

SUMMARY OF RECOMMENDED TEXT CHANGES TO VARIATION 28

Recommended text changes are underlined, strikeout and bolded. The bracketed number denotes the submission(s) the change is associated with.

Amendments to the Township Volume of the Proposed District Plan

- Policy 5. To provide Business 2 Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people's health and well-being and to avoid pollution of natural resources or potential 'reverse sensitivity' effects.

Explanation and Reasons

Business 2 Zones are areas where activities may be able to locate that have effects which are incompatible with the character or amenity values of Living, or Business 1 or Rural Zones. Activities which may be sensitive to these effects, such as residential activities, are managed in Business 2 Zones to avoid potential 'reverse sensitivity' issues. Business 2 Zones tend to adjoin or be close to townships, so effects of some activities still need to be managed or may be inappropriate in Business 2 Zones. The Rural (Outer Plains) Zone may be an alternative location for these "rural-based" industrial activities.

Business 2 Zones currently exist at: Leeston, Rolleston, Darfield and Coalgate.

- Policy 7. To recognise parts of the Rural zone around a township as an alternative area to locate certain activities which cannot locate in Living zones due to adverse effects, and there is no appropriate Business Zone.

Explanation and Reasons

At present many townships in the Selwyn District do not have Business Zones because they do not have areas with this character. This does not preclude future businesses from locating in these townships. As discussed in the 'explanation' to Policy 3, many small scale businesses can locate in Living zones. Where a business will have effects that are incompatible with the character of a Living Zone, that activity may be able to locate in the Rural Zone around the township. The Rural Volume of the plan, recognises the Rural Zone as a low population density area, providing for activities that need space to operate or to mitigate their effects. There are parts of the Rural Zone that have special landscape, ecological or amenity values, and areas where natural hazards or 'reverse sensitivity' effects may occur. Any particular site within the Rural Zone would need to be appropriate for the proposed activity.

This policy does not apply to ~~medium to large scale~~ ^(133.1, 133.2) "rural-based" industrial activities of a size and scale beyond that permitted by the District Plan ^(133.1, 133.2) within the Rural (Inner Plains) Zone around existing townships, given that the effects of these types of activities may be incompatible with the higher population density and smaller allotment sizes in this area, compared to that of the Rural (Outer Plains) Zone. Similarly, the effects associated with "other" types of industrial activities (being those that are not directly associated with the rural area) may detract from the amenity values of all parts of the Rural Zone and are therefore encouraged to locate within Business 2 zones only.

A similar policy is contained in the Rural Volume of the plan as Policy 1 on page 142 of Part 2, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects.

Section 3.2 – Listed Activities, Rule 1 ii. (g) Industry – Non-Complying Activities - (Business 1 and 1A Zones) (page 296)

1. The following activities shall be *non-complying activities* in the Business 1 & 1A zones:
 - i. Any activity which is specified in section 3.3 Rules 1 to 31 as being a *non-complying activity*.
 - ii. Any of the activities in (a) to (i) below, irrespective of whether they comply with the conditions for *permitted activities* in section 3.3 Rules 1 to 31.
 - (a) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (b) Plantations
 - (c) Manufacture and/or disposal of any hazardous substance.
 - (d) Mining or Quarrying
 - (e) Correction facility
 - (f) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site.
 - (g) Industrial Activity.
 - ...

Part 3, Definitions – Industrial Activity (page 416)

Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution ^(119.4) and/or warehousing of any materials, goods, products, machinery ^(136.2, 137.2, 138.2) or vehicles, but excludes mining, mineral exploration and quarrying.

Amendments to the Rural Volume of the Proposed District Plan

Part 2, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects, Policy 2 – Explanation and Reasons (page 153),

Policy 2. In the areas shown on the Planning Maps as the Port Hills, Malvern Hills and the High Country, restrict activities to those which use natural resources in the area, and activities which are ancillary to those uses or utilities.

Explanation and Reasons

The Port Hills, Malvern Hills and the High Country are special places in the Rural Zone. They are valued by residents and visitors as having amenity values which are remote and different from townships or urban areas. They are valued for their relative lack of structures, people and symbols of urbanisation. The Port Hills are particularly valuable as a rural outdoor recreation area in very close proximity to the City. The Malvern Hills are valued as a rural setting for residents wanting a certain lifestyle. The High Country is cherished as an outdoor recreation and holiday destination that is very remote from civilisation and back to nature.

The location of factories, warehouses, offices, shopping malls and other activities associated with urban areas, on the Port Hills, in the Malvern Hills and in the high country would adversely affect the special amenity values of these areas. Policy 2 restricts the types of activities which can locate in these areas, to activities which use the natural resources of the areas. This includes, but is not limited to:

- Farming
- Forestry
- Outdoor recreation and mining
- Activities ancillary to those uses such as houses
- Holiday accommodation
- Hospitality and retail sales.

