
Selwyn District Council

Plan Change 42:

Temporary Activities

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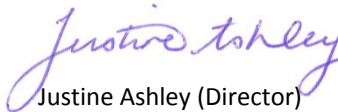
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Proposed Plan Change

Resource Management Act 1991

1 Introduction

Selwyn District Council (the Council) proposes to undertake a Plan Change to amend the provisions of the Selwyn District Plan (the Plan) that relate to Temporary Activities and Temporary Election Signage.

This report contains an evaluation undertaken by Selwyn District Council in accordance with Section 32 of the Resource Management Act 1991 (the Act) and should be read in conjunction with the proposed amendments to the Plan and background information, contained within **Appendices 1-4**.

2 Overview of Plan Change

2.1 Background

This Plan Change introduces a number of amendments to the Township and Rural Volumes of Plan that relate to the provision for Temporary Activities and Temporary Election Signage. Temporary Activities are defined in both the Township and Rural Volumes of the Plan and limit activities to short periods and frequencies. Temporary Signage is defined and includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation for limited period of time. Temporary Election Signage which is controlled by the *Electoral (Advertisements of a Specified Kind) Regulations 2005* is not specifically defined in the Plan.

Temporary Activities are common within Selwyn District and given their short term use, such events are typically completed (including set up and pack up) within a short number of days. Any effects are typically limited with the wider community benefits of most events generally outweighing any short-duration adverse effects.

Examples of well known events that occur within (or through part of) Selwyn District are:

- A & P Shows/field days
- Coast to coast race
- School fairs and galas
- Markets

In early 2013 Selwyn District Council resolved to investigate how the Plan provides for Temporary Activities to ensure that its provisions are both consistent with other similar District Plans; sufficient to provide on-going flexibility for most Temporary Activities to continue to operate; and to provide adequate control of their potential effects. This investigation followed the receipt of complaints regarding a commercial 'Horror Maze' activity that was temporarily operating within the Rural Zone (Inner Plains) within the District during the summer months of 2012/13.

An Issues and Options report was prepared in early 2013 which highlighted a number of issues with the current Plan provisions and provided recommendations for addressing the following:

- The introduction of a new policy to provide improved direction specifically for Temporary Activities/events.
- The amendment of the Plan definition of Temporary Activities to specifically define and list out what activities are intended to be encompassed by the definition. This includes relocating the 'seasonal activity' exemption which is embedded within the Rural Volume definition to the rule that it relates (Rule 9.13).
- The amendment of the Plan limits for Temporary Activities to ensure that single day type activities do not operate more than once per month.
- The introduction of a new traffic management rule to enable consideration of matters such as the adequacy of car parking, access and traffic management associated with Temporary Activities.
- The amendment of noise related definitions to include reference to *NZS6802:2008 Acoustics - Environmental Noise*.

The Plan is currently permissive to any type of Temporary Activity meaning that there is little control or recourse available to Council over the effects of such activities when they establish. The intent of the recommended changes is to provide additional controls, particularly for commercial type activities, while still enabling community based and other specifically listed Temporary Activities to operate throughout the District within Living and Rural zones provided their associated effects are appropriately managed. Business zone rules have not been altered due to their general absence of residential or other sensitive activities compared to Living and Rural zones and also the absence of specific provisions for temporary activities within Business rules at present.

A separate Issues and Options report was prepared by Council with regard to controls around Temporary Election Signs particularly given the overriding regulations for these signs to avoid duplication and unnecessary requirements for consent. This report recommended the following:

- That a note be added to both the township and rural volumes of the District Plan under Chapter 7 (Living zone rules – outdoor signs), Chapter 19 (Business zones rules – outdoor signs) and Chapter 6 (Rural rules – Outdoor signs) specifying that temporary election signage is exempt from the signage rules.

2.2 Plan Framework – Temporary Activities

The partially operative District Plan (Township and Rural Volumes) presently deals with Temporary Activities through the use of specific definitions and rules and/or exemptions to rules.

There are no specific objectives or policies related to Temporary Activities therefore a reliance on the associated zone provisions of each volume is required.

The Plan definition of Temporary Activities under both volumes utilises the same number of hours per day an activity can be undertaken (15 hours) and the same number of days both consecutively (7 days) and non consecutively (12 days total).

The Plan primarily provides for Temporary Activities through the 'Activities' rule sections in each volume although this is undertaken in slightly different ways depending on the zone type where an activity is proposed.

The key difference between the Rural and Township Volumes is that Temporary Activities under the Rural Volume are exempt from all other rules in the Plan with the exception of the night time noise limits, whereas under the Township Volume, most of the other Plan rules are still applicable thereby providing increased compliance requirements e.g. parking, noise, light spill, and hours of operation.

2.3 Plan Framework – Temporary Election Signage

The partially operative District Plan (Township and Rural Volumes) presently deals with Temporary Election Signage through the use of specific definitions and rules and/or exemptions to rules.

There are no specific objectives or policies related to Temporary Election signage but there are broad objectives and policies that apply to all forms of signage.

2.4 Comparison with other District Plans – Temporary Activities

A review of the controls on Temporary Activities in other District Plans was undertaken as part of the preparation of the Issues and Options report. These reviews sought an insight as to how other Districts dealt with Temporary Activities to enable a comparison with the Plan in terms of consistency and framework.

This review concluded that almost all District Plans have some provision for Temporary Activities. These activities are typically those that would not be anticipated on a permanent basis within the respective zone under normal circumstances but where short-term exemptions are provided for both practical reasons i.e. to avoid the need for unnecessary or superfluous resource consent applications for short term uses, and to recognise that some Temporary Activities can play an important part in a District's or community's annual event calendar e.g. field days, A & P shows, markets, galas, fairs, and sporting events.

One key difference between the Selwyn District Plan and other Plans was that the Selwyn Plan provides for any activity to operate on a temporary basis whereas most other Plans provided a specific list of activities that may be temporarily undertaken, most of which were community and construction rather than commercial/retail related.

A comparison of the limits for Temporary Activities also revealed the following:

- Consecutive Day Events – The frequency of such activities ranged from 2 to 6 times in other District Plans. The Selwyn District Plan utilises a frequency limit of 3 i.e. a temporary activity may occur for up to 7 days consecutively up to 3 times per year, which was not out of keeping with the range viewed.
- Single Day Events - The frequency of such activities ranged from 2 to 12 days with most Plans utilising a limit of between 5-8 days. The Selwyn District Plan provides a limit of 12 i.e. the upper end of the range, which was assumed to provide for a temporary activity once per month or similar e.g. monthly markets.

With regard to Temporary Election Signage, this is provided for in most District Plans via Temporary Signage rules i.e. not restricted just to election signs, in a similar manner to the Selwyn District Plan. However, Clause 4(d) states that the provisions of the Electoral Regulations 2005 override the provisions of any other enactment or bylaw, or any other instrument, that is inconsistent with these regulations. While many plans have similar rules to the Electoral Regulations 2005, many like Selwyn District are not entirely consistent and therefore Temporary Election Signage would be required to be dealt with by the Electoral Regulations 2005 instead making the Plan rules largely redundant for this type of signage.

3 Outline of Issues and Changes to Current Plan Provisions

Issues that were identified with the way the Plan currently deals with Temporary Activity provisions and the proposed Plan Change response to these are discussed in the following section:

3.1.1 Plan Definition

The Rural and Township volumes of the Plan provide similar definitions for Temporary Activities. The definitions provide for 'single day' type events such as ANZAC services, sports races or a regular one day event e.g. a 'first Sunday of the month' farmer's market to operate as permitted Temporary Activities for periods of up to 15 hours per day, for a total of 12 non consecutive days per year. Alternatively, 'Multiple Day' type events" such as A&P shows, agricultural trade shows, or visiting circus type events may operate for up to 7 consecutive days up to 3 times per year.

