

THE RESOURCE MANAGEMENT ACT 1991

**PROPOSED SELWYN DISTRICT PLAN
VARIATION 28 INDUSTRIAL AND BUSINESS ACTIVITIES
HEARING OF SUBMISSIONS**

HEARING PANEL: Cr Jack Pearcy (Chair)
Cr Malcolm Lyall
Ian Dalton (External Commissioner)

HEARING DATE: 31 July 2007

Appearances:

- Peter Anderson and Hugh Stevenson for **Selwyn Plantation Board Ltd**
- Andrew Purves for **Murray Implements Ltd**
- Claire Hunter for **Trustpower Ltd**
- **Lorraine Tolhoek**
- **Belinda Jones**
- Fiona Aston for **Prebbleton Community Association Inc** and **Mel Challies**
- Simon Coles for the **Poultry Industry Association of New Zealand (Inc)**, **Tegal Foods Ltd**, **P H van den Brink Ltd**, **Brinks South Island Ltd** and **Feedco Canterbury**
- Fiona Aston for **Landmark Holdings**
- Katherine Snook for **Lincoln University**, **New Zealand Institute for Crop and Food Research Ltd** and **AgResearch Ltd**
- Sean Elvines presented a **Section 42A Report**

In addition letters and/or written submissions were tabled on behalf of:

- Environment Canterbury
- Jennifer Nepton
- David Ferguson

RECOMMENDATIONS OF HEARING PANEL

INTRODUCTION

The Panel's task was to consider submissions on both the Rural and Township volumes of the Proposed District Plan (PDP) associated with Variation 28 – Industrial and Business Activities.

As a result of submissions and subsequent appeals on the PDP the Council undertook a review of the way in which that Plan identifies and addresses the potential adverse effects associated with industrial activities (in all zones) and other types of business activities (in the Rural Zone). That review indicated that the existing policies and rules do not represent the most efficient or effective means of achieving the objectives of the PDP that seek to maintain the character and amenity values of each zone. In particular, it was found that the existing provisions pertaining to industrial activities could result in significant environmental costs on the basis that a discretionary activity status implies that such activities are generally anticipated to occur in all parts of the rural area. Similarly, it was identified that the existing 'effects-based' rules do not provide sufficient control over the scale of business activities that seek to establish in the Inner and Outer Plains areas of the Rural Zone.

A number of alternative approaches were considered and evaluated. The outcome of this process was to distinguish between "rural-based" and "other" industrial activities and to provide a hierarchy of control for small to medium-large scale rural-based industrial activities and a listed activity status for all other industrial activities. It was also considered necessary to insert additional provisions into the 'effects-based' rules to manage the adverse effects associated with the scale of other business activities in the rural area. Overall, the Council determined that these provisions were the most appropriate means to achieve the objectives of the PDP and that they should be implemented by way of a variation to the PDP.

Variation 28 was notified on 11 November 2006 with submissions and further submissions closing on 18 December 2006 and 16 February 2007 respectively. There were 23 submissions raising a number of submission points and 19 further submissions either supporting or opposing those points.

SUBMISSIONS

For the purposes of this report the submissions, and further submissions, have been grouped into the following categories:

1. Submissions supporting the entire variation.
2. Submissions opposing the entire variation.
3. Submissions relating to the proposed policies.
4. Submissions relating to the proposed definitions.
5. Submission relating to the proposed rules and reasons for rules.
6. Submissions on other matters.

A summary of the submissions and further submissions relating to each category is listed at the beginning of the discussion on that category.

1. SUBMISSIONS SUPPORTING THE ENTIRE VARIATION

Submitter	Sub. Point	Summary		Decision Requested
92 V Saxton Support	92.1	Entire variation	The submitter states that Selwyn District Council should not allow industrial activities in the West Melton area that could easily lead to degrading of the quality of life of the residents.	To refuse to allow industrial or other development that would impose an increase on demands on water supply.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	92.2	Water Supply	The submitter states that the West Melton area's water supply is vulnerable to degradation and reduction. Any concentration activity or infrastructure will make demands on the water. West Melton is positioned upstream of Christchurch City and the demands on the city are likely to impact on West Melton. The submitter points out that their vineyard water demands are low compared to activities such as Lucerne or dairy farming. The vineyard is established and is a rural activity, it should not be rendered uncommercial due to lack of water at key times.	To refuse to allow industrial or other development that would impose an increase on demands on water supply.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
94 Rolleston Square Limited Support	94.1	Entire variation	The submitter supports Variation 28 as it protects the rural, residential, and business environments.	That the SDC proposed district plan variation 28 is adopted.
	<i>Further Sub.</i>	<i>299F</i>	<i>Robert John Dally</i>	<i>Support</i>

