of section **7.2** as follows:

Provision for ~~Non Soil-Based~~ Activities other than Plant and Animal Production.

3.3.2 **Amend** issue **7.2.1.1** as follows:

How to provide for ~~non-soil-based~~ activities other than plant and animal production uses in rural areas, without diminishing the availability of the productive land resource.

3.3.3 **Amend** objective **7.2.2** as follows:

7.2.2.1 ~~Provision~~ Retention of opportunities to use rural land for activities other than ~~soil-based~~ plant and animal production, including rural living, rural-residential, rural industrial, tourist services, and

~~papakaiinga, tourist services, rural residential and rural industrial~~ activities in restricted locations, while avoiding the loss of land of high productive value.

3.3.4 **Add** two new objectives:

7.2.2.2 Provision of opportunities for a range of residential living options within rural locations, including coastal and peri-urban areas, in the form of the Rural Residential Zone.

7.2.2.3 Retention of existing rural industrial locations that provide an appropriate location for production-related industries in rural areas, in the form of the Rural Industrial Zone.

3.3.5 **Amend** policy 7.2.3.1 as follows:

To enable activities which are not dependent on ~~soil productivity~~ plant and animal production to be located on land which is not of high productive value.

3.3.6 **Insert** seven new policies after policy 7.2.3.1:

7.2.3.1A To identify locations for residential living opportunities in rural, coastal and peri-urban areas (as the Rural Residential Zone) that are appropriate locations for their variety of qualities and features to allow for rural lifestyle living choice.

7.2.3.1B To encourage low impact design solutions for subdivision and building development in all rural zones.

7.2.3.1C To enable further subdivision and residential development within any existing Rural Residential Zone location where the land:

(a) is not affected by coastal, flood, stormwater, geotechnical or earthquake hazard; and

(b) can accommodate the proposed development without adverse effects on landscape, rural, rural residential or coastal character and amenity values; and

(c) can be adequately serviced for water, wastewater, stormwater and road access.

7.2.3.1D To enable further subdivision and residential development to urban densities within any existing Rural Residential Zone location where the land:

(a) is in close proximity to an urban residential area and is appropriate to become part of the urban form of that settlement; and

(b) is not affected by coastal, flood, stormwater or geotechnical hazards; and

(c) can accommodate built development without adverse effects on character and amenity values; and

(d) can be adequately serviced for water supply, wastewater, stormwater and transportation.

7.2.3.1E To minimise the potential for conflict between rural and residential activities by way of setbacks from boundaries and separation between incompatible uses.

7.2.3.1F To discourage residential activity in rural locations outside the Rural Residential Zone, on land having high productive value in the Rural 1, Rural 2 and Rural 3 Zones.

7.2.3.1G To enable some cooperative living opportunities in the Rural 1 and Rural 2 Zones where:

(a) the land is held collectively by one or more persons, including by way of unit titles; and

(b) the visual effects of building on landscape and rural character and amenity values are minimised; and

(c) potential productive value of the land is maintained; and

(d) actual and potential adverse effects on neighbouring properties are minimised; and

(e) all standards for stormwater management and road access can be achieved.

3.3.7 **Amend** policy **7.2.3.2** as follows:

To enable sites in specific locations to be used primarily for rural industrial, tourist services ~~or rural residential purposes (including communal living and papakaiinga purposes)~~ with any farming or other rural activity being ancillary, having regard to:

- (a) *the productive ~~and versatile~~ values of the land;*
- (b) *natural hazards;*
- (c) *outstanding natural features and landscapes, and the coastal environment;*
- (d) *cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;*
- (e) *servicing availability;*
- (ea) *in relation to rural-industrial development, the efficient location of the activity in association with sources of plant and animal production;*
- (f) *the availability of specific productive natural resources, such as aggregates or other mineral sources;*
- (g) *transport access and effects;*
- (h) *potential for cumulative adverse effects from further land fragmentation;*
- (i) *maintaining variety of allotment size;*
- (j) *efficient use of the rural land resource;*
- (k) *cultural relationship of Māori to their land.*

3.3.8 **Amend** the introductory paragraph of policy **7.2.3.4** as follows:

To enable the subdivision of land, including by way of boundary adjustment, or amalgamation of land parcels for the preservation of:

3.3.9 **Amend** policy **7.2.3.5** as follows:

To ensure that activities which are not involved or associated with ~~soil-based~~ plant and animal production do not locate where they may adversely affect or be adversely affected by such activities.

3.3.10 **Insert** new bulleted point in method **7.2.20.1(b)**:

- *identify subdivision and development opportunities and requirements in the different rural zones and the rural residential, rural industrial, tourist services, and papakaiinga zones;*

3.3.11 **Add** new item to method **7.2.20.2**:

(e) *Promote good design through the provision of design guidance.*

3.3.12 **Amend** the first sentence of the first paragraph of reasons **7.2.30** as follows:

People and communities value rural locations for purposes other than ~~soil-based~~ plant and animal production, and where these purposes can be achieved without compromising productive values, rural character and amenity values, provision can be made for them.

3.3.13 **Insert** two new paragraphs in reasons **7.2.30** after the first paragraph:

Opportunities for lifestyle and housing choice in rural areas are provided for in the District. There is demand for living in rural areas in different locations and for different forms of housing. Providing for the Rural Residential Zone is one of the ways in which this demand is addressed. Some opportunities for additional housing in the Rural 1 and Rural 2 zones on a small scale (by way of a minor dwelling as an alternative to a second housekeeping unit within the principle dwelling) are provided. Cooperative living is another form of rural living provided for as a rural lifestyle option.

Cooperative living opportunities in the Rural 1 and Rural 2 Zones can provide for lifestyle and productive land use choices in rural areas. Council supports innovative cooperative solutions to living and working on the land provided that landscape, rural character and amenity, productive potential, cross-boundary effects and effects on servicing can all be adequately managed.

3.3.14 **Amend** last two paragraphs of reasons **7.2.30** as follows:

The different Rural Residential Zone areas have different threshold subdivision sizes which take into account the character and attributes of the land (including servicing capability). Along with smaller parcels of land already existing in the Rural 1 and 2 zones, these areas enable a range of rural living opportunities. Rural Industrial ~~zones~~ Zone locations are widely found throughout the area and provide a land resource with associated effects which enable a range of ~~non-soil-based~~ rural industrial activities. Tourist Services ~~Zones~~ Zone locations provide for relatively intensive tourist and visitor service activities in areas where such uses have been traditionally established, or where they can be accommodated with minimal impact on the natural qualities and characteristics of the nearby rural areas. Other activities in rural areas, which are not directly provided for in any of the rural zones, will be addressed through the resource consent or plan change process.

Generally, the identification of areas suitable for specific zones within the wider rural environment seeks to achieve objective 7.2.2 without conflicting with the other objectives in this Chapter or elsewhere in the Plan. However, not all demands or needs for land for activities other than ~~soil-based~~ plant and animal production in the rural environment will necessarily be able to be met over the life of the Plan within zoned areas. The Council will consider these needs over time or assess consent applications or Plan changes proposed by others.