The Plan definition describes any activity as potentially being included as a Temporary Activity. This component of the Plan has resulted in commercial activities seeking to establish and operate under the Temporary Plan provisions and consequently unforeseen adverse effects e.g. noise, traffic, and character and amenity, have been generated which have caused complaints and retrospective consent and enforcement issues.

This Plan Change therefore seeks to provide greater clarification and direction within the Plan definition as to the type of activities anticipated to be encompassed by these provisions.

With regard to single day events, the frequency of such activities ranged from 2 to 12 days with most Plans utilising a total limit of between 5-8 days. The Selwyn District Plan provides a limit of 12 days which was assumed to provide for a temporary activity once per month or similar e.g. monthly markets, although there is nothing presently stopping an activity from operating as frequently as every second day until the limit of 12 days is reached.

Given the single day figure for Selwyn District is at the higher end of the range compared to other District Plans, there is a risk of regular activities occurring with relatively high frequency during condensed periods or seasons e.g. every Saturday over the summer period thereby concentrating any effects during this period of time.

To address this issue, it is proposed to alter the limit on the total number of days per month that Temporary Activities could operate for. In effect this would mean that any non-consecutive Temporary Activities could still operate up to 12 times per year but these would be limited to no more than once per month. This will have the effect of reducing the concentration of effects associated with regular Temporary Activities.

With regard to the total frequency an activity may occur (where it utilises the consecutive days criteria of the definition), the other Plans viewed ranged from 2 to 6 times, with Selwyn District Plan utilising a frequency limit of 3 i.e. a temporary activity may occur for up to 7 days consecutively up to 3 times per year. The consecutive number of days is considered a suitable limit that provides for events that require more than one day to run and includes set up and pack up time e.g. show and field days and the coast to coast race. In addition, this limit has not generated significant issue and therefore is not considered necessary to change.

Proposed Plan Change Summary - Plan Definition

- Provide new definition of Temporary Activity to list out specific activities that are anticipated to be encompassed by this definition.
- Alter the limit on the total number of days per month that a single event i.e. non-consecutive days, can operate. The new limit will be no more than one single day event per month i.e. a total of up to 12 per year.

3.1.2 Policy context

The relevant Plan objectives and policies are not specific with regards to Temporary Activities. They do focus broadly on effects such as noise and reverse sensitivity but are not specific on the types of Temporary Activities that are anticipated under these provisions.

As Temporary Activities are anticipated and provided for through permitted rule provisions it is proposed to insert a specific policy into both volumes of the Plan to provide greater direction and certainty of what is anticipated for Temporary Activities, particularly in cases where resource consent is sought for a temporary activity that breaches the permitted standards of the Plan.

The policy will provide for Temporary Activities and recognise that some will generate short term adverse effects and therefore the frequency that they may occur is appropriately limited. It will also acknowledge that any short-term effects should be balanced against the wider community benefits provided by the temporary activity.

The policy will be provided with associated 'Explanations and Reasons' to provide further discussion around the intent of the policy. In addition, an additional bullet point under the associated 'Anticipated Environmental Results' will be provided within the Township Volume (the Rural Volume already provides this) to reference the provision of Temporary Activities and the expectation of their associated effects.

Proposed Plan Change Summary – Policy Context

- Insert new policy for Temporary Activities in both Plan volumes.
- Insert supporting explanations and reasons in both Plan volumes.
- Insert 'anticipated environmental results' in Township Volume to support policy.

3.1.3 Noise Provisions

The Plan contains a number of definitions related to noise including 'dBA', 'decibel', 'L₁₀', 'L_{dn}', 'L_{eq}', 'L_{max}', and 'noise Limit'. The majority of these noise related definitions refer to the use of NZS 6801:1999 *Acoustics – Measurement of Environmental Sound*.

NZS 6801 deals with the measurement of sound i.e. the technical methodology for how to measure sound, rather than the assessment of sound i.e. the more subjective assessment as to whether the measured sound is likely to cause offence, which is typically undertaken in accordance with either *NZS6802:1999 Acoustics – Assessment of Environmental Noise* or the more recent *NZS6802:2008 Acoustics –Environmental Noise*.

Dr Trevathan from Acoustic Engineering Services has provided a technical report on the various options to improve the way the Plan deals with noise during night time hours, particularly with the ability to apply noise penalties in circumstances where activities have unusual noise characteristics e.g. noise from bass beat. A copy of this report is contained within **Appendix 3**.

In his report, Dr Trevathan notes that the 2008 New Zealand Noise Standards which are now available would represent current best practice however, the scope of this Plan Change does not extend to the district wide review of noise provisions due to the considerable complexities of updating the district wide noise provisions to this new standard e.g. the introduction of averaging provisions to replace ‘L₁₀’ provisions could impact on various provisions such as making daytime limits more lenient.

However, to ensure that the Plan is sufficiently robust to ensure that noise can be assessed in accordance with the appropriate New Zealand standards, it is proposed to insert a reference to section 6.3 of *NZS6802:2008 Acoustics – Environmental Noise* into the definition in the Rural Volume of Plan for ‘Noise Limit’ in the same location where *NZS6801:1999 Acoustics – Measurement of Environmental Sound* is also referenced. It is not required to alter any other definition as these relate to the meaning of different sound levels as opposed to how the noise itself is measured and assessed to create a limit.

The proposed amendment, which is more of a technical amendment to promote good practice, will allow consideration of special audible characteristics in the Rural Volume, which at present are not required under this definition. It is not proposed to amend the Living zone noise limits within the Township Volume of the Plan which are already restrictive and would mean that any further potential penalty reduction would make the noise provisions in this chapter overly restrictive. It is also noted that there is an exemption (Rule 9.16.6.3) for noise for temporary activities that are undertaken between 7:00am and 9:00pm which is not proposed to be altered as the key effects that are sought to be addressed are those that have arise during night time hours.

Overall, the proposed change is considered to result in an improvement over the existing situation with regard to the management of continuous noise with special audible characteristics during daytime originating in rural areas and received in both rural and residential areas during night time. Without these changes, in some situations sound which complied with the current noise rules could still be unreasonable e.g. dominant bass beat at the notional boundary of a dwelling in the rural area during night time.

Proposed Plan Change Summary – Noise Provisions

- Insert reference to *section 6.3 of NZS6802:2008 Acoustics –Environmental Noise* in the definition of “noise limit” of the Rural Volume.

3.1.4 Traffic Generation

The Plan does not presently provide a limit or rule trigger with regard to traffic associated with Temporary Activities. The Rural Volume exempts Temporary Activities from the traffic generation rule for permanent activities altogether whereas the Township Volume similarly only contains a traffic generation rule specific to permanent activities. Consequently, traffic generation levels are effectively unlimited for Temporary Activities in all zones.

Any events which occur within all or part of the road e.g. for road works, or events like the coast to coast and other running/cycling events utilising public road already require traffic management under the NZTA Code of Practice for Temporary Traffic Management. However, this does not extend to traffic management throughout a site and access, most of which is largely undertaken by event organisers albeit with a reliance on the operator to ensure that this is done. In the event that it is not undertaken, there is no recourse through the Plan for Council to control adverse effects including potentially serious safety issues.

The current (Rural Volume – Rule 9.13 and Township Volume – Rule 10.9) permitted activity thresholds which apply to vehicle generation for permanent activities are 30 trips (15 cars) per day from arterial roads and 60 trips (30 cars) per day from local and collector roads for rural volume and 40 trip per arterial road and 20 trips per local road for the township volume.

Of the various District Plans that were reviewed, there was an even split between requiring compliance with the normal traffic generation standards or not providing any restriction at all.

Discussions with Council's Asset (Roading) department highlighted that the NZTA Code of Temporary Traffic Management is utilised where activities will utilise the road space. However, Temporary Activities are typically not controlled by Council although some operators of larger events still choose to utilise their own Traffic Management Plans (TMP) in any case.