Submitter	Sub. Point	Summary		Decision Requested
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
103 A & C McLenaghan Support	103.1	Entire variation	The submitter agrees with the variation as it stands. They would not like to see things made difficult for existing rural based business in the area.	For existing rural based business to be able to continue to operate without having to apply for consents etc.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
123 Eastern Selwyn Residents Association (Inc.) Support	123.1	Entire variation	The submitters are members of the Eastern Selwyn Residents Association (Inc.) who live in the rural-residential area in the vicinity of Chattertons Rd/Old West Coast Rd. This group was formed to oppose the establishment of Oasis Clearwater Systems Ltd in our area. People in this area moved here for the relative peace and quiet and freedom from activities that belong in an industrial area. They are concerned about the effects of such activities on amenity values, the rural character of the area and the desirability of this area to live in. The submitter supports this Variation as it will make it more difficult for industrial operations to establish in this setting.	Approve Variation 28.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
124 Belinda Mary Jones Support	124.1	Entire variation	The submitter states that the council are now trying to look after the environment and all living things in it so that tomorrow's generations should inherit a cleaner, healthier world.	That the variation goes ahead, with possibly some tightening up on a few minor points.
	<i>Further Sub</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
126 Mr and Mrs Hammond Support	126.1	Entire variation	The submitter is concerned about industrial activities being located near their property and do not want factories or trucking near them. They do promote Bed and Breakfast accommodation as it is better for the environment.	Adopt variation 28 in its entirety
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
132 Foodstuffs SI Ltd Support	132.1	Entire variation	The submitter supports the restriction of retailing within the Rural Zone and the amended definition of Industrial Activities. The variation provides clarity and certainty to the existing District Plan. Provides the rural community more certainty that large scale retail activities cannot, from an effects-based position, be appropriately established within the rural environment. The submitter also believes that the Council has discharged its functions in relation to section 32 of the RMA.	Approve the variation in its entirety.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
134 Darren and Geraldine Rogers Provisional Support	134.1	Entire variation	The submitter sees this variation as a way to protect Selwyn District's environment. The submitter thinks it is important that some consideration be given for the smaller scale activities that will now be captured by the definition. These sorts of businesses should be allowed in the community for small business owners.	Accept the Variation with consideration of amendments we have proposed.

Submitter	Sub. Point	Summary		Decision Requested
	<i>Further Sub.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – entire submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – entire submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose – entire submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>

Discussion

- 1.1 The submissions by **V Saxton (92.1, 92.2)**, **Rolleston Square Ltd (94.1)**, **Eastern Selwyn Residents Association (123.1)**, **Mr and Mrs Hammond (126.1)**, **Belinda Jones (124.1)** and **Foodstuffs SI Ltd (132.1)** requested that the Variation be approved in its entirety. All of these submissions were opposed by **Trustpower Ltd (339F)** and one was opposed by **the Poultry Industry Association of New Zealand and Others (170F)**. Conversely the submission from Rolleston Square Ltd was supported by **Robert John Dally (299F)**.
- 1.2 The only person who spoke to her submission was Ms Belinda Jones. She referred particularly to public health issues and advocated the use of the precautionary principle in determining what industries, if any, should be allowed in rural areas. Ms Jones also referred to particular problems with an existing activity in Maddisons Road.
- 1.3 The submission by **A and C McLenaghan (103.1)** supported the Variation but sought an assurance that the new rules would not affect existing businesses in the rural area. In this regard we note that s.10 of the Act pertaining to ‘existing use rights’ would apply. Essentially, s.10 allows land to [continue to] be used in a manner that contravenes a rule in a District Plan. The Council may approve an application for an ‘existing use certificate’ under s.139A of the Act where it is satisfied that the use of the land is allowed in accordance s.10. We therefore consider that this provision will meet the submitters concerns.
- 1.4 The submission by **Darren and Geraldine Rogers (134.1)** also supported the Variation but suggested some changes to the rules. This submission was opposed by **Landmark Holdings Ltd (159F)**, **V M Challies (315F)**, **Prebbleton Community Association Inc**

(327F) and **Trustpower Ltd (339F)**. We deal with the main part of this submission in our discussion on submissions relating to the proposed rules.

- 1.5 The Panel have considered all of the above submissions and the Reporting Officers recommendation that they be accepted. Whilst we agree with the basic tenor of the submissions we note that, as a result of other decisions elsewhere in this report, we have recommended that certain changes be made to the Variation. On that basis we have concluded that we cannot accept the submissions without some reservations. We have therefore concluded that the submissions and further submissions in support should be accepted in part and that the further submissions in opposition should be rejected in part.

Recommendation 1

1. That the submissions and further submissions by **V Saxton (92.1, 92.2)**, **Rolleston Square Ltd (94.1)**, **A & C McLenaghan (103.1)**, **Eastern Selwyn Residents Assn (123.1)**, **Mr and Mrs Hammond (126.1)**, **Belinda Jones (124.1)**, **Foodstuffs SI Ltd (132.1)**, **Darren and Geraldine Rogers (134.1)** and **Robert John Dally (299F)** be **accepted in part** subject to the amendments to Variation 28 as recommended elsewhere in this report.
2. That the further submissions by **Trustpower Ltd (339F)** and **Poultry Industry Association of New Zealand and Others (170F)**, **Landmark Holdings Ltd (159F)**, **V M Challies (315F)**, and **Prebbleton Community Association Inc (327F)** be **rejected in part** subject to the amendments to Variation 28 as recommended elsewhere in this report.