3.3.15 **Delete** and **replace** performance monitoring indicators **7.2.40.1** and **7.2.40.2** as follows:

7.2.40.1 ~~*Number of lots subdivided for rural residential purposes and size range. Area of land taken up for urban and rural residential purposes, rural industrial, rural tourist facilities, particularly in relation to land of high productive value.*~~

7.2.40.2 ~~*Changes to extent of residential development in rural areas (including rural residential):*~~

~~*(a) — exposed to cross-boundary effects;*~~

~~*(b) — requiring servicing upgrade;*~~

~~*(c) — exposed to natural hazards;*~~

~~*(d) — affecting landscape and natural features;*~~

~~*(e) — generating a contamination risk.*~~

~~*The number and size range of allotments in rural zones available for plant and animal production purposes.*~~

3.3.16 **Add** three new performance monitoring indicators:

7.2.40.3 *The number and size range of allotments subdivided for production activities other than plant and animal production.*

7.2.40.4 *Number of subdivision consents approved because of natural, historic and cultural preservation.*

7.2.40.5 *Number of complaints associated with productive activities other than plant and animal production; and plant and animal production activities.*

3.4 Section 7.3: Rural Residential Development in Coastal Tasman Area

3.4.1 **Amend** policy **7.3.3.3** as follows:

To ensure that the valued qualities of the Coastal Tasman Area, in particular rural and coastal character, rural and coastal landscape, productive ~~land values~~ value of the land, and the coastal edge and margins of rivers, streams and wetlands are identified and protected from inappropriate subdivision and development.

3.4.2 **Amend** policy **7.3.3.5** as follows:

To protect land of ~~higher~~ high productive ~~values~~ value within the Coastal Tasman Area.

3.4.3 **Amend** policy **7.3.3.14** by changing “productive activities” to “plant and animal production activities”.

3.4.4 **Amend** policy **7.3.3.21** as follows:

To provide for the servicing of the Rural Residential ~~Zones~~ Zone locations in the vicinity of Permin Road in the longer (post 15-year) term.

3.4.5 **Amend** method **7.3.20.2(d)** by changing “productive activities” to “plant and animal production activities”.

3.4.6 **Amend** the first three paragraphs of reasons **7.3.30** as follows:

The Coastal Tasman Area lies between the Moutere River and the northern edge of the Waimea Plain. It includes Kina Peninsula and all the land inland to the upper boundary of the coastal catchments draining to the sea. The whole of the area is within the coastal environment and has strong rural and coastal characteristics. These characteristics include natural areas such as small areas of remnant coastal vegetation, streams and wetlands, natural features and landscape values. Much of the area has high productive ~~land values~~ value. Inland areas in particular have less productive ~~values~~ value. Where ~~the~~ the productive ~~values~~ value ~~are~~ is high, the land is quite fragmented, whereas the ~~less productive land with less~~ productive value is generally in larger lots, much of which is, or has recently been, in pine plantation.

Settlement patterns within the Coastal Tasman Area are varied. The urban settlements of Mapua/Ruby Bay and Tasman are within the Coastal Tasman Area, but are the subject of separate settlement policies in Chapter 6. A number of Rural Residential ~~Zones~~ Zone locations were created within the area in the 1990s, and these have been largely developed to the lot size standards set out in the Plan.

The proximity of the Coastal Tasman Area to Nelson, Richmond and Motueka, and ~~completed~~ State highway improvements in the 1990s and future improvements programmed for the period to 2020, have resulted in pressure for further residential and rural residential development in this area.

3.4.7 **Amend** the last paragraph of reasons **7.3.30** by inserting “Moutere,” before “Mapua and Waimea Inlets”.

3.5 Section 7.4: Rural Character and Amenity Values

3.5.1 **Amend** issue **7.4.1.2** by changing “productive activities” to “plant and animal production activities”.

3.5.2 **Insert** three new policies after **7.4.3.5**:

7.4.3.5A *To discourage continuing subdivision of small allotments in the Rural 1 and Rural 2 zones where this may contribute to the cumulative loss of rural character and amenity values.*

7.4.3.5B *To avoid further subdivision of large allotments created by way of an average allotment size subdivision.*

7.4.3.5C *To discourage dwelling development on existing small allotments, where this may cumulatively adversely affect rural character and amenity value.*

3.5.3 **Amend** the first bulleted item of method **7.4.20.1(a)** as follows:

- *The Rural 1 Zone covers areas of high existing or potential productive ~~and versatile land values~~ value. The rules in this zone provide for an intensity of use and development that is commensurate with the land’s productive ~~potential~~ value, but also provide for management of effects, including potential cross-boundary and reverse sensitivity effects. At the same time, these rules enable the zone to maintain a recognisable rural character as well as rural amenity values.*

3.5.4 **Amend** the last sentence of the third paragraph of reasons **7.4.30** by inserting “consent” before “application process”.

3.5.5 **Delete** and **replace** performance monitoring indicators **7.4.40** as follows:

7.4.40.1 *~~Changes in the types and intensity of rural land uses and development.~~ Changes in the types of rural land uses.*

7.4.40.2 *~~Number and types of complaints relating to rural productive activities.~~ Number of complaints associated with plant and animal production activities and activities other than plant and animal production.*

3.5.6 **Amend** environmental result **7.50.1** as follows:

Minimal cumulative loss of availability of rural land for ~~productive plant and animal production~~ purposes, and maintenance of a sustainable level of availability of land of high actual or potential productive value.

4. Chapter 16: General Rules

4.1 Section 16.1: Outdoor Signs and Advertising

16.1.6.1: Permitted Activities (Temporary Signs)

4.1.1 Amend the introductory paragraph of rule **16.1.6.1(b)** as follows:

The sign is for a temporary ~~activity community event (including a temporary community event or a temporary fundraising event or and election) or fundraising event~~ and

4.2 Section 16.3: Subdivision

16.3.5: Rural 1 Zone

4.2.1 Amend rule **16.3.5.1(a)** as follows:

(a) ~~Except as provided by conditions (aa), (b), (c), (ca) or (cb), the minimum area of allotments created by the subdivision is 12 hectares (3.0 hectares in the Rural 1 Coastal Zone), except for provided that the subdivision is of a title that existed on or before 30 January 2016.~~

~~(aa) Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) which have no minimum area requirement.~~

4.2.2 **Insert** two new conditions after condition **16.3.5.1(c)**:

(ca) The minimum area of allotments created by the subdivision is 3.0 hectares in the Rural 1 Coastal Zone.

(cb) The subdivision is an amalgamation of titles resulting in a reduction of the total number of titles and there is no relevant minimum area of any title.

4.2.3 **Insert** a new matter after matter **16.3.5.1(1)**:

(1A) Effects on productive potential, including the effects of fragmentation of productive land.

4.2.4 **Delete** and **replace** matter **16.3.5.1(2)** as follows:

(2) ~~Access~~ Low impact design principles and methods.

4.2.5 **Add** to matter **16.3.5.1(4)** as follows:

Availability and provision of services, including road access, water supply and wastewater and stormwater systems.

4.2.6 **Amend** matter **16.3.5.1(7)** as follows:

Potential effects on rural character, coastal natural character and amenity values.

4.2.7 **Insert** two new matters after **16.3.5.1(7)**:

(7A) The potential for adverse cross-boundary effects, including reverse sensitivities.