It is considered appropriate to ensure that traffic management is controlled for temporary activities. However, rather than require this via a traffic generation trigger for which resource consent would be required for many temporary activities unless very small, it is considered that a permitted rule for temporary activities would be appropriate. This would require the submission and approval of a temporary TMP for approval by Council where the current permitted traffic generation limits are exceeded, in advance of the activity being undertaken.

This approach would avoid the need for numerous resource consents which can be both a cost and time burden on operators and Council. In addition, if a consent were sought via a specific rule the typical response from Council would be to ensure that the activity is undertaken in accordance with a TMP, therefore the insertion of a permitted rule is considered the most efficient and effective approach to this issue while still enabling a suitable level of control for these types of activities.

The preparation of a TMP does not in itself need to be an onerous requirement. Each TMP can be prepared reflecting the scale and intensity of the respective temporary activity. For example, a small scale event located on a quiet rural road may involve a TMP that is short and simply lists how parking, manoeuvring and access safety will be managed along with the provision of a contact number should any issues arise. Larger events tend to utilise more detailed TMPs already and often involve wardens to ensure traffic is managed in a safe and efficient manner.

It is not envisaged that considerable Council scrutiny will be required, rather it will serve to inform Council of when and where these activities will be undertaken and provide assurance that traffic safety and efficiency will be maintained. In addition, should an activity operate without an approved TMP, then this will provide Council recourse should complaints or issues arise to ensure that they can be remedied, particularly for temporary events that reoccur.

Proposed Plan Change Summary – Traffic Generation

- Insert new traffic management plan rule for Temporary Activities through Rule 9.13 (Rural volume) and Rule 10.9 (Township volume).

3.1.5 Seasonal Rural Activities

Under the Rural volume definition of Temporary Activities, seasonal activities such as crop harvesting are required to comply with the permitted traffic generation standards of the Plan provided they also breach the number of individual (12) or consecutive (7) days permitted for Temporary Activities.

It is likely that this is an intended consequence to control the concentration of traffic that could occur for some seasonal rural activities e.g. harvesting or fruit picking over summer whereby there may be inflated numbers of staff vehicles utilising an access and/or parking on the rural roadside. Ironically, the traffic generation rule currently applies to seasonal rural activities as discussed above but does not apply to any Temporary Activities as defined by the Plan, the latter of which is considered more likely to generate traffic related effects.

The use of this exemption within the Plan definition itself rather than as a note under the applicable rule in the same manner as all other Temporary Activity exemptions contributes to a level of ambiguity within the definition and the ability to deal with seasonal rural activities. This is further confused with regard to noise limits which exclude noise from primary rural production activities such as harvesting via note rather than in the definition.

It is therefore proposed to remove this clause from the Temporary Activity definition and insert a note similar to that used for the noise provisions under the respective rural traffic generation rule where it will confirm the ability to exempt rural production activities of a limited duration.

Proposed Plan Change Summary – Seasonal Rural Activities Exemption

- Remove the exemption for seasonal rural activities from the Rural volume definition of Temporary Activity and insert a note similar to the equivalent noise exemption note under the respective rural traffic generation rule (Rural volume - Rule 9.13).

3.1.6 Temporary Election Signs

The Council has over the years received complaints about temporary election signage primarily from competing candidates about compliance with District Plan rules. These complaints have taken up considerable staff time for little perceived benefit, particularly when the Electoral Act and the Electoral (Advertisements of a Specified Kind) Regulations 2005 (copy contained within **Appendix 4**) already govern temporary election signs.

The District Plan contains rules for all signage. However, the plan (living and rural zones) states that 'temporary signage' is exempted from the general outdoor signs rule which would normally require signs to relate to products or services sold on the site. Temporary signs are not exempted from other rules including the total number of signs on any site and the size of the sign.

There is also a tension between the District Plan rules relating to signage and the Electoral (Advertisements of a Specified Kind) Regulations 2005 with the latter overriding District Plan rules relating to size of signs, materials of signs, shape and colour of signs, size of lettering and line spacing. The regulations do not however override all District Plan rules, for example the number of signs per site is not covered by the regulations although the effects of such signage are strictly limited to a period of 2 months before polling day and ending with the close of the day before polling day. This is a substantially reduced timeframe to the current Plan limit of up to 6 months which presently applies.

There are also inconsistencies in the treatment of signs between the Plan and the regulations. For example, the Plan presently permits a maximum signage area of up to 1m² (living zones) whereas under the regulations, there is a limit of 3m² for any proposed election sign in any location.

Overall, it is considered that exempting any temporary electoral signs that meet the criteria for an 'advertisement of a specified kind' from compliance with the District Plan rules would be appropriate. It will also mean that any complaints regarding election signage would need to be made Electoral Commission rather than both Council and the Electoral Commission.

Should a temporary election sign that does not meet the provisions of the Electoral Regulations 2005 be proposed e.g. an election sign greater than 3m², then the provisions of the District Plan will still apply and resource consent may be required, as per the present situation.

Overall, it is proposed to remove exempt any Temporary Election Sign that meets the requirements of the Electoral (advertisements of a Specified Kind) Regulations 2005 from compliance with the District Plan rules. Other temporary signs will continue to be controlled by the current Plan provisions however.

Proposed Plan Change Summary – Temporary Election Signs Exemption

- It is proposed that a note be added to both the township and rural volumes of the District Plan under Chapter 7 (Living zone rules – Outdoor Signs), Chapter 19 (Business zone rules – Outdoor Signs), Chapter 6 (Rural rules – Outdoor signs) specifying that any temporary election signage is exempt from the signage rules provided it complies with the requirements of Electoral (Advertisements of a Specified Kind) Regulations 2005.

4 Proposed Amendments to District Plan

The following changes to the Plan are proposed as part of this Plan Change. The full text change version of the proposed amendments is contained within **Appendix 1** and **Appendix 2**.

4.1 Amendment 1 – Rural Volume – Plan Definition

Amend RURAL VOLUME DEFINITION FOR "TEMPORARY ACTIVITY" as follows:

Temporary Activity: ~~includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period. For the purposes of Rule 9.13.1 a temporary activity includes casual labour for seasonal activities such as crop harvesting and fruit picking, provided it complies with one of the time periods specified in the definition.~~

(including any associated buildings) includes:

- Buildings, structures and activities ancillary to a construction project for a period of up to 12 months or the duration of the construction project, whichever is the lesser.
- Sporting events, educational activities, public meetings, private functions, galas, shows, field days, displays, markets, garage sales, festivals, concerts; and non commercial activities/events; provided that for they do not occur:
 - on any site for a period of not more than 15 consecutive hours in any 24 hour period and no more than once per month; or
 - on any site for a period which does not last longer than a total of 7 consecutive days at any one time and occurs on not more than 3 times at any one site in any 12 month period.

4.2 Amendment 2 – Township Volume – Plan Definition

Amend TOWNSHIP VOLUME DEFINITION FOR “TEMPORARY ACTIVITY” as follows:

Temporary Activity: ~~includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period.~~

(including any associated buildings) includes:

- Buildings, structures and activities ancillary to a construction project for a period of up to 12 months or the duration of the construction project, whichever is the lesser.
- Sporting events, educational activities, public meetings, private functions, galas, shows, field days, displays, markets, garage sales, festivals, concerts; and non commercial activities/events; provided that for they do not occur:
 - on any site for a period of not more than 15 consecutive hours in any 24 hour period and no more than once per month; or
 - on any site for a period which does not last longer than a total of 7 consecutive days at any one time and occurs on not more than 3 times at any one site in any 12 month period.

4.3 Amendment 3 – Rural Volume - Policy

RURAL VOLUME – insert new POLICY B3.4.21 and new EXPLANATION AND REASONS as follows:

TEMPORARY ACTIVITIES

Policy B3.4.21

Provide for temporary activities associated with community-based as well as non commercial events or those that are necessary for construction purposes, provided associated short term adverse effects on the environment are appropriately managed.

