

# Dwellings in Rural Zones

## A guide to applying for resource consent

**Tasman Resource Management Plan (the “TRMP”)**

### Summary Guide No. 15

**Current: August 2019**

**This guide will help you if you need to apply for a resource consent for a rural dwelling.**

We recommend you contact one of our duty planners to discuss your proposal before lodging an application. Give them a call on 03 543 8400.

### Do I need a resource consent for my rural dwelling?

Resource consent is required for:

- the first dwelling on all properties in the Rural 1 and Rural 3 zones
- second (and subsequent) dwellings in all rural zones

There may be other resource consent requirements as well. Check section below for more information.

### Why do I need resource consent?

The main reasons that resource consent is required for dwellings in rural zones are to ensure that:

- residential development has minimal impact on productive rural activities, particularly where land has high productive value
- the character and amenity (the look and feel) of rural areas is maintained
- adequate servicing is provided – for example, suitable onsite wastewater and stormwater disposal; domestic water supply; firefighting water supply; and safe vehicle access
- hazards, particular to the site, are managed



### What other information do I need?

Check the following things. If in doubt, contact a duty planner for advice.

- What zone is my property in?**  
You can check your zone by going to the ‘Planning’ layer on Top of the South Maps – [www.topofthesouthmaps.co.nz](http://www.topofthesouthmaps.co.nz). This will also let you know what TDC Map number applies to your property. Our customer services staff can also help you check– give them a call on 03 543 8400.
- Are there any special planning overlays that apply to my property?**  
Planning overlays can apply for a variety of reasons – for example land may be in the coastal environment, a cultural heritage protection area, a coastal risk area, or have protected trees on it.  
To find out more, check the TRMP ‘Area’ and ‘Special’ maps (using the TDC Map number that applies to your property) on the planning maps section of our website - <https://www.tasman.govt.nz/link/trmp-maps>
- What are the general planning requirements for buildings in my zone?**  
Read the Tasman Resource Management Plan (TRMP) summary guide Rules for Building Construction and Alteration. These guides contain information on the permitted height, setback and coverage for buildings and servicing requirements in your zone. You can get a copy from any Council office, or at <https://www.tasman.govt.nz/link/trmp-guides>.
- Are there any consent notices or covenants registered on my property’s title?**  
Consent notices and covenants can contain obligations that must be complied with on an ongoing basis. This may affect future development of your site. Check the record of title for your property to see if any apply.
- Are there any hazards that may affect my site?**  
Natural hazards could include flooding from rivers, streams or the coast; unstable ground; or proximity to a fault. Contaminated land could be present where there is a previous history of pesticide use.

## What should I include in my application?

Refer to the *Resource Consent Application – Land Use* form for a checklist of information that needs to be included. The following information will be required as a minimum.

**A description of the activity and the site**

Tell us as much as you can about what it is you want to do. Who will the dwelling be used for (i.e. for your family, visitor accommodation, a rental)? If it is a second dwelling, how far will it be from the main dwelling?

**A site plan**

Show the location of all existing and proposed buildings, the vehicle access and driveway, setbacks from the boundary, the location of services (water tanks, wastewater disposal fields, etc) and any special features of the site (e.g. waterbodies).

**Floor and elevations plans for all proposed buildings**

Make sure the existing ground level (and proposed ground level if changes will be made) is shown on the elevations plan.

**Details on how the dwelling will be serviced, including how**

- Wastewater will be managed. It is likely you will need to provide a wastewater report prepared by a specialist, particularly if the site is located within a Wastewater Management Area as identified in the planning maps.
- Stormwater will be managed and disposed of.
- Domestic water supply will be provided. If stored onsite, a minimum of 23,000 litres potable water is required.
- Water supply for firefighting will be provided. If you are not connected to a reticulated water supply incorporating water mains fitted with fire hydrants *and* the closest fire hydrant is no more than 135 metres from your dwelling, then you will need to provide one of the following:
  - a home fire-sprinkler system that is fitted with a reliable year-round water supply; *or*
  - a water supply of at least 45,000 litres that is between 6 and 90 metres from the dwelling and is accessible to firefighting equipment.

Also refer to the NZ Fire Service's *Firefighting Water Supplies* brochure for information on appropriate design and fittings for connection to fire appliances.

*Note:* Water tanks for firefighting supply can be shared between two dwellings as long as the accessibility requirements are met.