(7B) Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.

4.2.8 **Delete** and **replace** matter **16.3.5.1(9)** as follows:

~~Potential effects on heritage protection and protected trees. Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, protected trees and cultural heritage.~~

4.2.9 **Insert** new rule after **16.3.5.3**:

16.3.5.3A Restricted Discretionary Subdivision (Rural 1 Zone)

Subdivision in the Rural 1 Zone that does not comply with condition (a) of rule 16.3.5.1 is a restricted discretionary activity, if it meets the following conditions:

(a) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and

(b) The average net area of all allotments that are created by the subdivision is 12 hectares or greater and no allotment that is created is less than 5,000 square metres; and

(c) The subdivision is of a title that existed on or before 30 January 2016;

OR

(d) The subdivision can meet conditions (d) – (n) of rule 16.3.5.1; and

(e) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.

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

(1) Any matter listed in rule 16.3.5.1.

4.2.10 **Amend** the heading and first paragraph of rule **16.3.5.4** as follows:

16.3.5.4 Discretionary Subdivision (Rural 1 Zone – Ruby Bay Site)

Subdivision in the Rural 1 Zone that does not comply with ~~the~~ controlled conditions ~~(b)~~ of rule 16.3.5.1 ~~(other than condition 16.3.5.1(b))~~ is a discretionary activity.

4.2.11 **Insert** new rule after **16.3.5.4**:

16.3.5.4A Discretionary Subdivision (Rural 1 Zone – Co-operative Living)

Subdivision in the Rural 1 Zone that does not comply with condition (b) of rule 16.3.5.3A is a discretionary activity, if it complies with the following conditions:

(a) The subdivision is of a title that existed on or before 30 January 2016;

(b) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.5.2.8A has been submitted with the application for subdivision consent.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

4.2.12 **Insert** new rule after **16.3.5.5**:

16.3.5.5A Non-Complying Subdivision

Subdivision in the Rural 1 Zone that does not comply with condition (c) of rule 16.3.5.3A or condition (a) of rule 16.3.5.4A 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 the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

16.3.6: Rural 2 Zone

4.2.13 **Amend** condition **16.3.6.1(a)** as follows:

(a) Except as provided by conditions (aa), (b) or (ba), the minimum area of allotments created by the subdivision is 50 hectares, except provided that the subdivision is of a title that existed on or before 30 January 2016.

(aa) ~~for a~~ Allotments to be used exclusively as a site for a network utility or public work (or a balance allotment arising from the creation of such allotments) which have no minimum area requirement.

4.2.14 **Insert** a new condition in **16.3.6.1**:

(ba) The subdivision is an amalgamation of titles resulting in a reduction on the total number of titles and there is no relevant minimum area of any title.

4.2.15 **Insert** a new matter after matter **16.3.6.1(1)**:

(1A) Effects on productive potential, including the effects of fragmentation of productive land.

4.2.16 **Delete** and **replace** matter **16.3.6.1(2)** as follows:

(2) ~~Access-~~ Low impact design principles and methods.

4.2.17 **Add** to matter **16.3.6.1(4)** as follows:

Availability and provision of services, including road access, water supply and wastewater and stormwater systems.

4.2.18 **Amend** matter **16.3.6.1(7)** as follows:

Potential effects on rural character, coastal natural character and amenity values.

4.2.19 **Insert** two new matters after **16.3.6.1(7)**:

(7A) The potential for adverse cross-boundary effects, including reverse sensitivities.

(7B) Management of natural hazards, within and beyond the boundaries of the site, including wildfire risk, slope instability and flood hazard effects.

4.2.20 **Delete** and **replace** matter **16.3.6.1(8)** as follows:

~~Potential effects on heritage protection and protected trees.~~ Provision for and protection of areas of ecological value, landscape value, indigenous vegetation, protected trees and cultural heritage.

4.2.21 **Amend** introductory paragraph of rule **16.3.6.3** as follows:

Subdivision in the Rural 2 Zone that does not comply with condition (n) or (o) of rule 16.3.6.1 is a restricted discretionary activity.

4.2.22 **Insert** new rule after **16.3.6.3**:

16.3.6.3A Restricted Discretionary Subdivision (Rural 2 Zone)

Subdivision in the Rural 2 Zone that does not comply with condition (a) of rule 16.3.6.1 is a restricted discretionary activity, if it meets the following conditions:

(a) The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and

(b) The average net area of all allotments that are created by the subdivision is 50 hectares or greater and no allotment that is created is less than 5,000 square metres; and

(c) The subdivision is of a title that existed on or before 30 January 2016;

OR

(d) The subdivision can meet conditions (c) – (l) of rule 16.3.6.1; and

(e) The subdivision is a boundary adjustment and no additional titles are created as a consequence of the subdivision, and no allotment that is created is less than 5,000 square metres.

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

(1) Any matter listed in rule 16.3.6.1.

4.2.23 **Amend** the first paragraph of rule **16.3.6.4** as follows:

16.3.6.4 Discretionary Subdivision (Rural 2 Zone)

Except as provided for by rule 16.3.6.4A, sSubdivision in the Rural 2 Zone that does not comply with the ~~controlled~~ conditions of rule 16.3.6.1 3A (other than condition (c)) is a discretionary activity.

4.2.24 **Insert** new rule after **16.3.6.4**:

16.3.6.4A Discretionary Subdivision (Rural 2 Zone – Co-operative Living)

Subdivision in the Rural 2 Zone that does not comply with condition (b) of rule 16.3.6.3A is a discretionary activity, if it complies with the following conditions:

(a) The subdivision is of a title that existed on or before 30 January 2016;

(b) The subdivision is for the purpose of cooperative living and a land use consent application under rule 17.6.2.8A has been submitted with the application for subdivision consent.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, the Council will have regard to the criteria set out in Schedule 16.3A, as well as other provisions of the Plan and the Act.

4.2.25 **Insert** new rule after **16.3.6.5**:

16.3.6.5A Non-Complying Subdivision

Subdivision in the Rural 2 Zone that does not comply with condition (c) of rule 16.3.6.3A or condition (a) of rule 16.3.5.4A 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 the criteria set out in Schedule 16.3A as well as any other provisions of the Plan or Act.

16.3.7: Rural 3 Zone

4.2.26 **Insert** a new matter after **16.3.7.1(10)**:

(10A) Management of natural hazards, including wildfire risk, within and beyond the boundaries of the site.

16.3.8: Rural Residential and Closed Zones

4.2.27 **Insert** a new matter after **16.3.8.1(11)**:

(11A) Management of natural hazards, including wildfire risk, within and beyond the boundaries of the site.

4.2.28 **Insert** a new rule after **16.3.8.4**:

16.3.8.4A Restricted Discretionary Subdivision (Rural Residential Zone)

Subdivision in the Rural Residential Zone that does not comply with condition (a) of rule 16.3.8.1 is a restricted discretionary activity.

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

(1) Any matter contained in 16.3.8.1.

(2) Any matter relating to geotechnical constraint, earthquake risk, stormwater inundation or flood risk of the site and zone location.