Explanation and Reasons

Policy B3.4.21 provides for a range of temporary activities most of which are encompassed within the Plan definition. These activities include construction activities to recognise the necessary effects associated with these activities during the temporary construction of buildings and structures. They also include a range of other activities which are primarily focussed on community related activities rather than temporary commercial or retail activities. There are benefits to the District from allowing temporary community activities within the Plan frequency limits and typically the positive community effects of these activities outweigh any temporary adverse effects which are managed through the limits imposed.

Methods

District Plan Rules

- Rural Volume, Part C – Rural Zone - Activities

District Plan Objectives and Policies

- Rural Volume, Quality of the Environment - B3.4

4.4 Amendment 4 – Township Volume - Policy

Insert TOWNSHIP VOLUME – POLICY B3.4.40 and new EXPLANATION AND REASONS as follows:

TEMPORARY ACTIVITIES

Policy B3.4.40

Provide for temporary activities associated with community-based as well as non commercial events or those that are necessary for construction purposes, provided associated short term adverse effects on the environment are appropriately managed.

Explanation and Reasons

Policy B3.4.40 provides for a range of temporary activities most of which are encompassed within the Plan definition. These activities include construction activities to recognise the necessary effects associated with these activities during the temporary construction of buildings and structures. They also include a range of other activities which are primarily focussed on community related activities rather than temporary commercial or retail activities. There are benefits to the District from allowing temporary community activities within the Plan frequency limits and typically the positive community effects of these activities outweigh any temporary adverse effects which are managed through the limits imposed.

Methods

District Plan Rules

- Township Volume, Part C – Living and Business Zones - Activities

District Plan Policies

- Township Volume, Quality of the Environment - B3.4

4.5 Amendment 5 – Rural Volume – Anticipated Environmental Results

Amend Rural VOLUME - B3.4 QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS –as follows:

QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B3.4:

- Variation in activities in the rural area on the Plains.
- Activities on the Port Hills and in the high country remain predominantly farming, forestry, outdoor recreation and holiday accommodation.
- Buildings are low rise (1 or 2 storey) and surrounded by vegetation cover rather than hard standing.
- Utilities are made of low reflective materials.
- Outdoor signs advertise local events, products or information.
- New airfields are not located too close to houses.
- Nuisance effects may occur from time to time from temporary or seasonal **rural** activities, but these effects should be mild and typical of the rural environment.
- Buffer zones are maintained between residential activities and activities with which they may be incompatible.

4.6 Amendment 6 – Township Volume – Anticipated Environmental Results

Amend TOWNSHIP VOLUME - B3.4 QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS –as follows:

QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results should occur from implementing Section B3.4:

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.
- Any new residential activities in Business 2, 2A and 2B Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.
- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2, 2A and 2B Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in 'reverse sensitivity' issues in townships.
- Occasional short term effects associated with temporary activities with a level of adverse effects appropriate to the surrounding living environment.

4.7 Amendment 7 – Rural Volume – Vehicle Movements

Amend RURAL VOLUME – RULE 9.13 Activities and Vehicle Movements as follows:

9.13 ACTIVITIES AND VEHICLE MOVEMENTS

Permitted Activities – Activities and Vehicle Movements

9.13.1 Any activity, except for those permitted under Rule 9.13.2, which does not exceed the following maximum number of vehicle movements shall be a permitted activity:

9.13.1.1 Road Unformed and, or not maintained by Council:

- (a) For any commercial or industrial related activity where access is required off an unformed and un-maintained road, excluding normal farming activities: Nil.
- (b) For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day (ecm/d) per site.

9.13.1.2 Road Formed, Sealed and maintained by Council:

- (a) State Highway and Arterial Roads (as identified in Appendix 9): 30 ecm/d per site averaged over any one week period).
- (b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).

9.13.1.3 Road Formed, Unsealed and maintained by Council:

- (a) 60 ecm/d per site (averaged over any one week period).

9.13.2 Any temporary activity that exceeds the maximum number of vehicle movements permitted under 9.13.1 is permitted provided a Traffic Management Plan is submitted and approved by Council at least 10 days prior to the activity commencing.

Note:

1. Rule 9.13.1 does not apply to vehicle movements between sites within a property; or relocating of premises; ~~or any other temporary activity.~~
2. For the purposes of Rule 9.13.1.2, Local roads are those roads which are not listed in Appendix 9 as State Highways, Arterial Roads, or Collector Roads.
3. Rule 9.13.1 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere – refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
4. Rule 9.13.1 does not apply to existing plantations.
5. Rule 9.13.1 does not apply to roads within the Porters Ski and Recreation Area.
6. Rule 9.13.1 does not apply to activities of a limited duration required by normal primary production activities including agriculture, horticulture, aquaculture, forestry and fishing, provided that the activity shall comply with the requirements of Section 16 of the Resource Management Act 1991.

For the purpose of this exemption “activities of a limited duration” means: Rural activities which are temporary and/or intermittent in nature, such as crop harvesting, crop irrigation and general use of farm machinery but does not include Rural Industrial Activities or Intensive Livestock Farming. Such uses may occur on a limited number of days in a year, a limited number of hours in a day or a limited number of days in a week or month.

7. Guidance for the preparation of a Traffic Management Plan can be found in New Zealand Transport Agencies Code of Practice for Temporary Traffic Management (COPTTM).

Discretionary Activities – Activities and Vehicle Movements

9.13.23 Any activity which does not comply with Rule 9.13.1 **or 9.13.2** shall be a discretionary activity. The Council's discretion may include but shall not be limited to:

9.13.23.1 Any works required to the road to upgrade it to the standards set out in the Council's Engineering Code of Practice;

9.13.23.2 Any potential adverse effects of traffic on the amenity values of surrounding residents and on other uses of the road, including (but not limited to) stock droving;

9.13.23.3 In respect to the integration of land use and transport, the appropriateness of the location within the existing and planned road network.

9.13.23.4 The position and design of any vehicle crossing or vehicle access and egress;

9.13.23.5 Any positive effects which may offset any adverse effects; and

9.13.23.6 Any other relevant matters including relevant objectives and policies.

9.13.23.7 Any monitoring or review conditions.

4.8 Amendment 8 – Township Volume – Scale of Activities

Amend TOWNSHIP VOLUME – RULE 10.9 Activities and Scale of Activities as follows:

10.9 ACTIVITIES AND SCALE OF ACTIVITIES

Permitted Activities – Activities and Scale of Activities

10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.9.1.1 Permanent Activities

- (a) No more than two full time equivalent staff employed on the site live off site, and
- (b) The gross floor area of any building(s) other than a dwelling does not exceed 300m², or in the case of any building used for spiritual activities does not exceed 500m², and
- (c) Vehicle movements do not exceed:
 - State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day
 - Local Roads: 20 per day plus 2 heavy vehicle movements per day.

Note:

Rule 10.9.1.1 does not apply to existing schools and Police stations.

Subclause (c) of Rule 10.9.1.1 shall not apply to emergency service vehicles.

10.9.1.2 Temporary Activities

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- (a) The activity does not last for a period longer than 15 hours in any one time and occurs no more than once every 24 hours and once per month. ~~and occurs on no more than 12 times in any 12 month period, or~~
 - (b) The activity does not last longer than a total of 7 consecutive days in any one time and occurs on no more than 3 times in any 12 month period.
 - (c) Where any temporary activity exceeds the maximum number of vehicle movements permitted under 10.9.1.1(c) and a Traffic Management Plan is submitted and approved by Council at least 10 days prior to the activity commencing.

Discretionary Activities – Activities and Scale of Activities

10.9.2 Any activity which is not a residential activity, and which does not comply with Rule 10.9.1 shall be a discretionary activity.

Note:

1. Rule 10.9.1.2 exempts temporary activities from complying only with Rule 10.9.1.1, not from complying with any other rules in the District Plan.
2. Guidance for the preparation of Traffic Management Plans can be found in New Zealand Transport Agencies Code of Practice for Temporary Traffic Management (COPTTM).