Amendment Required:

No amendments are required as a direct result of Recommendation 1.

2. SUBMISSIONS OPPOSING THE ENTIRE VARIATION

Submitter	Sub. Point	Summary		Decision Requested
130 AB Annand & Co Ltd Oppose	130.1	Entire variation	The submitter says that the proposed variation has the effect of setting confusing 'performance standards' around allowable land uses. The definitions of Industrial Activity are so broad that almost any use can be prohibited. The effect of imposing this new definition on existing patterns of land use is not described. The submitter also states that primary industry (farming and forestry) requires what is now to be included as industrial activities, but without which primary industry cannot function: transport and logistics yards, chilling or preliminary processing, seed cleaning, sorting and grading produce etc. Seems to have been forgotten in the variation.	Do not change the current policies, definitions, hierarchy of control or make any new rules, unless any changes increase clarity and is specific - specific land uses and industries that are, or are not, allowed in specific geographic areas as of right and those that are subject to consents.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support in Part</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
131 Peter Baylis Oppose	131.1	Entire variation	The submitter argues that the proposed changes are not appropriate policies and rules to meet the objectives of the Plan. The status quo or status quo with minor amendments is the most appropriate.	Reject variation 28 in its entirety.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
	131.2	Entire Variation	The submitter states that fully discretionary activity status for virtually all business activity in the rural zone (the scale of activity rule 1.5.1 excludes anything other than a "home garage" type activity) fails to follow the effects-based approach of the PDP and is not the most appropriate means to achieve the objectives of the Plan.	<ul style="list-style-type: none"> a) Retaining effects-based standards and restricted discretionary activity status for breach of effects-based standards for business activity in the rural zone. The effects-based standards could include a new standard that addresses visual and amenity effects; b) Retaining fully discretionary activity status for industrial activity in the rural area; c) Making other changes to the proposed policies and explanations to achieve (a) and (b) above; d) Deleting the changes to the explanation to policy 7 and all of the

Submitter	Sub. Point	Summary		Decision Requested
				new policy 4; and e) All consequential changes to the changes proposed above so as to give effect to this submission.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose in part</i>
140 Poultry Industry Association of New Zealand Oppose	140.1	Entire variation	The submitter opposes the entire variation. The poultry industry has a significant presence and financial investment within Selwyn District and the submitter is concerned to ensure that Variation 28 will appropriately provide for the continued operation and expansion of its activities. The poultry industry seeks a planning regime that recognises its importance as a primary production industry and its contribution to the social, economic wellbeing of New Zealand.	Withdraw Proposed Variation 28 in its entirety.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>

Discussion

- 2.1 The submission by **A B Annand & Co Ltd (130.1)** requests that the provisions of the PDP remain in force unless any changes increase clarity and are specific. However the submission makes no requests for specific or detailed changes to the matters contained in the Variation. On this basis the Panel have regarded the submission as being in opposition to the whole variation.
- 2.2 The submission by **Peter Baylis (131.1)** and the **Poultry Industry Association of New Zealand (140.1)** clearly sought the withdrawal of the Variation.
- 2.3 To a greater or lesser extent the above submissions were supported by **Murray Implements Ltd (313F)**, the **Selwyn Plantation Board Ltd (309F)** and the **Poultry Industry Association of New Zealand (170F)**. They were also opposed by **Landmark**

Holdings Ltd (159F), Robert John Dally (299F), V M Challies (315F), Prebbleton Community Association Inc (327F) and Trustpower Ltd (339F).

- 2.4 The Panel also notes that another submission by **Peter Baylis (131.2)** was included in the summary contained in the Section 42A report. It is considered that this submission, which seeks changes to the content of the Variation has been wrongly classified. The Panel will therefore discuss this submission under Categories 3 and 5 later in this report.
- 2.5 In general the submissions listed above consider that the Variation introduces confusing performance standards, new definitions which are too broad and amendments which are neither effects based nor appropriate to meet the objectives of the PDP. However we heard no evidence to directly support these views.
- 2.6 On the other had we were reminded of the purpose of the Variation by the following extract from the Section 42A report:

“6.3 The provisions of the PDP prior to Variation 28 do not represent the most efficient or effective means of achieving those objectives that seek to maintain the character and amenity values of each zone. Pre-variation provisions failed to adequately identify and manage the adverse effects of industrial activities, particularly within the rural area which is recognised as being a more sensitive receiving environment. Similarly, the pre-variation suite of effects-based rules did not provide sufficient control over the scale of business activities that seek to establish within the Inner and Outer Plains thereby failing to achieve the relevant objectives and policies. The Variation introduces methods that better implement policies. This, in turn, is considered the most appropriate, efficient and effective means to achieve the objectives of the PDP... “

In the absence of any evidence to the contrary we accept the Reporting Officers recommendation that the submissions be rejected.