- (3) Adverse effects of the proposed development on character and amenity values within the Rural Residential Zone.
- (4) Any matter relating to the effect of the development on rural, landscape or coastal amenity values in the surrounding environment.
- (5) The ability of the land to manage onsite wastewater.

Schedule 16.3A: Assessment Criteria for Subdivision

4.2.29 Amend criteria (3) as follows:

The extent to which the effects of natural hazards, including wildfire risk, within and beyond the boundaries of the site will be avoided or mitigated.

4.3 Section 16.8: Temporary Activities and Relocated Dwellings

4.3.1 Amend first sentence of Scope of Section 16.8.1 as follows:

This section deals with temporary activities, temporary military training activities and relocation of dwellings throughout the District.

4.3.2 Add a new rule:

16.8.2.2 Permitted Activities (Temporary Military Training Activities)

Temporary military training activity is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Noise standards set out in Figure 16.8A which replace the applicable zone noise standards.
- (b) Any temporary building or structures that are used are removed at the end of the activity.

4.3.3 Add a new table:

Figure 16.8A: Noise Controls

<u>Type of Military Noise Sources</u>	<u>Standards</u>			
<u>1. Weapons Firing and/or the Use of Explosives</u>	<u>1. Notice is provided to Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing, the use of explosives or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place; and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.</u>			
	<u>2. Compliance with the noise standards below:</u>			
		<u>Time (Monday to Sunday)</u>	<u>Separation Distance required between the Boundary of the Activity and the Notional Boundary to any Building housing a Noise Sensitive Activity</u>	
	<u>(i) Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>	<u>Less than 1500m if conditions (a) and (c) below are complied with.</u>
		<u>1900 to 0700 hours</u>	<u>At least 4500m</u>	<u>Less than 4500m if conditions (b) and (c) below are complied with.</u>
	<u>(ii) Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>	<u>Less than 750m if conditions (a) and (c) below are complied with</u>
		<u>1900 to 0700 hours</u>	<u>At least 2250m</u>	<u>Less than 2250m if conditions (b) and (c) below are complied with</u>
	<u>Conditions to be complied with if minimum separation distances for sources 1(i) and 1(ii) cannot be met:</u>			
	<u>Condition</u>	<u>Time (Monday to Sunday)</u>	<u>Noise Level at the Notional Boundary to any Building housing a Noise Sensitive Activity</u>	
	<u>(a)</u>	<u>0700 to 1900 hours</u>	<u>Peak sound pressure level of 120 dBC</u>	
<u>(b)</u>	<u>1900 to 0700 hours</u>	<u>Peak sound pressure level of 90 dBC</u>		
<u>(c)</u>	<u>The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</u>			

		<ul style="list-style-type: none"> <u>A description of the site and activity, including times, dates, and nature and location of the proposed training activities.</u> <u>Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation and timing of noisy activities to limit noise received at sensitive receiver sites.</u> <u>A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</u> <u>A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.</u> <u>A method for following up any complaints received during or after the event, and any proposed debriefing meetings with Council.</u>
2. Mobile noise sources¹, excluding sources 1(i) and 1(ii)	<u>Compliance with the noise limits set out in Tables 2 and 3 of NZS6803:199 Acoustics – Construction Noise, with reference to “construction noise” taken to refer to other, mobile noise sources⁽³⁾</u>	
3. Fixed (stationary) noise sources², excluding sources 1(i) and 1(ii)	<u>Time (Monday to Sunday)</u>	<u>Noise Level at the Notional Boundary to any Building housing a Noise Sensitive Activity³</u>
	<u>0700 to 1900 hours</u>	<u>55 dB L_{Aeq} (15 min)</u>
	<u>1900 to 2200 hours</u>	<u>50 dB L_{Aeq} (15 min)</u>
	<u>2200 to 0700 hours the next day</u>	<u>45 dB L_{Aeq} (15 min)</u>
		<u>n.a</u>
		<u>75 dB L_{AFmax}</u>
4. Helicopter landing areas	<u>Compliance with noise limits set out in NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas⁽³⁾</u>	
Footnotes:		
<u>1. Mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment.</u>		
<u>2. Fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</u>		
<u>3. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</u>		

4.3.4 **Add** a new rule:

16.8.2.3 Controlled Activities (Temporary Military Training Activities)

Temporary military training activity that does not comply with the permitted conditions of rule 16.8.2.2 is a controlled activity.

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

(1) Noise effects.

(2) Timing, location and duration of the consent.

(3) Administrative charges pursuant to section 36 of the Resource Management Act.

4.3.5 **Add** to reasons **16.8.20**:

Temporary Military Training Activities

Noise effects from temporary military training activities need to be appropriately controlled within the District Plan. To this end, the New Zealand Defence Force has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. Based on this advice, the New Zealand Defence Force developed revised noise control permitted activity standards that it is seeking to have included in district plans nationwide.

The standards divide noise sources from temporary military training activities into three categories: (i) weapons firing and explosions; (ii) other mobile source such as vehicles and earthmoving equipment; and (iii) fixed noise sources such as power generators and water pumping. Each of these noise sources has different noise characteristics and, therefore, a different set of standards applies for controlling noise. The division allows a more comprehensive and appropriate method for controlling noise from temporary military training activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Four separation distances are specified – a night-time and daytime distance for firing of live ammunition and explosives, and a night-time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and

analysis of data measured from real military activities to ensure that the sound levels received at the specified distance will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night-time). Using separation distance as a standard has the advantage of being an easy-to-comply-with and easy-to-monitor standard.

Compliance with the construction noise standard NZS6803:1999 Acoustics is considered the most appropriate method for controlling mobile noise sources (other than weapons firing).

Compliance with standards in line with NZS6802:2008 Acoustics – Environmental Noise is considered the most appropriate method for controlling noise levels from fixed sources (other than weapons firing and explosives).

Compliance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas is considered the most appropriate method for controlling noise from helicopters associated with temporary military training activities.

5. Chapter 17: Zone Rules

5.1 Section 17.5: Rural 1 Zone Rules

17.5.2: Land Use

5.1.1 **Delete** and **replace** unpermitted activity **17.5.2.1(a)(ix)** as follows:

~~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~~ co-operative living

5.1.2 **Delete** unpermitted activity **17.5.2.1(a)(x)**:

~~(x) — conversion and use of an existing building for a dwelling;~~

5.1.3 **Add** new unpermitted activity to **17.5.2.1(a)**:

(xiv) — the maintenance, repair, storing, or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for or in connection with any commercial, industrial or rural industrial activity.

5.1.4 **Delete** and **replace exception (iii)** in condition **17.5.2.1(a)**:

~~One residential activity~~ The use of one dwelling

5.1.5 **Delete** condition **17.5.2.1(b)**, including its heading:

~~**Air Emissions — Dust and Odour**~~

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

5.1.6 **Amend** second exception in condition **17.5.2.1(c)** as follows:

~~Except as required by condition (ea) (e),~~ this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: ...

5.1.7 **Amend** heading of condition **17.5.2.1(m)** by replacing “Intensive Pig Farming” with “Intensive Livestock Farming”.

5.1.8 **Add** new conditions and note to **17.5.2.1**:

(n) — Intensive livestock farming which is poultry farming is set back at least 300 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 12-month 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 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm

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

5.1.9 **Add** new items to condition **17.5.2.2(b)**:

(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.