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Scale of Activities and Hours of Operation

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Rules 10.9 and 10.10 ensure non-residential activities in Living zones operate at a scale and in a way which are compatible with residential activities. The rules set maximum limits for permitted activities. Activities which do not comply with the rules may still be able to occur in Living zones, through a resource consent for a discretionary activity, if the effects are compatible with residential areas and consistency is achieved with the relevant objectives and policies of the Plan

The numbers listed in Rules 10.9 and 10.10 are not 'magic' numbers. Rather, they are based on the scale and nature of effects normally associated with households and residential activities.

The rules do not apply to residential activities. Residential activities are an integral part of Living zones so, by nature, are compatible with the amenity values of residential areas or Living zones. It is not the consent authority's intention, for example, to require people to obtain a resource consent for a party generating more than 20 (Local Road) or 40 (Arterial Road) vehicle movements over the course of an evening, beyond 10.00 pm. Special provisions and exemptions have been made for temporary activities, spiritual activities, Police stations and educational activities, including schools, recognising the reality in size of buildings associated with such activities, their role within the community and the times of the days they can be utilised.

4.9 Amendment 9 – Rural Volume – Noise Terminology

Amend RURAL VOLUME definitions related to Noise as follows:

Noise Limit: means a L₁₀, Leq or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound and section 6.3 of NZS 6802:2008 Acoustics – Environmental Noise.

4.10 Amendment 10 – Township Volume – Noise Terminology

Amend TOWNSHIP VOLUME definitions related to Noise as follows:

Noise Limit: means a L₁₀, Leq or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound and section 6.3 of NZS 6802:2008 Acoustics – Environmental Noise.

4.11 Amendment 11 – Township Volume – Outdoor Signs - Living

Amend TOWNSHIP VOLUME Living Zone rule related to Outdoor Signs as follows:

7.1 OUTDOOR SIGNS – GENERAL

Permitted Activities – Outdoor Signs – General

7.1.1 Where any sign is not covered by Rules 7.2, 7.3 and 7.4, it shall be a permitted activity if the following conditions are met:

7.1.1.1 The sign relates to products or services sold on the site or includes information about the site on which it is located.

7.1.1.2 The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site. This rule does not apply to signs associated with service stations or shops; and

7.1.1.3 The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and

7.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, and

7.1.1.5 The sign does not exceed the height of:

(a) The building to which it is attached, or

(b) 2 metres if the sign is not attached to a building, and

7.1.1.6 The sign does not exceed 1m² in size, and

7.1.1.7 The sign is not of a colour or design which resembles a traffic sign or signal.

7.1.1.8 The sign is not less than 2.5m above the ground, if it is an overhanging attached sign.

7.1.1.9 The sign complies with the relevant rules for building size, design or siting if it is attached to a building.

Notes

1. Rule 7.1.1.1 does not apply to any temporary sign or freestanding sign.

2. Rule 7.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

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7.5 OUTDOOR SIGNS AND STRATEGIC ROADS

Permitted Activities – Outdoor Signs and Strategic Roads

7.5.1 Any sign on any land adjoining a road listed in Appendix 7 as a Strategic Road where the speed limit is 70km/hr or greater shall be a permitted activity if Rules 7.1 to 7.4 inclusive and all of the following conditions are met:

7.5.1.1 It is to be located on the site to which it relates;

7.5.1.2 There shall be only one advertising sign directed at the Strategic Road;

7.5.1.3 It is to have a minimum lettering height of 160mm;

7.5.1.4 It shall not have more than six words or symbols and no more than 40 characters;

7.5.1.5 It is to be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 m;

7.5.1.6 Any sign is illuminated only when the premises is open for business; and

7.5.1.7 The sign is positioned at right angles to the frontage roadway but angled off the direction of traffic by 5°.

Notes

1. If the conditions in Rule 7.5 conflict with those in Rules 7.1, 7.2., 7.3 and 7.4 then the conditions in Rule 7.5. take precedence.

2. Rules 7.1. to 7.4. also apply to signs on Strategic Roads.

3. Rule 7.5.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

4.12 Amendment 12 – Township Volume – Outdoor Signs - Business

Amend TOWNSHIP VOLUME Business Zone rule related to Outdoor Signs as follows:

19.1 OUTDOOR SIGNS GENERAL

Permitted Activities – Outdoor Signs General

19.1.1 Any sign shall be a permitted activity if the following conditions are met:

19.1.1.1 The sign is erected on the site to which it relates, exclusive of a freestanding sign located on a footpath or grass berm outside the site but adjoining the site; and

19.1.1.2 The sign does not have any flashing or revolving lights, sound effects, balloons or blimps; and

19.1.1.3 If a sign is illuminated, any light spill from the sign on to any road or any other site complies with the requirements in Rule 22.5 – Activities and Light Spill; and

19.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner; and

19.1.1.5 The sign does not exceed the height of:

(a) The building or structure to which it is attached, or

(b) 6 metres, in the Business 1 and 2 zones, and 8 metres in the Business 3 Zones, if the sign is not attached to a building; and

19.1.1.6 (a) The sign does not exceed 3m² in area where it is not attached to a building; and

(b) In the Business 1 zone, the total freestanding signage per site does not exceed 3m² where the site's road frontage is less than 50m, or 6m² otherwise; and

19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal; and

19.1.1.8 Any sign overhanging a public footpath or road berm has a minimum height of 2.5m above the ground or footpath level; and

19.1.1.9 The sign does not protrude beyond the edge of a building if it is attached to a building.

19.1.1.10 In the Business 1 zone, signage does not occupy more than 25% of any building elevation if it is attached to or painted on or otherwise provided on the elevation.

Note:

1. Rule 19.1.1 also applies to signs adjoining Strategic Roads. For the purpose of calculating the area of signs painted on a building, the area of the sign is that enclosed by a line drawn around the perimeter of the sign lettering and associated artwork.

2. Rule 19.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

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19.2 OUTDOOR SIGNS AND STRATEGIC ROADS

Permitted Activities – Outdoor Signs and Strategic Roads

19.2.1 Any sign on any land adjoining a road listed in Appendix 7 as a Strategic Road where the speed limit is 70km/hr or greater shall be a permitted activity if all of the following conditions are met:

19.2.1.1 It is to be located on the site to which it relates;

19.2.1.2 There shall be only one advertising sign directed at the Strategic Road;

19.2.1.3 It is to have a minimum lettering height of 160mm;

19.2.1.4 It shall not have more than six words or symbols and no more than 40 characters;

19.2.1.5 It is to be located so as to provide an unrestricted view to the motorist for a minimum distance of 180m;

19.2.1.6 Any sign is illuminated only when the premises is open for business; and

19.2.1.7 The sign is positioned at right angles to the frontage roadway but angled off the direction of traffic by 5°.

Note:

-
1. Rule 19.2.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

4.13 Amendment 13 – Rural Volume – Outdoor Signs

Amend RURAL VOLUME rule related to Outdoor Signs as follows:

6.1 OUTDOOR SIGNS – GENERAL

Permitted Activities – Outdoor Signs – General

6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve;

Note:

1. Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries.
2. Rule 6.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner;

6.1.1.3 The sign does not have any of the following features:

- (a) Flashing or revolving lights;
- (b) Sound effects;
- (c) Balloons or blimps; or
- (d) Moving parts;

6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal;

6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill;

6.1.1.6 The height of the sign is not more than:

- (a) The height of the building to which it is attached; or
- (b) 6m above the ground if the sign is not attached to a building;

6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m² and the total area of signage on the site does not exceed 6m².

6.1.1.8 Any sign which is attached to a building and exceeds 3m² in area does not protrude beyond the framework of the building;

6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.