Utilities are provided for in these parts of the Rural Zone. They are necessary to serve other activities in these areas, and network utilities need to pass through these areas. The use of lakes or rivers to generate hydroelectricity is a use of a natural resource in the area. (Resource consents will be required for activities involving large-scale earthworks or structures).

Part 2, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects, Policy 3 – Explanation and Reasons (page 154),

Policy 3. Mitigate significant adverse effects of activities on the amenity values of the rural area.

Explanation and Reasons

There are many places in the rural area which are not outstanding landscapes or natural features or which do not contain significant ecological sites but which people find pleasant places to live in or visit, for example, rolling hills, meandering streams, and fields with animals and crops, which

are all typical rural scenes. These areas can be sought after locations for activities that need large sites and to be separated from people. Some of these activities can make areas less pleasant – they can affect their amenity values.

Policy 3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. Part of promoting sustainable management under the Act is having particular regard for:

The maintenance and enhancement of amenity values.” (Section 7(c)).

Policy 3 should not be used as a catch-all policy to oppose any changes to land uses in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where an activity will detract from the amenity values of an area, Policy 3 requires those effects be mitigated. ~~This policy does not apply to those land uses that constitute non-complying activities in the Rural Zone, on the basis that the adverse effects of these types of activities should, as far as possible, be avoided as opposed to being mitigated (see Policy 4).~~^(119.5,140.5)

The requirement to mitigate adverse effects of activities in Policy 3 of this section does not replace more specific duties to protect areas and avoid adverse effects, in other policies in the Plan.

Policy 4 and its associated Explanations and Reasons to Part 2, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects, as follows:

Policy 4. Ensure that any ~~significant~~ adverse effects that are more than minor^(133.1) arising from ~~medium to large scale~~^(133.2) “rural based” industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan^(133.2) and “other” types of industrial activities in all Rural Zones are avoided.

Explanation and Reasons

While the Rural Zone may be able to better accommodate the potential adverse effects associated with industrial activities than Living or Business 1 Zones due to a lower population density and larger allotment sizes, certain types and scales of industrial activities are unlikely to be appropriate in all parts of the Rural Zone. For the purposes of the Rural Volume, industrial activities have therefore been categorised into either a “rural-based” or an “other” type of industrial activity. Rural-based industrial activities are those that involve a raw material or product that is derived directly from the rural area (e.g. timber yard, winery or dairy factory), as opposed to other types of industrial activities (e.g. panel beating, dry cleaning or spray painting).

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas, ~~however, Where~~ these activities are of ~~medium to large a~~ scale and size beyond what is permitted by the District Plan^(133.2) there is a potential for their effects to impact on visual amenity, rural outlook, spaciousness and quietness. There is also likely to be a

higher demand for servicing requirements, such as water supply and stormwater disposal, which may be constrained in some parts of the rural area. Overall, the Council recognises that it may be necessary for an industrial activity that relies on a raw material or primary product derived from the rural environment to locate in proximity to its source. However, the potential adverse effects of ~~medium to large scale~~ rural-based industrial activities **that are of a size and scale beyond that which is permitted by the District Plan** ^(133.2) may be avoided by locating in a Business 2 zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that ~~medium to large scale rural based~~ ^(133.2) industrial activities may not be able to locate in this area without generating significant adverse amenity effects.

The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills and High Country **and those operating as a home based occupation given their size and operation constraints** ^(140.10, 136.8, 137.8, 138.8, 134.2). While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry may result in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided.

Rule, Part 3, Rule IX – Activities, Rule 1.2 Listed Non-Complying Activities – Permitted Activities (page 314),

Listed Non-Complying Activities

1.2 The activity is not listed as a *non-complying activity* in Rule 3.1.

Rule, Part 3, Rule IX – Activities, Rule 3.1 Listed Non-Complying Activities – Other Activities (page 314)

Listed Non-Complying Activities

3.1 All of the following activities shall be *non-complying activities* irrespective of whether they comply with all other rules in the Plan for permitted activities:

3.1.1 Any other industrial activity, **except for an other industrial activity being a home based occupation and undertaken entirely within a residential dwelling.** ^(134.2).

Note: Rule 3.1 does not apply to any temporary activity.

Part 3, Rule IX – Activities, Listed Discretionary Activities, Rule 3.1.2 Industrial Activity (page 314) and renumber as a consequence of insertion of new Rule 3.1 above,

Listed Discretionary Activities

- 4.1 All of the following activities shall be *discretionary activities* irrespective of the whether they comply with all other rules in the Plan for *permitted activities*:
- 4.1.1 Any activity which requires an Offensive Trade Licence under the Health Act 1956;
- ...