5.1.10 **Amend** condition **17.5.2.2(c)** as follows:

The conditions for ~~dust, odour and~~ noise set out in 17.5.2.1 (b) ~~and~~ (c) or (d).

5.1.11 **Insert** new condition in rule **17.5.2.2**:

(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.

5.1.12 **Insert** new rule:

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:

(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 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.

5.1.13 **Add** two new conditions to rule **17.5.2.9**:

(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, the activity does not operate between the hours of 10.00 pm and 6.00 am, unless the traffic is generated by agricultural machinery.

5.1.14 **Add** a new rule:

17.5.2.10 Non-Complying Activities (Land Use)

Any activity in the Rural 1 Zone that does not comply with the condition 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, Alteration or Use

5.1.15 **Amend** introductory paragraph of rule **17.5.3.1** and corresponding headings as follows:

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:

5.1.16 **Add** to condition **17.5.3.1(b)** as follows:

(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.

5.1.17 **Amend** conditions **17.5.3.1(d)** and **(e)** and **insert** two new conditions under the 'Sleepout' heading as follows:

(ca) There are no more than two sleepouts for any dwelling.

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

(e) The distance of either sleepout from the principal dwelling is no more than 20 metres.

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

5.1.18 **Amend** condition **17.5.3.1(h)(i)** as follows:

[Buildings are set back at least]

(i) 10 metres from road boundaries ~~except as provided for under condition (ka)~~ ...

5.1.19 **Insert** new conditions into rule **17.5.3.1**:

(ka) A 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 existing setback to the boundary is not thereby reduced;

(ii) at least 300 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.

5.1.20 **Amend** condition **17.5.3.1(l)** as follows:

Except as provided for in Schedule 17.5A (Hope Depot site), the total area of all buildings on the site, excluding ~~dwelling 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:

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

(ii) ~~for any site with a net area greater than 4,000 square metres, not greater than 600 square metres or 5 percent of the net site area (but not greater than 2,000 square metres).~~

5.1.21 **Amend** the introductory paragraph of rule **17.5.3.2** and corresponding heading as follows:

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:

5.1.22 **Merge** conditions **17.5.3.2(a)** and **(b)** and **amend** as follows:

(a) There is no more than one dwelling on a site and ~~A~~ the dwelling ~~may~~ contains no more than two self-contained housekeeping units, provided:

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

(ii) ~~one~~ one is clearly subsidiary;

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

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

5.1.23 **Amend** the introductory paragraph of condition **17.5.3.2(d)** as follows:

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:

5.1.24 **Amend** condition **17.5.3.2(d)** by swapping items (i) and (ii) so that reference to a home fire-sprinkler system is listed as the first option.

5.1.25 **Add** a new note to condition **17.5.3.2(d)** as follows:

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.*

5.1.26 **Delete** and **replace** condition **17.5.3.2(e)** as follows:

~~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.~~

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;

(ii) at least 300 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.

5.1.27 **Amend** condition **17.5.3.2(f)** as follows:

Dwellings are set back at least 500 metres from any boundary of an existing hard rock quarry site, that is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(i), ~~or~~ condition 17.6.2.1(a)(ii) or condition 17.7.2.1(b)(ii).

- 5.1.28 **Insert** a new condition in rule **17.5.3.2**:
(ka) The site is not part of a cooperative living activity.
- 5.1.29 **Insert** “permitted” before “conditions” in condition **17.5.3.2(m)**.
- 5.1.30 **Delete** condition **17.5.3.2(o)**:
Any building forming part or all of a rural selling place is set back no less than 30 metres from the road boundary.
- 5.1.31 **Add** to matter **17.5.3.2(5)** as follows:
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.
- 5.1.32 **Insert** two new matters in **17.5.3.2** after matter **(5)**:
(5A) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character and plant and animal production.
(5B) Low impact building design.
- 5.1.33 **Insert** a new matter in **17.5.3.2** after matter **(6)**:
(6A) Effects of natural hazards.
- 5.1.34 **Amend** introductory paragraph of rule **17.5.3.3** and corresponding heading as follows:
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:
- 5.1.35 **Amend** the first phrase of condition **17.5.3.3(a)** as follows:
No more than two dwellings are placed on the site or buildings used on the site as a dwellings;
- 5.1.36 **Insert** two new conditions in rule **17.5.3.3** after condition **(b)**:
(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).
- 5.1.37 **Delete** condition **17.5.3.3(d)** and its heading:
~~General~~
(d) ~~If an adjoining property has horticultural plantings 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 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 and the building or grounds; or~~
(iii) ~~30 metres from the horticultural plantings that are vineyards.~~
- 5.1.38 **Delete** all matters in rule **17.5.3.3** excluding matters (2A), (25) and (26).

5.1.39 **Insert** two new matters in rule **17.5.3.3** where deleted:

(1) Matters of control (1) – (8) in rule 17.5.3.2.

(2) Effects of a building with reduced setbacks.

5.1.40 **Renumber** remaining matters (2A), (25) and (26) in rule **17.5.3.3** as new matters (3) to (5).

5.1.41 **Insert** two new rules:

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.

5.1.42 **Add** to reasons **17.5.20**

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.

5.2 Section 17.6: Rural 2 Zone Rules

17.6.2: Land Use

5.2.1 **Delete** and **replace** unpermitted activity **17.6.2.1(a)(viii)** as follows:

~~more than one residential activity per site~~ co-operative living

5.2.2 **Delete** unpermitted activity **17.6.2.1(a)(ix)**:

~~conversion and use of an existing building to a dwelling where the building does not comply with the setback conditions for dwellings in 17.6.3.1(j) and 17.6.3.1(n);~~

5.2.3 **Add** new unpermitted activity to **17.6.2.1(a)**:

(xii) the maintenance, repair, storing, or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for or in connection with any commercial, industrial or rural industrial activity.

5.2.4 **Delete** condition **17.6.2.1(b)**, including its heading:

~~**Air Emissions – Dust and Odour**~~

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

5.2.5 **Amend** second exception in condition **17.6.2.1(c)** as follows:

~~Except as required by condition (ea) (e), this condition does not apply to all noise from any intermittent or temporary rural plant and animal production activity, including noise from: ...~~

5.2.6 **Amend** heading of condition **17.6.2.1(m)** by replacing “Intensive Pig Farming” with “Intensive Livestock Farming”.

5.2.7 **Add** new conditions and note to **17.6.2.1**:

(n) Intensive livestock farming which is poultry farming is set back at least 300 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 12-month 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 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm

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

5.2.8 **Add** new items to condition **17.6.2.2(b)**:

(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.

5.2.9 **Amend** condition **17.6.2.2(c)** as follows:

The conditions for ~~dust, odour and~~ noise set out in 17.6.2.1 ~~(b) and (c)~~ or (d).

5.2.10 **Insert** new condition in rule **17.6.2.2**:

(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.

5.2.11 **Insert** new rule:

17.6.2.8A 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 17.6.2.1.

(b) All buildings, including dwellings, meet permitted conditions (f) - (n) of rule 17.6.3.1, where applicable.

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 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 land and building ownership.
- (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 geotechnical 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.