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6.4 OUTDOOR SIGNS AND STRATEGIC ROADS

Permitted Activities – Outdoor Signs and Strategic Roads

6.4.1 Erecting any outdoor sign on a site adjoining a road which is listed in Appendix 9 as a Strategic Road shall be a permitted activity if all of the following conditions are met:

6.4.1.1 The sign has a maximum number of 5 words or a maximum combined number of 6 words and symbols;

6.4.1.2 There is a minimum separation distance between any 2 outdoor signs of:

- (a) 70m, where the speed limit is 80km/hr; or
- (b) 80m, where the speed limit is 100km/hr;

6.4.1.3 The sign is visible from a distance of:

- (a) 175m, where the speed limit is 80km/hr; or
- (b) 250m where the speed limit is 100km/hr;

6.4.1.4 The sign has a minimum height for any letter which complies with the values set out in Table C6.2.

6.4.1.5 The sign is illuminated only when the premises are open for business; and

6.4.1.6 The sign is positioned at right angles to the road frontage of the site but angled off the direction of traffic by 5°.

Note:

1. Rule 6.4.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

4.14 Amendment 14 – Rural Volume – Minor Amendments to Temporary Activity Exemptions

Removal of temporary activity exemptions for the following rules given the definition is no longer applicable. Wording detail provided within Appendix 2. NOTE: No minor amendments required to Township Volume.

- Rule 9.2.2 (Activities – Listed Activities)
- Rule 9.5.1 (Rural Based Industrial Activities)

5 Statutory Requirements

5.1 Section 32

Before a proposed plan change is publicly notified, Section 32 of the Resource Management Act requires an evaluation that must examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and,
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate method for achieving the objectives.

The evaluation must take into account:

- The benefits and costs of policies, rules, or other methods; and

-
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

5.2 District Plan Objectives and Policies

The proposed Plan Change does not seek to alter any existing objectives of the Plan (Rural and Township Volumes) but does seek to introduce a new policy into each chapter to provide specific direction around Temporary Activities.

5.2.1 Existing Objectives and Policies – Temporary Activities

The objectives of the Rural Volume that are considered of most relevance to Temporary Activities are the overarching “Quality of the Environment” Objectives. They are:

Objective B3.4.1

The District’s rural area is a pleasant place to live and work in.

Objective B4.1.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

These are supported by the traffic Objective B2.1.1:

Objective B2.1.1

An integrated approach to land use and transport planning to ensure the safe and efficient operation of the District’s roads, pathways, railway lines and airfields is not compromised by adverse effects from activities on surrounding land or by residential growth.

Of the key supporting policies, **Policy B3.4.1** seeks to “Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate”. The following ancillary policies are also of relevance:

- **Policy B3.4.10** *Avoid night lighting shining directly into houses, other than a house located on the same site as the activity, or from vehicles using roads in the District.*
- **Policy 3.4.12** *Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.*
- **Policy B3.4.15** *Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.*

The Township Volume of the Plan provides a similar range of Objectives and Policies listed as follows:

Objective B3.4.1

The District’s townships are pleasant places to live and work in.

Objective B3.4.2

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

Objective B3.4.3

“Reverse sensitivity” effects between activities are avoided.

Policy B3.4.2

To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

Policy B3.4.9

Ensure noise in all zones does not adversely affect the health or well-being of people.

Policy B3.4.10

Maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone.

Policy B3.4.11

Avoid night lighting and, where practical, glare from reflections shining directly into adjoining sites, in all zones.

Policy B3.4.13

Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones.

Policy B3.4.15

Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.

Policy B3.4.17

Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones and the local receiving environment

Policy B3.4.18

Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:

- The amenity values of streets;*
- The privacy of residents; and*
- Safe and convenient access to sites.*

The above objectives and policies broadly cover most matters that could be associated with Temporary Activities along with all other permanent activities that could be undertaken in either the rural or living zones.

These existing objectives and policies therefore remain valid to Temporary Activities at a high level, particularly given the breadth of effects that can be generated by Temporary Activities e.g. noise, traffic, dust, and glare. However, there is no specific direction provided within the Plan around the types of activities that are anticipated to be provided as Temporary Activities within the respective zones of the District nor is there any recognition of the benefits associated with temporary community activities.

Given a range of Temporary Activities are anticipated by the Plan through permitted rule provisions, it is considered important to provide specific direction and guidance as to the nature of activities and effects anticipated, particularly should a temporary activity be proposed where it requires assessment as part of a resource consent application.

It is therefore proposed to introduce a new Policy (see Amendments 3 and 4) with associated explanation and reasons into both volumes of the Plan to provide this specific direction for Temporary Activities.

The new policy is intended to provide guidance as to the nature of activities intended e.g. community and non commercial activities. It also recognises the positive community benefits generated by some temporary activities as well as the need to appropriately manage associated short term adverse effects.

Overall, it is considered that the Plan provides sufficient Policy direction to address the broad range of effects associated with Temporary Activities in both the Rural and Township Volumes. However, there is a lack of specific direction for the type of Temporary Activities anticipated. The proposed addition of a new Policy with supporting explanation and reasons is considered to provide a more robust and effective Plan framework and therefore considered the most appropriate method to achieve the purpose of the Act in this regard.

5.2.2 Existing Objectives and Policies – Temporary Election Signage

The objectives of the Rural Volume that are considered of most relevance to Temporary Election Signage are the overarching “Quality of the Environment” Objectives. They are:

Objective B3.4.1

The District’s rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

These are supported by the Outdoor Signs and Noticeboards Policies B3.4.8 and B3.4.9 below:

Policy B3.4.8

Require signs and noticeboards to be located on the site to which the sign or notice board relates except for:

- Temporary signs; and*
- Signs and noticeboards located close to townships on the Plains area.*

Policy B3.4.9

Ensure signs and noticeboards are designed and positioned to avoid:

- Restricting people’s visibility along roads;*
- Impeding access to or past sites;*
- Nuisance effects from sound effects, moving parts, glare or reflectivity;*
 - Large structures protruding above rooftops.*

The Township Volume of the Plan provides a similar range of Objectives and Policies listed as follows:

Objective B3.4.1

The District’s rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Policy B3.4.20

Ensure signs in all zones are designed and positioned to avoid:

- Adverse effects on the visibility or safety of pedestrians, cyclists or motorists;*
- Impeding access to or past sites;*
- Nuisance effects from sound or motion features on signs or from glare or reflectivity;*
- Adverse effects on the amenity values of the zone; or*
- Dominance of the ‘skyline’ or view, caused by large signs protruding above the roofs of buildings.*

Policy B3.4.21

Ensure signs in Living zones are of a size, design and number which maintain the quality of the environment and amenity values of the zone, but recognise the need for retail activities located in Living zones to have extra signs on the site.

The above objectives and policies broadly cover all matters that would be associated with Temporary Election Signage that is not covered by the Electoral Regulations 2005. These existing objectives and policies also remain applicable to both permanent and temporary Signage at a high level. Therefore, there are no changes proposed to these provisions.

6 Costs and Benefits - Options

Given the nature of the proposed changes, there are effectively two options that can be considered being:

- Option 1 – Maintain the Status Quo
- Option 2 – Undertake Plan Change as proposed

The above options and their anticipated costs and benefits are discussed in the following section. There are a number of individual changes that collectively make up the proposed Plan Change. Each component is therefore discussed separately as Options 2A-2F.

6.1 Option 1 – Maintain the Status Quo

This option is for the present plan provisions to remain as they exist.

Environmental, Social and Cultural - Benefits and Costs

- Avoidance of potentially unnecessary regulation being placed upon benign temporary activities.
- Avoidance of potential discouragement through increased regulation of some Temporary Activities that would be beneficial to the community.

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- Continued risk of unanticipated activities occurring with minimal control or recourse to address adverse effects.
 - Continued lack of specific policy direction to guide resource consent applications for non compliant Temporary Activities.