Recommendation 2

- 2.1 That the submissions and further submissions by **AB Annand & Co Ltd (130.1), Peter Baylis (131.1)** and **Poultry Industry Association of New Zealand**

(140.1)(170F), Selwyn Plantation Board Ltd (309F), Murray Implements Ltd (313F), Trustpower (339F) be rejected.

- 2..2 That the further submissions of **Landmark Holdings Ltd (159F), Robert John Dally (299F), VM Challies (315F), Prebbleton Community Association Inc (327F), Trustpower (339F) be accepted.**

Amendment Required:

None.

3. SUBMISSIONS RELATING TO THE PROPOSED POLICIES

Submitter	Sub. Point	Summary		Decision Requested
119 Swap Stockfoods Limited Oppose	119.1	Policy 5 Explanation and Reasons	The submitter comments that the Rural (Inner Plains) Zone is also a productive area, utilising the land resource. There is also a potential, functional or locational need for rural based industry to be located in this area. Whilst the Inner Plains area generally has a higher population density and smaller lot sizes, there are parts that are not appropriate or as attractive to this scale of development (e.g. vicinity of transport corridors, Airport Noise Control Area). Such areas may be suitable for rural based industries and should not therefore be excluded from an effects based assessment as is provided for in the Rural (Outer Plains) Zone.	Amend the last sentence of the Explanation and Reasons for Policy 5 by deleting the words "Outer Plains" or such other relief to address the submission.
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support Entire Submission</i>
		<i>137F</i>	<i>Trustpower</i>	<i>Support</i>
	119.2	Policy 4 - Explanation and Reasons	The submitter states that the Explanation and Reasons for Policy 4 recognises that it may be necessary for an industrial activity that relies on raw material or primary product derived from the rural environment to locate in proximity to its source. However a rural location may also be necessary because of the proximity to strategic transportation networks that are not afforded by the location of many of the townships.	Amend the third sentence in paragraph 2 of the Explanation and Reasons for Policy 4 to read as follows: "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 or where servicing the rural sector requires proximity to strategic transportation networks."
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support Entire Submission</i>

	119.5	Policy 3 - Explanation and Reasons	The submitter says this statement is imposing a threshold for non-complying activities that exceeds the Council's authority under the RMA 1991. In considering a non-complying activity the Council's discretion is to be exercised having regard to s104 of the RMA which is subject to Part 2. In promoting the sustainable management of natural and physical resources, Part 2 of the RMA enables the consideration of any adverse effects of an activity (irrespective of the activity status) to be avoided, remedied or mitigated.	Delete the inclusion of the sentence in the third paragraph which reads as follows: "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)."
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support Entire Submission</i>
		<i>137F</i>	<i>Trustpower</i>	<i>Support</i>
133 Canterbury Regional Council Oppose	133.1	Policy 4	Policy 4 as currently worded will not maintain rural character, will not avoid reverse sensitivity effects, and will not create a pleasant work and living environment. It will not ensure that objectives 1 and 2 are achieved.	Amend Policy 4 to read as follows: "Policy 4 - Ensure that any adverse effects that are more than minor arising from "rural based" industrial activities in the Rural (Inner Plains) Zone and "other" types of industrial activities in all Rural Zones are avoided". Any other consequential amendments.
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>137F</i>	<i>Trustpower</i>	<i>Oppose</i>
		<i>166F</i>	<i>Rolleston Square Ltd</i>	<i>Support – Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
	133.2	Policies 4 - Explanations and Reasons	The submitter states the explanation and reasons seek to manage "medium to large scale rural based industrial activities", which are not defined. Interpretation and application difficulties between the Policy, its Explanation and Reason and the rules will be created due to the use of inconsistent and equivocal terminology.	Amend the Explanation and Reasons to Policy 4 - second paragraph - as follows: "The effects associated with small scale rural-based industrial activities (less than 100m2 gross floor area and/ or two full time equivalent staff) are appropriate... ..however where these activities are of medium to large scale (greater than 100m2 in gross floor area and / or two full-time equivalent staff) there is potential..." Any other consequential amendments.
	<i>Further Sub.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>166F</i>	<i>Rolleston Square Ltd</i>	<i>Support – Entire Submission</i>
136 V M Challies Provisional	136.1	Township Volume, Part 2, Section 3.4	Policy 7 and Explanation and Reasons. The submitter states that the amendments sought ensure the policy clearly and	Amend Part 2, Section 3.4 Quality of the Environment and Amenity Values, Policy 7 to read as follows:

Support			accurately states the Proposed Plan approach to industry in the rural zones. The submitter argues that the wording in the Explanation and Reasons needs to be strengthened to provide more clarity as to the policy's intention.	<p>"Policy 7 - To recognise the Rural (Outer Plains) Zone around townships as a possible alternative area to locate rural based industrial activities which cannot locate in Living Zones due to adverse effects, and there is no appropriate Business Zone".</p> <p>Explanation and Reasons for Policy 7, paragraph 2 to read:</p> <p>"Medium to large scale "rural-based" industrial activities are only potentially appropriate within the Rural (Outer Plains) Zone given that the effects of these types of activities are generally incompatible with the higher population density and smaller allotment sizes of the Rural (Inner Plains) Zone, 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) are likely to detract from the amenity values of all parts of the Rural Zone and therefore should locate within Business 2 zones only."</p>
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	136.3	Township Volume, Part 2, Section 3.4	Policy 4 - Township Volume. The submitter states that amendments to Policy 4 are needed to clarify that business activities exclude industrial activities and that industrial activities are not considered appropriate in Business 1 zones.	<p>Part 2, Section 3.4 Quality of the Environment and Amenity Values Policy 4 and associated Explanation and Reasons as follows:</p> <p>"To provide Business 1 Zone which enable a range of business activities, excluding industrial activities, to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people."</p> <p>Explanation and Reasons, paragraph one to read:</p> <p>"Business 1 Zones are areas which accommodate activities that have noise, traffic, signage, visitors, large scale buildings and similar effects that would detract from the environment in the relatively 'quieter' Living Zones. They are areas where people gather for work, social occasions or higher density living environments. Therefore low levels of nuisance effects and good aesthetic standards are required. Industrial activities are not considered compatible with the environmental and amenity standards required in Business 1 zones. The larger townships in Selwyn District have Business 1 Zones."</p>

	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
136.4	Rural Volume, Part 2, Section 3.4		Policy 3. The amendments made by the submitter seek to ensure Policy 3 clearly and accurately states the Proposed Plan approach of only providing 'mitigation' as opposed to 'avoidance' of adverse effects on amenity values for discretionary activities. The wording in the Explanation and Reasons is strengthened by removing the words "as far as possible".	<p>Amend Part 2, Section 3.4, Policy 3 to read as follows:</p> <p>"Policy 3 Mitigate significant adverse effects of discretionary activities on the amenity values of the rural environment."</p> <p>Explanation and Reasons for Policy 3, paragraph 3 to read as follows:</p> <p>"Policy 3 should not be used as a catch-all policy to oppose any changes to land use in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where a discretionary activity will detract from amenity values of an area, Policy 3 requires those effects to be mitigated. However, the adverse effects of non-complying activities in the Rural Zone should generally be avoided as opposed to being mitigated (see Policy 4)."</p>
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
136.5	Rural Volume, Part 2, Section 3.4		Policy 4. The submitter asks to amend the Explanation and Reasons to reflect changes sought in the definition of Rural Based Industrial Activity, and to strengthen and clarify the explanation.	<p>Amend Explanation and Reasons for Policy 4, paragraph 1 to read as follows:</p> <p>"...Rural-based industrial activities are those that primarily involve a raw material or product that is derived directly from a rural activity (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)."</p> <p>Amend Explanation and Reasons for Policy 4, paragraph 2 to read as follows:</p> <p>"The effects associated with small scale rural-based industrial activities are appropriate in all rural areas, however where these activities are of medium to large scale there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness."</p> <p>Amend Explanation and Reasons for Policy 4, paragraph 3 to read as follows:</p> <p>"...While there is a degree of acceptance for rural-based industrial activities, within parts of the rural zone, other types of industry are likely to detract from the quality of the rural environment, resulting in significant adverse visual effects, increased traffic</p>

				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."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
137 Prebbleton Community Association Inc Provisional Support	137.1	Township Volume, Part 2, Section 3.4	Policy 7 and Explanation and Reasons. The submitter states that the amendments sought ensure the policy clearly and accurately states the Proposed Plan approach to industry in the rural zones. The submitter argues that the wording in the Explanation and Reasons needs to be strengthened to provide more clarity as to the policy's intention.	Amend Part 2, Section 3.4 Quality of the Environment and Amenity Values, Policy 7 to read as follows: "Policy 7 To recognise the Rural (Outer Plains) Zone around townships as a possible alternative area to locate rural based industrial activities which cannot locate in Living Zones due to adverse effects, and there is no appropriate Business Zone." Explanation and Reasons for Policy 7, paragraph 2 to read: "Medium to large scale "rural-based" industrial activities are only potentially appropriate within the Rural (Outer Plains) Zone given that the effects of these types of activities are generally incompatible with the higher population density and smaller allotment sizes of the Rural (Inner Plains) Zone, 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) are likely to detract from the amenity values of all parts of the Rural Zone and therefore should locate within Business 2 zones only."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	137.3	Township Volume, Part 2, Section 3.4	Policy 4 - Township Volume. The submitter states that amendments to Policy 4 are needed to clarify that business activities exclude industrial activities and that industrial activities are not considered appropriate in Business 1 zones.	Part 2, Section 3.4 Quality of the Environment and Amenity Values Policy 4 and associated Explanation and Reasons as follows: "To provide Business 1 Zone which enable a range of business activities, excluding industrial activities, to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people." Explanation and Reasons, paragraph one to read: "Business 1 Zones are areas which accommodate activities that have noise, traffic, signage, visitors, large scale buildings and similar effects that would detract from the environment in the