5.2.12 **Add** two new conditions to rule **17.6.2.9**:

- (c) Where relevant, the conditions in rule 17.6.2.8A.
- (d) Where a commercial, industrial or rural industrial activity gains access from a local 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.

5.2.13 **Add** a new rule:

17.6.2.10 Non-Complying Activities (Land Use)

Any activity in the Rural 2 Zone that does not comply with the conditions of rule 17.6.2.8A or 17.6.2.9 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.

17.6.3: Building Construction, Alteration or Use

5.2.14 **Amend** introductory paragraph of rule **17.6.3.1** and corresponding headings as follows:

17.6.3 Building Construction, ~~or~~ Alteration or Use

17.6.3.1 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:

5.2.15 **Amend** heading above condition **17.6.3.1(c)** from “One Dwelling” to “Dwellings”.

5.2.16 **Merge** conditions **17.6.3.1(c)** and **(d)** and **amend** as follows:

- (c) There is no more than one dwelling on a site ~~and~~ ~~A~~ ~~the~~ ~~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;
 - (iii) connecting rooms or passages have a continuous roof; and
 - (iv) the walls are fully enclosed.

5.2.17 **Amend** condition **17.6.3.1(e)** as follows:

Any building that is constructed ~~or~~ used is not part of any workers’ accommodation.

5.2.18 **Amend** conditions **17.6.3.1(f)** and **(g)** and **insert** two new conditions under the 'Sleepout' heading as follows:

(ea) There are no more than two sleepouts for any dwelling.

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

(g) The distance of either sleepout from the principal dwelling is no more than 20 metres.

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

5.2.19 **Amend** condition **17.6.3.1(j)(i)** as follows:

[Buildings are set back at least]

(i) 10 metres from road boundaries except as provided for under condition (ma), and ...

5.2.20 **Insert** a new condition into rule **17.6.3.1**:

(ma) A building may be set within 5 metres of an internal boundary where the landowner of the property has provided written permission.

5.2.21 **Delete** and **replace** condition **17.6.3.1(n)** as follows:

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

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

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

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

Dwellings and habitable buildings are set back at least:

(i) 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced;

(ii) 300 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.

5.2.22 **Amend** condition **17.6.3.1(o)** as follows:

Dwellings are set back at least 500 metres from any boundary of an existing hard rock quarry site, that 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).

5.2.23 **Amend** condition **17.6.3.1(p)** as follows:

The total area of all buildings on any site which is 25 hectares or less in area, excluding ~~dwellings and~~ greenhouses, is:

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

(ii) is not greater than ~~five~~ 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.

5.2.24 **Amend** the introductory paragraph of condition **17.6.3.1(r)** as follows:

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:

5.2.25 **Amend** condition **17.6.3.1(r)** by swapping items (i) and (ii) so that reference to a home fire-sprinkler system is listed as the first option.

- 5.2.26 **Add** a new note to condition **17.5.3.2(r)** as follows:
Note 4: The water supply provided for in 17.6.3.2(r)(ii) may serve a second dwelling on the site provided that the requirements of the condition are met for both dwellings.
- 5.2.27 **Amend** the introductory paragraph of rule **17.6.3.2** and corresponding heading as follows:
17.6.3.2 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 17.6.3.1 is a controlled activity, if it complies with the following conditions:
- 5.2.28 **Amend** condition **17.6.3.2(b)**, including its heading, as follows:
Dwellings ~~Excluded~~
 (b) The building is ~~not~~ a second dwelling on the site that is a minor dwelling and the principal dwelling contains a single housekeeping unit only.
- 5.2.29 **Insert** a new condition after **17.6.3.2(b)**:
 (ba) The second dwelling that is a minor dwelling complies with the permitted conditions of rule 17.6.3.1(h) – (t).
- 5.2.30 **Insert** a new condition after **17.6.3.2(d)**:
 (da) The site is not part of a cooperative living activity.
- 5.2.31 **Add** to matter **17.6.3.2(5)** as follows:
 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.
- 5.2.32 **Insert** two new matters in **17.6.3.2** after matter **(5)**:
 (5A) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character and plant and animal production.
 (5B) Low impact building design.
- 5.2.33 **Insert** a new matter in **17.6.3.2** after matter **(6)**:
 (6A) Effects of natural hazards.
- 5.2.34 **Amend** introductory paragraph of rule **17.6.3.3** and corresponding heading as follows:
17.6.3.3 Restricted Discretionary Activities (Building Construction, ~~or~~ Alteration or Use) – Site Specific Development: Ngarua Caves)
 Construction, ~~or~~ alteration, or use of any building on the part of CT 16/5 annotated “Subject to Schedule 17.6A” on the planning maps (Ngarua Caves, Takaka Hill, near State Highway 60) is a controlled activity, if it complies with the following conditions:
- 5.2.35 **Amend** introductory paragraph of rule **17.6.3.4** and corresponding heading as follows:
17.6.3.4 Restricted Discretionary Activities (Building Construction, ~~or~~ Alteration or Use) – Site Specific Development: Ngarua Caves)
 Construction, ~~or~~ alteration, or use of a building that does not comply with the conditions of rule 17.6.3.1 and 17.6.3.2 is a restricted discretionary activity, if it complies with the following conditions:
- 5.2.36 **Amend** condition **17.6.3.4(a)** as follows:
 No more than two dwellings are placed on the site or buildings used on the site as dwellings;
- 5.2.37 **Delete** all matters in rule **17.6.3.4** excluding matters **(2A)** and **(25)**.

- 5.2.38 **Insert** two new matters in **17.6.3.4** where deleted:
- (1) Matters of control (1) – (9) in rule 17.6.3.2.*
- (2) Effects of a building with reduced setbacks.*
- 5.2.39 **Renumber** remaining matters **(2A)** and **(25)** in rule **17.6.3.4** as new matters (3) and (4).
- 5.2.40 **Insert** new rule:
- 17.6.3.5 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.*
- 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.*

5.3 Section 17.7: Rural 3 Zone Rules

17.7.2: Land Use

- 5.3.1 **Delete** unpermitted activity **17.7.2.1(a)(viii)** as follows:
- ~~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~~*
- 5.3.2 **Add** new unpermitted activity to **17.7.2.1(b)**:
- (xii) the maintenance, repair, storing, or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for or in connection with any commercial, industrial or rural industrial activity.*
- 5.3.3 **Delete** condition **17.7.2.1(c)**, including its heading, and add a new heading above **17.7.2.1(d)** as follows:
- ~~Air Emissions – Dust and Odour~~**
- ~~(b) No activity may emit offensive and pervasive dust or odours that are discernible in a Residential Zone.~~*
- Noise**
- 5.3.4 **Amend** second exception in condition **17.7.2.1(d)** as follows:
- 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: ...*
- 5.3.5 **Amend** heading of condition **17.7.2.1(h)** by replacing “Intensive Pig Farming” with “Intensive Livestock Farming”.
- 5.3.6 **Add** new condition to **17.7.2.1**:
- (i) Intensive livestock farming which is poultry farming is set back at least 300 metres from any boundary of the site.*
- 5.3.7 **Add** new items to condition **17.7.2.2(c)**:
- (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.*
- 5.3.8 **Amend** condition **17.7.2.2(d)** as follows:
- The conditions for ~~dust, odour and~~ noise set out in conditions 17.7.2.1(c) ~~and~~ or (d).*

5.3.9 **Insert** new condition (da) in rule **17.7.2.2**:

(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.