Economic - Benefits and Costs

- Avoidance of costs associated with the Plan Change process.
- Avoidance of costs and staff resources associated with processing additional resource consent applications.
- Avoidance of regulation costs for operators of compliant Temporary Activities.
- Continued risk of complaints and required monitoring and enforcement to be dealt with by Council staff.
- Duplication of rules and inconsistencies between the Plan and Electoral Regulations 2005 requiring complaints and uncertainty around Temporary Election Signage to be dealt with by Council Staff.

Discussion

A decision not to undertake the proposed Plan Change would save reasonable costs and avoid the potential for discouragement of beneficial and valued community-based Temporary Activities due to the potential need for costly and time-consuming consenting. However, the vulnerability of the current Plan provisions has been highlighted, most recently through the circumstances involving the Horror Maze. Therefore the District is at continued risk of similar unanticipated activities with a potential suite of adverse effects establishing on a temporary basis with minimal ability to control these unless changes to the Plan are made. Therefore, there are potentially significant social and environmental costs that could occur through the retention of the current provisions which are ultimately likely to lead to economic costs regardless through reactive measures such as monitoring and enforcement. In addition, there are costs associated with the continuation of the present provisions relating to Temporary Election Signs which are largely overridden by separate regulation in any event.

Therefore, to maintain the status quo is not considered the most effective or efficient option to achieve the purpose of the Act.

6.2 Option 2 Plan Change as proposed

6.2.1 Option 2A - Alter Temporary Activity definition to list specific activities

This option seeks changes to the definition of temporary activities under both Volumes by listing specific activities e.g. school fairs, garage sales, markets, that are encompassed by the definition. At present, the Plan provides for any activity to be undertaken as a Temporary Activity.

Environmental, Social and Cultural - Benefits and Costs

- Increased recognition of activities with emphasis on community, non commercial and construction activities rather than commercial or non-listed activities within rural and living zones.
- Greater emphasis on activities that are community related which provide increased social benefits.

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- Reduction in the risk of unanticipated activities from establishing and generating adverse effects on the surrounding environment.
 - Potential discouragement of some temporary activities through increased regulation.

Economic - Benefits and Costs

- No additional costs associated with listed activities unless they fail to meet other required standards within the Plan e.g. noise and traffic management plan.
- Potential for reduced monitoring and enforcement costs to Council through a reduction in complaints from unanticipated activities due to increased certainty provided within the definition.
- Increase in compliance costs for non-listed temporary activity operators.
- Costs to all parties involved in Plan change process.

Discussion

The proposed change will provide increased certainty for the majority of temporary activities which presently occur and reduce unanticipated activities from establishing and potentially generating adverse effects. There will also be environmental and social benefits created through the focus on community/non-commercial based listed activities. The benefits gained through this change are considered to outweigh the costs associated with increased regulation, particularly given that non-listed activities are relatively limited compared to typical temporary activities and considered less likely to be able to offset adverse effects with positive effects.

6.2.2 Option 2B - Alter the Temporary Activity Definition Limits

This option seeks changes to the frequency of single day (non-consecutive) temporary activities within the Plan definitions and rules under both Volumes.

At present these limits are for a total of up to 12 days within any 12 month period. This option would introduce a limit to allow no more than one day per month that a Temporary Activity of this nature could operate.

Environmental, Social and Cultural- Benefits and Costs

- Increased protection of amenity particularly within rural and living zones through the reduction in the concentration of effects associated with temporary activities e.g. once per month instead of once per week for 12 straight weeks.
- Ability for monthly events to operate as permitted activities e.g. monthly markets for the same total numbers of days per year.
- Potential discouragement of some temporary activities through increased regulation.

Economic - Benefits and Costs

- Potential for reduced monitoring and enforcement costs through a reduction in complaints from temporary activities that are concentrated to more frequent occurrences within shorter periods as presently permitted e.g. weddings, horror maze operating each weekend for 3 months.

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- Potential for increased compliance costs for operators of non permanent activities that operate at frequencies of greater than once per month.
 - Costs to all parties involved in the Plan Change process.

Discussion

It has been identified that the Plan already permits a total number of single day type activities that is at the higher end of the range compared to other District Plans. Consequently there is a risk of regular activities occurring with relatively high frequency particularly during condensed periods e.g. every Saturday over the summer period thereby concentrating any effects during this period of time. This has the potential to generate significant environmental and social costs unless addressed. The proposed change to the current limit will provide a reduction in the types of Temporary Activities that have concentrated effects. The benefits gained through this change are considered to outweigh the few costs associated directly with it, particularly given that seasonal type activities are considered to be limited compared to typical temporary activities.

6.2.3 Option 2C - Insert New Policy

This option seeks to insert a new policy in both volumes of the Plan specifically dealing with Temporary Activities.

Environmental, Social and Cultural - Benefits and Costs

- Increased specific policy direction to guide resource consent applications for non-compliant Temporary Activities.
- Potential encouragement of community based and non commercial temporary activities.
- Potential discouragement of commercial/retail based temporary activities with no community benefit.

Economic - Benefits and Costs

- Costs associated with the Plan Change process.
- Potential discouragement of commercial/retail based temporary activities with no community benefit.

Discussion

The relevant Plan objectives and policies are not specific with regards to Temporary Activities and provide limited direction on what types of Temporary Activities are anticipated under these provisions.

Given Temporary Activities are anticipated, specifically defined and provided for through permitted rule provisions it is considered appropriate to insert a specific policy into both volumes of the Plan.

The insertion of a new policy will have few environmental or economic costs and will provide considerable benefits including greater direction and certainty of what is anticipated for Temporary Activities particularly in cases where resource consent is sought for a temporary activity that breaches the permitted standards of the Plan.

6.2.4 Option 2D - Traffic Generation Rule

This option seeks the introduction of a requirement to provide a traffic management plans for temporary activities that would otherwise breach the permitted standards of the Plan. Provided a traffic management plan is provided, the activity is permitted with regard to traffic matters. If no traffic management plan is submitted, resource consent would be required so that matters associated with traffic and traffic management can be assessed.

Environmental, Social and Cultural - Benefits and Costs

- Increase in traffic safety through increased control over traffic management.
- Reduction in potential accidents and congestion associated with larger activities.

Economic - Benefits and Costs

- Potential reduction in monitoring and enforcement costs.
- Reduction in consent process costs due to the permitted Traffic Management Plan process.
- Potential increase in costs for operators to engage traffic management services for larger activities.
- Potential increase in costs for Council reviewing traffic management plans.
- Costs to all parties associated with the Plan Change process.

Discussion

At present there is no traffic generation limit within the rural or township volume for temporary activities. A requirement to provided a traffic management plan trigger would result in potentially significant social and environmental benefits by providing a clear point at which traffic related matters e.g. traffic management and safety can be reviewed by Council.

The proposed requirement has been set as a permitted standard to encourage the provision of traffic management plans to Council but to reduce any onerous consent requirements.

There is potential for this component to add economic costs to operators, particularly for larger events however, many larger events already prepare TMPs. Overall, this change is considered appropriate to ensure that the environmental and social benefits associated with increased traffic safety and efficiency are achieved.

6.2.5 Option 2E - Alter noise standards within the Plan with regard to Temporary Activities

This option seeks to introduce a reference to section 6.3 of *NZS6802:2008 Acoustics - Environmental Noise* into the Plan (Rural Volume) definition of 'noise limit' in the same locations where *NZS6801:1999 Acoustics – Measurement of Environmental Sound* is also referenced.

Environmental, Social and Cultural - Benefits and Costs

- Assurance that robust New Zealand standards are applied where possible when considering noise from all activities.

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- Ability to undertake a full acoustic assessment in accordance with the New Zealand standards including the potential to apply a 5dB noise penalty for unusual sound qualities.
 - Increased protection from significant noise effects for owners and occupiers of land adjacent to Temporary Activities.
 - Increased consistency with the assessment of noise.