Rule, Part 3, Rule IX – Activities Rule, Scale of Activities - Rule 1.5– Permitted Activities (page 316), as follows:

Scale of Activities

- 1.5 Any activity which is not a rural activity or a residential activity if the following conditions are met:
- 1.5.1 The maximum ~~gross-floor~~ area of any site covered by ^(136.6, 137.6, 138.6) building(s), loading, storage and waste areas used for any other activity on the site shall be 100m².
- 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site.

Note: Rule 1.5 does not apply to any temporary activity.

Part 3, Rule IX – Activities Rule, Scale of Activities - Rule 6.1 – Other Activities (page 316)

Scale of Activities

- 6.1 Any activity which does not comply with Rules 1.5.1 or 1.5.2 shall be a *discretionary activity*.

Rule, Part 3, Rule IX – Activities, Rule 1.23 Rural Based Industrial Activities – Permitted Activities (page 338)

Rural Based Industrial Activities

- 1.23 Any rural based industrial activity if the following conditions are met:
- 1.23.1 The maximum ~~gross-floor~~ area of any site covered by ^(136.7, 137.7, 138.7) building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m².
- 1.23.2 No more than 2 full-time equivalent persons are employed in undertaking the activity on the site.

Note: Rule 1.23 does not apply to any temporary activity.

Rule, Part 3, Rule IX – Activities, Rules 22.1 and 22.2 Rural-Based Industrial Activity – Other Activities (page 338)

Rural Based Industrial Activity

22.1 Any activity which does not comply with Rules 1.23.1 or 1.23.2 shall be a *discretionary activity* if all of the following standards and terms are met:

22.1.1 The site is located within the Outer Plains, as shown on the Planning Maps.

22.2 Any activity which does not comply with Rule 22.1.1 shall be a *non-complying activity*.

Reasons for Rules, Part 3, Rule IX – Activities (page 339-341A)

Reasons for Rules

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Rules 1.2 and 3 lists activities which are non-complying activities, whether they comply with the rules for permitted activities or not. The effects associated with other types of industrial activities (i.e. those that are not defined as “rural-based” industrial activities) are considered to be generally inappropriate in all parts of the Rural Zone, except for industrial activities involving the use or extraction of natural resources in the Port Hills, Malvern Hills and High Country **and those activities operating as a home based occupation given their size and operational constraints** ^(134.2, 136.8, 137.8, 138.8, 140.10). While there is a degree of acceptance for rural-based industrial activities within parts of the rural area, other types of industry may result in significant adverse visual effects, increased traffic generation and noise, and a reduction in rural outlook and openness. As such, it is appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided.

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Rules 1.5 and 6 manage the effects of business activities in the rural area. The rules allow for small scale businesses to establish as a permitted activity in the Rural Zone, however resource consent will be required (as a discretionary activity) where the scale exceeds the permitted standards. The Plan recognises that the rural area accommodates a variety of activities, however the scale, nature and intensity of some business activities may not maintain rural character or the quality of the environment. Activities that do not comply with the permitted activity rules may still be able establish in rural areas, if any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided.

...

Rules 1.23 and 22 manage the effects of rural-based industrial activities. The effects associated with small scale rural-based industrial activities are considered to be appropriate in all rural areas, **however Where** these activities are of **medium-to-large-scale of a size and scale over and above what is permitted by the District Plan** ^(133.2) there is a potential for their effects to impact on visual amenity, rural outlook, spaciousness and quietness. However, the potential adverse effects of **medium-to-large-scale** rural-based industrial activities **over and**

above what is permitted by the District Plan^(133.2) may be avoided by locating in a Business 2 zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that ~~medium to large scale rural-based~~ industrial **over and above what is permitted by the District Plan**^(133.2) activities may not be able to locate in this area without generating significant adverse amenity effects.

Part 3, Definitions – Industrial Activity and insert new definition of Industrial Activity (page 388)

Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair **direct handling**^(119.4) and/or warehousing of any materials, goods, products, **machinery**^(136.9, 137.9, 138.9) or vehicles, but excludes mining, mineral exploration and quarrying. For the purpose of this definition an industrial activity is further defined as being either of the following:

- (a) Rural Based Industrial Activity: means an Industrial Activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticultural and crops.

Or

- (b) Other Industrial Activity: means any other Industrial Activity that is not defined as a “rural based industrial activity”, as stated in (a) above.

Part 3, Definitions, Rural Activity,

Rural Activity: means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and may include a dwelling.