5.3.10 **Add** a new condition to rule **17.7.2.6**:

(c) Where a commercial, industrial or rural industrial activity gains access from a local 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.

A resource consent is required and may include conditions.

5.3.11 **Add** a new rule after **17.7.2.6**:

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, Alteration or Use

5.3.12 **Amend** introductory paragraph of rule **17.7.3.1** and corresponding headings as follows:

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:

5.3.13 **Add** to condition **17.7.3.1(b)** as follows:

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.

5.3.14 **Insert** new condition into rule **17.7.3.1**:

(ga) Habitable buildings are set back at least:

(i) 30 metres from a boundary where that boundary is to the Rural 1 or Rural 2 Zone;

(ii) 300 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; or

(iii) 500 metres from any boundary of an existing hard rock quarry site that 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).

5.3.15 **Amend** condition **17.7.3.1(k)** as follows:

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 any site, excluding greenhouses, 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.

- 5.3.16 **Amend** the introductory paragraph of rule **17.7.3.2** and corresponding heading as follows:
- 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:*
- 5.3.17 **Amend** condition **17.7.3.2(a)** as follows:
- (a) *There is no more than one dwelling on a site or building used as a dwelling, except as ...*
- 5.3.18 **Amend** condition **17.7.3.2(b)** as follows:
- ~~A~~The 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.*
- 5.3.19 **Amend** the introductory paragraph of condition **17.7.3.2(c)** as follows:
- 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:*
- 5.3.20 **Amend** condition **17.7.3.2(c)** by swapping items (i) and (ii) so that reference to a home fire-sprinkler system is listed as the first option.
- 5.3.21 **Add** a new note to condition **17.7.3.2(c)** as follows:
- 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.**
- 5.3.22 **Delete** and **replace** condition **17.7.3.2(f)** as follows:
- ~~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.~~*
- 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;*
- (ii) *300 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.*
- (iii) *500 metres from any boundary of an existing hard rock quarry site that 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).*
- 5.3.23 **Insert** a new condition in rule **17.7.3.2** after the ‘Sleepout’ heading:
- (ia) *There are no more than two sleepouts for any dwelling.*
- 5.2.24 **Amend** conditions **17.7.3.2(j)** and **(k)** as follows:
- (j) *The area ~~for the~~ of either sleepout is no more than 36 square metres.*
- (k) *The distance of either sleepout from the principal dwelling is no more than 20 metres.*

5.2.25 **Amend** introductory paragraph of rule **17.7.3.3** and corresponding heading as follows:

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 17.7.3.2 is a restricted discretionary activity, if it complies with the following conditions:

5.2.26 **Amend** condition **17.7.3.3(a)** as follows:

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

5.3 Section 17.7: Rural 3 Zone Rules

17.7.2: Land Use

5.3.1 **Delete** unpermitted activity **17.7.2.1(a)(viii)** as follows:

~~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~~

5.3.2 **Add** new unpermitted activity to **17.7.2.1(b)**:

(xii) the maintenance, repair, storing, or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for or in connection with any commercial, industrial or rural industrial activity.

5.3.3 **Delete** condition **17.7.2.1(c)**, including its heading, and add a new heading above **17.7.2.1(d)** as follows:

~~Air Emissions—Dust and Odour~~

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

5.3.4 **Amend** second exception in condition **17.7.2.1(d)** as follows:

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: ...

5.3.5 **Amend** heading of condition **17.7.2.1(h)** by replacing “Intensive Pig Farming” with “Intensive Livestock Farming”.

5.3.6 **Add** new condition to **17.7.2.1**:

(i) Intensive livestock farming which is poultry farming is set back at least 300 metres from any boundary of the site.

5.3.7 **Add** new items to condition **17.7.2.2(c)**:

(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.

5.3.8 **Amend** condition **17.7.2.2(d)** as follows:

The conditions for ~~dust, odour and~~ noise set out in conditions 17.7.2.1(c) ~~and~~ or (d).

5.3.9 **Insert** new condition (da) in rule **17.7.2.2**:

(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.

5.3.10 **Add** a new condition to rule **17.7.2.6**:

(c) Where a commercial, industrial or rural industrial activity gains access from a local 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.

A resource consent is required and may include conditions.

5.3.11 **Add** a new rule:

17.7.2.10 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, Alteration or Use

5.3.12 **Amend** introductory paragraph of rule **17.7.3.1** and corresponding headings as follows:

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:

5.3.13 **Add** to condition **17.7.3.1(b)** as follows:

(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.

5.3.14 **Insert** new condition into rule **17.7.3.1**:

(ga) Habitable buildings are set back at least:

(i) 30 metres from a boundary where that boundary is to the Rural 1 or Rural 2 Zone;

(ii) 300 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;
or

(iii) 500 metres from any boundary of an existing hard rock quarry site that 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).

5.3.15 **Amend** condition **17.7.3.1(k)** as follows:

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 any site, excluding greenhouses, 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.

- 5.3.16 **Amend** the introductory paragraph of rule **17.7.3.2** and corresponding heading as follows:
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:
- 5.3.17 **Amend** condition **17.7.3.2(a)** as follows:
There is no more than one dwelling or building used as a dwelling on a site, except as ...
- 5.3.18 **Amend** condition **17.7.3.2(b)** as follows:
~~*A The 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.
- 5.3.19 **Amend** the introductory paragraph of condition **17.7.3.2(c)** as follows:
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:
- 5.3.20 **Amend** condition **17.7.3.2(c)** by swapping items (i) and (ii) so that reference to a home fire-sprinkler system is listed as the first option.
- 5.3.21 **Add** a new note to condition **17.7.3.2(c)** as follows:
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.
- 5.3.22 **Delete and replace** condition **17.7.3.2(f)** as follows:
~~*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.*~~
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;
(ii) _____ 300 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.
(iii) _____ 500 metres from any boundary of an existing hard rock quarry site that 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).
- 5.3.23 **Insert** a new condition in rule **17.7.3.2** after the ‘Sleepout’ heading:
(ia) _____ There are no more than two sleepouts for any dwelling.
- 5.3.24 **Amend** conditions **17.7.3.2(j)** and **(k)** as follows:
(j) _____ The area ~~for the~~ of either sleepout is no more than 36 square metres.
(k) _____ The distance of either sleepout from the principal dwelling is no more than 20 metres.

5.3.25 **Amend** introductory paragraph of rule **17.7.3.3** and corresponding heading as follows:

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 17.7.3.2 is a restricted discretionary activity, if it complies with the following conditions:

5.3.26 **Amend** condition **17.7.3.3(a)** as follows:

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

5.4 Section 17.8: Rural Residential Zone Rules

17.8.2: Land Use

5.4.1 **Add** new unpermitted activity to **17.8.2.1(a)**:

(vi) the maintenance, repair, storing, or parking of more than one heavy vehicle (excluding agricultural machinery) with a gross laden weight of 3,500 kilograms or more, that is being used for or in connection with any commercial, industrial or rural industrial activity.