Economic - Benefits and Costs

- Compliance costs for temporary activity operators in order to determine compliance with the Plan noise standards.
- Costs to all parties involved in the Plan Change process.
- Partial use of 2008 New Zealand standards will only provide an interim solution to the ability to assess noise with special audible characteristics. The noise provisions in their entirety would benefit from being updated to ensure full consistency with the 2008 New Zealand standards but this will most likely be undertaken in either a separate District wide noise plan change or as part of the next District Plan review.

Discussion

This change is considered more of a minor technical correction and will provide a number of environmental and social benefits through improved consistency in terminology and assessment of noise with special audible characteristics. The economic costs are considered minimal in comparison. While a full upgrade of the Plan noise provisions to the 2008 standard is likely to occur at some point, this is beyond the scope of this Plan Change and therefore is not considered appropriate.

6.2.6 Option 2F - Relocate 'seasonal rural activities' exemption

This option seeks to relocate the 'seasonal rural activity' exemption from the Rural Volume definition to a 'note' to the rural traffic generation rule to which it presently relates.

Environmental, Social and Cultural - Benefits and Costs

- Increased clarity in both the rural definition of Temporary Activity and the rule to which it relates.
- Increased consistency with the rest of the Plan in the treatment of exemptions for rule.
- Little change in the application of the rule or effectiveness of the provision.

Economic - Benefits and Costs

- Costs associated with Plan Change.
- No costs anticipated as the change results in a rule with similar effect.

Discussion

There have been few if any known complaints or resource consent applications for seasonal rural activities where traffic generation limits are also breached. However, it is possible that there are seasonal rural activities e.g. harvesting or berry picking, that if operated in excess of the limits of the Temporary Activity provisions i.e. more than once per month or 7 days consecutively, would not be exempt from the need to comply with traffic generation rules. If these traffic levels were also exceeded, the operator would be required to apply for resource consent to address the effects i.e. traffic associated with the activity.

There does not appear to be an obvious flaw in the intention of the Plan in terms of addressing this matter however, the location of the exemption within the definition section is such that it could be easily missed if one was checking rules for compliance. In addition, as the limits for Temporary Activities have altered, this will make compliance even more difficult. The proposed Plan Change therefore proposes to relocate this exemption from within the rural definition for Temporary Activity to directly below the applicable traffic generation rule so that it is easier to locate and interpret. There are benefits in terms of clarity and consistency of this change and no significant environmental, social or economic costs involved given the exemption will retain a similar effect to the present situation which will allow most seasonal rural activities that only occur for limited durations to be exempt from any traffic generation limits.

6.2.7 Option 2G – Insert an exemption within the Plan with regard to Temporary Election Signage

This option seeks to introduce an exemption via notes to the Outdoor Advertising Rules within the Rural, Business and Living zone chapters to exempt Temporary Election Signs from complying with the Plan provisions provided they comply with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

Environmental, Social and Cultural - Benefits and Costs

- Reduction in uncertainty for Plan Users.
- Streamlining of Plan provisions to avoid duplication of rules and removal of rules that would be overridden by the Electoral Regulations 2005.

Economic - Benefits and Costs

- Reduction in costs associated with enquiries and enforcement regarding temporary election signs.
- Costs to all parties involved in the Plan Change process.

Discussion

This change is also considered a minor technical correction to avoid duplication of rules and the need for resource consent that is otherwise provided for in separate regulation. This will provide environmental and social benefits through improved certainty as to how Temporary Election Signage is to be dealt with. The economic costs are considered minimal while there will be a reduction in costs to both applicants and Council through circumventing the need to apply the Plan rules unnecessarily when they are already overridden by rules elsewhere.

6.3 Section 32 Conclusions

The proposed Plan Change (Option 2) provides an efficient and effective method of addressing the issues discussed in Section 3. The revised definitions and rules will be an effective way to provide for appropriate Temporary Activities and to manage associated adverse effects. The proposed new policy for Temporary Activities will also provide improved direction to support the proposed rules while sitting alongside other relevant policies and giving effect to the overarching objectives of the Plan.

When considering the risks of acting against the risk of not acting on this matter, it is considered that the current Plan is very permissive of Temporary Activities with very few controls. As such, there is the potential for activities to be undertaken 'as of right' within the rural and living zones that could generate significant adverse effects. This potential has been realised more recently through examples such as the Horror Maze activity which attempted to establish under these provisions and only narrowly failed to comply due to the night time noise standard of the Plan. It is therefore considered that there are significant potential risks associated with the current Plan provisions and while these risks may appear relatively infrequent to date, a failure to act on this issue will continue to provide for potential adverse social, environmental and economic effects with limited recourse available for Council to address these.

The risks associated with the Temporary Election Sign provisions are considered minimal given that many of the rules in the Plan are similar to those in the Electoral Regulations 2005. However, it will remove uncertainty in this regard and reduce the risk of Plan Users applying the Plan and seeking unnecessary resource consents for signs that are effectively covered under separate regulations already.

Overall, the proposed Plan Change is considered to be a more efficient and effective approach than retaining the status quo and will better achieve the objectives of the District Plan and Part II of the Act.

7 Consultation

Consultation in accordance with the 1st Schedule of the RMA has been undertaken prior to public notification of the Plan Change. The outcome of the consultation will be included once undertaken.

It is also noted that any other interested parties are able to put forward their views through the statutory public notification process.

8 Sections 74 & 75 of the RMA

8.1 Land Use Recovery Plan and Operative Regional Policy Statement

The draft Land Use Recovery Plan has directed a number of new actions to broadly assist recovery and also incorporated new provisions be inserted into the RPS. Of most relevance is Policy 6.3.1 (3) which seeks to ensure new activities only occur within existing urban areas or identified greenfield priority areas unless they are otherwise expressly provided for in the CRPS. At face value this could mean that temporary activities could only be undertaken within an urban area. However, when viewing the definitions of urban and rural activities, these refer to “activities of a size, function, intensity or character” typical of those in urban and rural areas. It is considered that temporary activities by their very nature are not encompassed by these definitions particularly as their function and character is quite different from typical rural and urban activities e.g. an A and P show is not a typical rural or urban activity but would be considered more appropriately located within a rural location.

Other than the above there is little within the RPS that relates specifically to issues regarding Temporary Activities and Election Signage, therefore, it is considered that there is sufficient scope for Temporary Activities to continue to occur without being inconsistent with the direction of the draft LURP and provisions of the RPS.

8.2 Cross Boundary Issues

It is noted that all Plans for adjoining districts make provision for temporary activities and while there are some differences in limits, these are not considered to create any cross boundary issues with adjoining territorial authorities.

8.3 Iwi Authority Matters

The Plan Change does not create any issues in respect of planning documents recognised and lodged by an iwi authority.

8.4 The Recovery Strategy for Greater Christchurch

The Recovery Strategy for Greater Christchurch (the Recovery Strategy) prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of other relevant legislation within the Greater Christchurch area. The City and District Plans (and other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy. This document focuses on a broad strategy to aid recovery and consequently, the proposed Plan Change is not considered to be inconsistent with any of its listed goals.

8.5 Other Planning Documents

The proposed changes will not result in inconsistencies with any National Policy Statements, National Environmental Standards, Coastal Policy Statements, Water Conservations Orders or Regional Plans.

8.6 Summary

Overall, it is concluded that the proposed Plan Change is in accordance with sections 74-75 of the RMA.

9 Conclusion

Based on the above assessment, it is considered that the proposed Plan Change represents a more effective and efficient method of achieving the Plan's objectives than the current Plan provisions and thereby better achieves Part II of the Act.

APPENDIX 1:

Proposed Text Changes to the Selwyn District Plan (Township Volume)

APPENDIX 2:

Proposed Text Changes to the Selwyn District Plan (Rural Volume)

APPENDIX 3:

Acoustic Engineering Services Report

APPENDIX 4:

Electoral (Advertisements of a Specified Kind)
Regulations 2005