**Record of title**

The record of title copy must be less than three months old. If there are any relevant consent notices or covenants on the title, please include a copy of those too. Copies can be purchased from Landlink Agency Limited ([www.nztitlesearch.co.nz](http://www.nztitlesearch.co.nz)) or from Tasman District Council.

**An assessment of environmental effects (AEE)**

### What should I include in my AEE?

Include comments on the following and, if necessary, how you will reduce any adverse effects.

- *Productive land* – how productive are the soils on your site? If they have high productive value, how will you minimise the loss of productive land?
- *Cross boundary effects* – are there any activities next door that might be affected by a dwelling? For example, horticultural plantings that are sprayed.
- *Land fragmentation* – is a covenant being volunteered to prevent future subdivision?
- *Rural amenity and rural character* – is landscaping proposed to enhance the site and screen residential activity? Will the design/colour of the dwelling minimise visual effects?
- *Neighbours* – have you discussed the proposal with your neighbours? What was the outcome of that? Please note that if you share an access with others you are likely to be asked to provide their written approval. Other written approvals may be required, depending on the individual circumstances of your site and development.
- *NZTA* – if your site is off a State Highway, have you discussed it with the New Zealand Transport Agency? Their written approval is likely to be required.
- *Heritage New Zealand* – if your site is close to a cultural heritage or archaeological site contact Heritage New Zealand to discuss the development with them – [www.heritage.org.nz](http://www.heritage.org.nz) / archaeological authority.

## What other things should I be aware of?

- ❖ You may require **additional resource consents** for wastewater disposal, water supply and/or stormwater discharge.
- ❖ A **development contribution** may be charged for second and subsequent dwellings.
- ❖ This guide relates to planning (resource consent) information only. Any new buildings or alterations may also require a **building consent**. If you have any questions about this, contact Council's duty building officer.

## 6 What is the activity status of my resource consent?

The TRMP has different activity categories for resource consents, depending on the potential for adverse effects on the environment. The activity status of your resource consent is important because the level of information required in your application generally increases as the activity category becomes more stringent. For rural dwellings in Tasman District, the relevant activity categories are outlined below.

|                               | <b>Permitted</b><br><i>Resource consent not required*</i>   | <b>Controlled</b><br><i>Resource consent must be granted, may include conditions to manage environmental effects</i>   | <b>Restricted Discretionary</b><br><i>Resource consent may be granted, likely to include conditions to manage environmental effects</i>   | <b>Discretionary</b>  |
|-------------------------------|---|--|---|---|
| <b>Rural 1 Zone</b>           |    | <br><b>OR</b><br><br>+ Site must be larger than 12 hectares (or be created before 25 May 1996)           | <br>+ Site must be larger than 24 hectares<br><b>OR</b> (for sites less than 24 hectares)<br> | <p>Developments in any zone that are not in any of the previous categories will be a <b>discretionary activity</b>, which means that</p> <ul style="list-style-type: none"> <li>➤ Resource consent may or may not be granted.</li> <li>➤ Conditions will be included in the resource consent.</li> <li>➤ An assessment of the activity against relevant objectives and policies in the TRMP is needed</li> <li>➤ You may be asked to register a covenant on your title to restrict the potential for future land fragmentation and development</li> </ul> |
| <b>Rural 2 Zone</b>           | <br><b>OR</b><br>    |   | <br>+ Site must be larger than 50 hectares  |   |
| <b>Rural 3 Zone</b>           |    | <br><b>OR</b><br><br>+ Dwellings must be within an identified building location area (if applicable) |   |   |
| <b>Rural Residential Zone</b> | <br><b>OR</b><br> | <br>+ Site must be larger than two hectares   |   |   |

\* As long as buildings meet all other relevant planning standards – for example, building height, setback and coverage; parking and access; servicing requirements etc.

\*\* **Sleepouts** are a permitted activity where they:

- are 36 square metres or less in size;
- do not contain a kitchen or cooking facilities;
- are 20 metres or less from a dwelling; and
- are not part of a cooperative living activity.