				relatively 'quieter' Living Zones. They are areas where people gather for work, social occasions or higher density living environments. Therefore low levels of nuisance effects and good aesthetic standards are required. Industrial activities are not considered compatible with the environmental and amenity standards required in Business 1 zones. The larger townships in Selwyn District have Business 1 Zones."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
	137.4	Rural Volume, Part 2, Section 3.4	Policy 3. The amendments made by the submitter seek to ensure Policy 3 clearly and accurately states the Proposed Plan approach of only providing 'mitigation' as opposed to 'avoidance' of adverse effects on amenity values for discretionary activities. The wording in the Explanation and Reasons is strengthened by removing the words "as far as possible".	<p>Amend Part 2, Section 3.4, Policy 3 to read as follows:</p> <p>"Policy 3 Mitigate significant adverse effects of discretionary activities on the amenity values of the rural environment."</p> <p>Explanation and Reasons for Policy 3, paragraph 3 to read as follows:</p> <p>"Policy 3 should not be used as a catch-all policy to oppose any changes to land use in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where a discretionary activity will detract from amenity values of an area, Policy 3 requires those effects to be mitigated. However, the adverse effects of non-complying activities in the Rural Zone should generally be avoided as opposed to being mitigated (see Policy 4)."</p>
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	137.5	Rural Volume, Part 2, Section 3.4	Policy 4. The submitter asks to amend the Explanation and Reasons to reflect changes sought in the definition of Rural Based Industrial Activity, and to strengthen and clarify the explanation.	<p>Amend Explanation and Reasons for Policy 4, paragraph 1 to read as follows:</p> <p>"...Rural-based industrial activities are those that primarily involve a raw material or product that is derived directly from a rural activity (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)."</p> <p>Amend Explanation and Reasons for Policy 4, paragraph 2 to read as follows:</p> <p>"The effects associated with small scale rural-based industrial activities are appropriate in all rural areas, however where these activities are of medium to large scale there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness."</p>

				<p>Amend Explanation and Reasons for Policy 4, paragraph 3 to read as follows:</p> <p>"...While there is a degree of acceptance for rural-based industrial activities, within parts of the rural zone, other types of industry are likely to detract from the quality of the rural environment, resulting 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."</p>
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
138 Landmark Holdings Ltd Provisional Support	138.1	Township Volume, Part 2, Section 3.4	<p>Policy 7 and Explanation and Reasons. The submitter states that the amendments sought ensure the policy clearly and accurately states the Proposed Plan approach to industry in the rural zones. The submitter argues that the wording in the Explanation and Reasons needs to be strengthened to provide more clarity as to the policy's intention.</p>	<p>Amend Part 2, Section 3.4 Quality of the Environment and Amenity Values, Policy 7 to read as follows:</p> <p>"Policy 7 To recognise the Rural (Outer Plains) Zone around townships as a possible alternative area to locate rural based industrial activities which cannot locate in Living Zones due to adverse effects, and there is no appropriate Business Zone."</p> <p>Explanation and Reasons for Policy 7, paragraph 2 to read:</p> <p>"Medium to large scale "rural-based" industrial activities are only potentially appropriate within the Rural (Outer Plains) Zone given that the effects of these types of activities are generally incompatible with the higher population density and smaller allotment sizes of the Rural (Inner Plains) Zone, 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) are likely to detract from the amenity values of all parts of the Rural Zone and therefore should locate within Business 2 zones only."</p>
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>157F</i>	<i>Peter & Lorraine Tolhoek</i>	<i>Support – Entire Submission</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support – Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>321F</i>	<i>David McKay Pearson</i>	<i>Support – Entire Submission</i>
		<i>323F</i>	<i>Belinda Mary Jones</i>	<i>Support – Entire Submission</i>
		<i>325F</i>	<i>Maki & David Ferguson</i>	<i>Support – Entire Submission</i>
		<i>333F</i>	<i>Debbie Hendry</i>	<i>Support – Entire Submission</i>
		<i>335</i>	<i>Mary Fitzpatrick</i>	<i>Support – Entire Submission</i>