5.4.2 **Amend** condition **17.8.2.1(j)** as follows:

(j) A residential activity is set back at least 500 metres from any boundary of an existing hard rock quarry site that is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(~~ba~~)(ii), ~~or~~ condition 17.6.2.1(~~ba~~)(ii) or 17.7.2.1(b)(ii).

5.4.3 **Amend** condition **17.8.2.1(p)** as follows:

(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~~

(iii) ~~All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.~~

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

17.8.3: Building Construction, Alteration or Use

5.4.4 **Amend** introductory paragraph of rule **17.8.3.1** and corresponding headings as follows:

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

17.8.3.1 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:

5.4.5 **Amend** condition **17.8.3.1(a)**, including its heading, as follows:

~~One Dwellings~~

There is no more than one dwelling or building used as a dwelling on a site.

5.4.6 **Amend** condition **17.8.3.1(b)** as follows:

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

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

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

5.4.7 **Insert** a new condition in rule **17.8.3.1** after the ‘Sleepout’ heading:

(ba) _____ There are no more than two sleepouts for any dwelling.

5.4.8 **Amend** conditions **17.8.3.1(c)** and **(d)** as follows:

~~(c) _____ The area of ~~any~~ either sleepout is no more than 36 square metres.~~

~~(d) _____ The distance ~~from any~~ of either sleepout from the principal dwelling is no more than 20 metres.~~

5.4.9 **Delete** and **replace** condition **17.8.3.1(h)** as follows:

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.~~

Dwellings and habitable buildings are set back at least:

~~(i) _____ 30 metres from any boundary where that boundary is to a Rural 1, Rural 2 or Rural 3 Zone;~~

~~(ii) _____ 300 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.~~

5.4.10 **Amend** condition **17.8.3.1(k)** as follows:

~~(k) _____ The total area of all buildings on the site, excluding ~~dwellings~~ and greenhouses, does not exceed 20 percent of the net site area or ~~500~~ 600 square metres per site, whichever is the smaller.~~

5.4.11 **Amend** the introductory paragraph of condition **17.8.3.1(m)** as follows:

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:

5.4.12 **Amend** condition **17.8.3.1(m)** by swapping items (i) and (ii) so that reference to a home fire-sprinkler system is listed as the first option.

5.4.13 **Add** a new note to condition **17.8.3.1(m)** as follows:

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

5.4.14 **Amend** condition **17.8.3.1(q)** as follows:

~~(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

- (iii) ~~_____~~ *All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.*

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

5.4.15 **Insert** new rule after **17.8.3.1**:

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

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

- (a) *The activity is a second dwelling that is a minor dwelling and is located on a site of at least two hectares.*
- (b) *The minor dwelling complies with permitted conditions 17.8.3.1 (e) – (a) 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.*
- (2) *Effects on the amenities 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.*
- (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 plant and animal production.*
- (6) *Low impact building design.*
- (7) *The on-site management of stormwater in accordance with Low Impact Design solutions.*
- (8) *Effects of natural hazards.*
- (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).*

5.4.16 **Amend** introductory paragraph of rule **17.8.3.2** and corresponding heading as follows:

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

Construction, ~~or~~ alteration, or use of a building that does not comply with the permitted conditions of rule 17.5.3.2 or the controlled conditions of rule 17.8.3.1A is a restricted discretionary activity, if it complies with the following conditions:

5.4.17 **Amend** condition **17.8.3.2(a)** as follows:

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

5.4.18 **Insert** heading “Setbacks” before condition **17.8.3.2(b)**.

5.4.19 **Delete and replace** condition **17.8.3.2(e)**:

~~*If an adjoining property is horticultural plantings 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 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 and the building or grounds; or~~
- ~~(iii) 30 metres from the horticultural plantings that are vineyards.~~

Dwellings and habitable buildings are set back at least:

- (i) 30 metres from any boundary where that boundary is to a Rural 1, Rural 2 or Rural 3 Zone;
- (ii) 300 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.

5.4.20 **Amend** condition **17.8.3.2(f)** as follows:

- ~~(i) EITHER~~

~~All stormwater from buildings and impervious surfaces is discharged to a Council maintained stormwater drainage network that has the capacity to receive the additional stormwater.~~

~~OR~~

~~The discharge complies with section 36.4 of this Plan.~~

AND

- ~~(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.~~

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

5.4.21 **Delete** all matters in rule **17.8.3.2** excluding matters **(10)** to **(13)**.

5.4.22 **Insert** two new matters in **17.8.3.2** where deleted:

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

(2) Effects of a building with reduced setbacks.

5.4.23 **Renumber** remaining matters **(10)** to **(13)** in rule **17.8.3.2** as new matters (3) to (6).

5.4.24 **Amend** introductory paragraph of rule **17.8.3.3** and corresponding heading as follows:

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

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

6. Chapter 18: Special Area Rules

6.1 Section 18.7: Residential Activity Restriction Area

6.1.1 **Amend** condition **18.7.2.1(a)** as follows:

Dwellings or residential activities are set back 50 metres from any ~~working~~ existing hard rock quarry site that 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(ba)(ii), or condition 17.7.2.1 (b)(ii).

6.1.2 **Amend** matters **18.7.2.1(1), (3)** and **(4)** by inserting “hard rock” before “quarry” in matter (1) and before “quarrying” in matters (3) and (4).

6.1.3 **Amend** reasons **18.7.20** by inserting “hard rock” before “quarries”.

7. Chapter 19: Information Required with Land Use Consent or Subdivision Consent Applications

7.1 Section 19.2.1: Land Use

7.1.1 Add a new requirement to 19.2.1 as follows:

Productive Value Report

19.2.1.17 A productive value report may be required for any land use consent and must contain the following:

- (a) Soil type patterns across a site.
- (b) The characteristics of soils, including drainage, potential rooting depth, present fertility, existing contamination and erosion proneness.
- (c) Land form features, including slope and aspect, and flood proneness.
- (d) Climate, including general characteristics relating to suitability for productive use.
- (e) Historical and existing land uses, including crop type, surrounding uses and existing markets.
- (f) Effects on potential land uses and productivity, including loss of land from production through access, curtilage development and required setbacks.

7.2 Section 19.2.2: Subdivision

7.1.1 Add a new requirement to 19.2.2 as follows:

Productive Value Report

19.2.2.42 A productive value report may be required for any land use consent and must contain the following:

- (a) Soil type patterns across a site.
- (b) The characteristics of soils, including drainage, potential rooting depth, present fertility, existing contamination and erosion proneness.
- (c) Land form features, including slope and aspect, and flood proneness.
- (d) Climate, including general characteristics relating to suitability for productive use.
- (e) Historical and existing land uses, including crop type, surrounding uses and existing markets.
- (f) Effects on potential land uses and productivity, including loss of land from production through access, curtilage development and required setbacks.

8. Chapter 36: Rules for Contaminant Discharges

8.1 Section 36.4: Discharges or Diversions to Land or Water

8.1.1 Amend circumstances 1, 2 and 4 of rule 36.4.2.1 by deleting “point of” in reference to discharge or diversion.

8.1.2 Amend rule 36.4.2.1 by including “Rural Residential,” in the list of zones.