Dwelling with attached, self-contained housekeeping unit



Dwelling



Minor dwelling  
(A dwelling up to 80m<sup>2</sup> in area; or up to 120m<sup>2</sup> with an attached garage)



\*Sleepout

## Tasman Resource Management Plan Objectives and Policies for Second Dwellings

*The TRMP contains objectives and policies which state the Council's goals in sustainably managing natural and physical resources. Tell us in your AEE how your proposal meets these objectives and policies.*

| <b>Relevant objective / policy</b> |  |
|------------------------------------|--|
| <b>5.1.3</b>                       | <b>Site amenity –</b>  |
| 5.1.3.1                            | <i>To ensure that any adverse effects of development on site amenity ... landscape values, and contamination and natural hazard risks are avoided, remedied or mitigated.</i>  |
| 5.1.3.5                            | <i>To ensure that the characteristics – including size, soil type and topography of each lot of any proposed ... development – are suitable for sustainable on-site treatment of domestic waste in unreticulated areas, particularly areas where higher risks of adverse effects from on-site disposal of domestic wastewater exist.</i>   |
| 5.1.3.8                            | <i>Development must ensure that the effects of land use on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.</i>  |
| 5.1.3.9                            | <i>To avoid, remedy, or mitigate effects of: noise, dust, glare, vehicles, buildings beyond the boundaries of the site generating the effect.</i>  |
| 5.1.3.12                           | <i>To protect the natural character of coastal land from adverse effects of further development.</i>   |
| <b>5.2.2</b>                       | <b>Amenity values</b>  |
| 5.2.3.1                            | <i>To maintain privacy for rural dwelling sites.</i>   |
| 5.2.3.4                            | <i>To promote amenity through vegetation, landscaping and screening.</i>   |
| 5.2.3.7                            | <i>To enable a variety of housing types in rural areas.</i>  |
| 5.2.3.8                            | <i>To avoid, remedy or mitigate the adverse effects of traffic on the amenity of rural areas.</i>  |
| <b>7.1.2</b>                       | <b>Avoid loss of productive land</b>   |
| 7.1.3.2                            | <i>To avoid, remedy or mitigate the adverse effects of activities which reduce the area of land available for soil-based production purposes in rural areas.</i>   |
| 7.1.3.3                            | <i>To avoid, remedy or mitigate the potential for reverse sensitivity on plant and animal production in the Rural 1, 2 &amp; 3 zones.</i>  |
| <b>7.2.2</b>                       | <b>Provision of activities to use rural land for activities other than soil-based production</b>   |
| 7.2.3.1                            | <i>To enable activities which are not dependent on plant and animal production to be located on land which is not of high productive value.</i>  |
| 7.2.3.2                            | <i>To enable sites in specific locations to be used primarily for rural residential purposes with any farming or other rural activity being ancillary having regard to: the productive and versatile values of the land; natural hazards; outstanding natural features and the Coastal Environment Area; cross-boundary effects; servicing availability; transport access and effects; potential for cumulative adverse effects from further land fragmentation; and efficient use of the rural land resource.</i> |
| <b>7.4.2</b>                       | <b>Rural Character and Amenity Values</b>  |
| 7.4.3.3                            | <i>To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity.</i>   |
| 7.4.3.6                            | <i>To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new buildings primarily for residential purposes in rural areas, so that productive land use opportunities are not compromised.</i>   |
| 7.4.3.9                            | <i>To avoid, remedy or mitigate servicing effects of rural development, including road access, water availability and wastewater disposal.</i>   |

## Covenant Example

I, \_\_\_\_\_ agree to volunteer the below covenant to be registered on the record of title for the property located at \_\_\_\_\_

*A covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against Computer Freehold Register Identifier [XXXXX] ('the property'). The covenant shall state that:*

- (a) The second dwelling shall not be used for commercial visitor accommodation;*
- (b) The second dwelling shall not be added to or extended at any time;*
- (c) The right to have a second self-contained housekeeping unit attached to either the main dwelling or the second dwelling is relinquished;*
- (d) The existence of two dwellings on the property shall not be used as a basis for any future subdivision.*

*EXCEPT THAT*

- (e) If one or more of the land uses identified in conditions (a)-(c) become a permitted activity under the Tasman Resource Management Plan then the condition/s relevant to that land use shall not apply;*
- (f) If the subdivision of the property becomes a controlled activity under the Tasman Resource Management Plan then condition (d) shall not apply.*

*The covenant is to be registered by the Consent Holder's solicitor, with all costs being met by the Consent Holder. Evidence that the covenant has been registered shall be forwarded to Tasman District Council's Coordinator – Compliance Monitoring within five months from the date of this consent (by [insert date]).*