		337F	Lorraine Margaret Tolhoek	Support – Entire Submission
		339F	Trustpower Ltd	Oppose
138.3	Township Volume, Part 2, Section 3.4	Policy 4 - Township Volume. The submitter states that amendments to Policy 4 are needed to clarify that business activities exclude industrial activities and that industrial activities are not considered appropriate in Business 1 zones.	Part 2, Section 3.4 Quality of the Environment and Amenity Values Policy 4 and associated Explanation and Reasons as follows: "To provide Business 1 Zone which enable a range of business activities, excluding industrial activities, to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people." Explanation and Reasons, paragraph one to read: "Business 1 Zones are areas which accommodate activities that have noise, traffic, signage, visitors, large scale buildings and similar effects that would detract from the environment in the relatively 'quieter' Living Zones. They are areas where people gather for work, social occasions or higher density living environments. Therefore low levels of nuisance effects and good aesthetic standards are required. Industrial activities are not considered compatible with the environmental and amenity standards required in Business 1 zones. The larger townships in Selwyn District have Business 1 Zones."	
	Further Subs.	157F	Peter & Lorraine Tolhoek	Support – Entire Submission
		158F	Jennifer Nepton	Support – Entire Submission
		170F	Poultry Industry Association of New Zealand and Others	Oppose – Entire Submission
		297F	William Lapsley	Support – Entire Submission
		299F	Robert John Dally	Support – Entire Submission
		321F	David McKay Pearson	Support – Entire Submission
		323F	Belinda Mary Jones	Support – Entire Submission
		325F	Maki & David Ferguson	Support – Entire Submission
		333F	Debbie Hendry	Support – Entire Submission
		335	Mary Fitzpatrick	Support – Entire Submission
		337F	Lorraine Margaret Tolhoek	Support – Entire Submission
	138.4	Rural Volume, Part 2, Section 3.4	Policy 3. The amendments made by the submitter seek to ensure Policy 3 clearly and accurately states the Proposed Plan approach of only providing 'mitigation' as opposed to 'avoidance' of adverse effects on amenity values for discretionary activities. The wording in the Explanation and Reasons is strengthened by removing the words "as far as possible".	Amend Part 2, Section 3.4, Policy 3 to read as follows: "Policy 3 Mitigate significant adverse effects of discretionary activities on the amenity values of the rural environment." Explanation and Reasons for Policy 3, paragraph 3 to read as follows: "Policy 3 should not be used as a catch-all policy to oppose any changes to land use in an area. Changes in land uses do not necessarily detract from the amenity values of an area and may enhance them. Where a discretionary activity will

				detract from amenity values of an area, Policy 3 requires those effects to be mitigated. However, the adverse effects of non-complying activities in the Rural Zone should generally be avoided as opposed to being mitigated (see Policy 4)."
	<i>Further Subs.</i>	<i>157F</i>	<i>Peter & Lorraine Tolhoek</i>	<i>Support – Entire Submission</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support – Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>321F</i>	<i>David McKay Pearson</i>	<i>Support – Entire Submission</i>
		<i>323F</i>	<i>Belinda Mary Jones</i>	<i>Support – Entire Submission</i>
		<i>325F</i>	<i>Maki & David Ferguson</i>	<i>Support – Entire Submission</i>
		<i>333F</i>	<i>Debbie Hendry</i>	<i>Support – Entire Submission</i>
		<i>335</i>	<i>Mary Fitzpatrick</i>	<i>Support – Entire Submission</i>
		<i>337F</i>	<i>Lorraine Margaret Tolhoek</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	138.5	Rural Volume, Part 2, Section 3.4	Policy 4. The submitter asks to amend the Explanation and Reasons to reflect changes sought in the definition of Rural Based Industrial Activity, and to strengthen and clarify the explanation.	<p>Amend Explanation and Reasons for Policy 4, paragraph 1 to read as follows:</p> <p>"...Rural-based industrial activities are those that primarily involve a raw material or product that is derived directly from a rural activity (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)."</p> <p>Amend Explanation and Reasons for Policy 4, paragraph 2 to read as follows:</p> <p>"The effects associated with small scale rural-based industrial activities are appropriate in all rural areas, however where these activities are of medium to large scale there is a potential for their effects to impact on aspects of the rural environment such as visual amenity, rural outlook, spaciousness and quietness."</p> <p>Amend Explanation and Reasons for Policy 4, paragraph 3 to read as follows:</p> <p>"...While there is a degree of acceptance for rural-based industrial activities, within parts of the rural zone, other types of industry are likely to detract from the quality of the rural environment, resulting 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."</p>
	<i>Further Subs.</i>	<i>157F</i>	<i>Peter & Lorraine Tolhoek</i>	<i>Support – Entire Submission</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support – Entire Submission</i>

		170F	Poultry Industry Association of New Zealand and Others	Oppose – Entire Submission
		297F	William Lapsley	Support – Entire Submission
		299F	Robert John Dally	Support – Entire Submission
		321F	David McKay Pearson	Support – Entire Submission
		323F	Belinda Mary Jones	Support – Entire Submission
		325F	Maki & David Ferguson	Support – Entire Submission
		333F	Debbie Hendry	Support – Entire Submission
		335	Mary Fitzpatrick	Support – Entire Submission
		337F	Lorraine Margaret Tolhoek	Support – Entire Submission
139 Trustpower Limited Provisional Support	139.1	Township Volume, Section 1, Policy 5	The submitter states that Electricity generation normally occurs within the Rural Environment and is regionally (and nationally) important activity not commonly considered when describing the rural environment. The submitter states that the final sentence in the explanation and reason under Policy 5 is too restrictive in that it dictates where "rural based" industrial activities can be located. The Proposed Plan should acknowledge allowing electricity generation in the Rural (Inner Plains) Zone.	i. Delete reference to "(Outer Plains)" from the last sentence in the 'Explanation and Reasons', as quoted in section 1 above, of Policy 5. ii. Any consequential or similar amendments that stem from the amendment of Policy 5 - Explanation and Reasons as proposed in this submission.
	Further Sub.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
	139.2	Township Volume, Section 2, Policy 7	The submitter states that Policy 7 Explanation and Reasons is too restrictive in that it dictates where the placement of new electricity generation developments may occur should they not be classified as small scale. New electricity generation developments may be required to be located in the Rural (Inner Plains) Zone due to the location of raw material. Provided any new development did not detract from the visual amenity of this Zone or was not incompatible with other activities within this Zone, the submitter says there should be provision within the Proposed Plan to conduct such an activity within any part of the Rural Zone including the Rural (Inner Plains) Zone.	i. Delete the quoted paragraph from Policy 7 - Explanation and Reasons as below: "...This policy does not apply to medium to large scale "rural based" industrial activities within the Rural (Inner Plains) Zone around existing townships, given that the effects of these type 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." ii. Any consequential or similar amendments that stem from the amendment of Policy 7 - Explanation and Reasons as proposed in this submission.
	Further Subs.	141F	Swap Stockfoods Ltd	Support
		159F	Landmark Holdings Ltd	Oppose – Entire Submission
	139.4	Rural Volume, Section 1, Part 2, Section 3.4	Policy 2. The submitter states that in Policy 2 Explanation and Reasons, activities which use natural resources of the areas that direct provision should be made for all forms of electricity generation with the Port Hills, Malvern Hills and in the High Country Zones. The generation of electricity is an activity of regional and national importance and should therefore be directly referred to in the listed activities of Policy 2 - Explanations and Reasons. Therefore, it is appropriate that this type of activity should not be restricted when considering the Port Hills, Malvern Hills and in the High Country Zones.	i. The 'Generation of Electricity' as an activity permitted in the Port Hills, Malvern Hills and in the High Country Zones, is directly referred to in the listed activities of Policy 2 - Explanation and reasons. ii. Any consequential amendments that stem from the amendment of Section 4, Replace Part 3, Definitions. (NOTE: An error in point (ii) that it should probably refer to Policy 2 as in point (i).).
	Further Sub.	159F	Landmark Holdings Ltd	Oppose – Entire Submission

	139.5	Rural Volume, Section 3, Policy 4.	The submitter opposes the explanation for Policy 4 as it is overly restrictive. Policy 4 should be amended to allow for the mitigation or remediation of adverse effects along with the avoidance of any significant effect. The words 'avoid', 'remedy' and 'mitigate' should be given equal weighting in Policy 4. Sustainable management cannot be fulfilled if primacy is given to the term 'avoid' over that of 'remedying' or 'mitigating'. In the case of <i>Landscape Limited v Auckland City Council</i> (2002) the Environment Court held that the words "avoid, remedy and mitigate" are to be read conjunctively, as being of equal importance rather than steps on a continuum.	i. Amend Policy 4 to state: "Ensure any significant adverse effects arising from medium to large scale "rural based" industrial activities located in the Rural Zone, and "other types" of industrial activities are avoided, remedied or mitigated." ii. Amend the Explanation and Reasons part as a consequence of the above. iii. Any consequential amendments that stem from the amendment of Section 3, Policy 4.
	<i>Further Subs.</i>	141F	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		159F	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		170F	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
	140.5	Part 2, Section 3.4	Policy 3. The submitter says that this policy does not apply to those land uses that constitute non-complying activities in the Rural zone. The proposed amendment is inappropriate because it results in a test that is beyond those which are imposed under the RMA 1991. The proposed variation sets a higher barrier for entry to non-complying activities than is appropriate in the context of RMA 1991. Non-complying activity status which is to be applied to certain activities is inappropriate, having regard to their actual and potential adverse environmental effects.	Amend Part 2, Section 3.4 Amenity Value, Quality of the Environment and Reverse Sensitivity Effects, Policy 3 - Explanation and Reasons (page 154) by deleting the following sentence: "This policy does not apply to those land uses that constitute non complying activities in the Rural Zone, on the basis that adverse effects of these types of activities should, as far as possible, be avoided as opposed to being mitigated (see Policy 4)".
	<i>Further Subs.</i>	159F	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		315F	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		327F	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
		339F	<i>Trustpower Ltd</i>	<i>Support</i>
	140.6	Part 2, Section 3.4	Policy 4. The submitter states that the proposed provisions require that any significant effects arising from medium to large scale "rural based" industrial activities in the Rural (Inner Plains) Zone and "other" types of industrial activities in all Rural Zones are avoided. The qualities of the rural zone as described in the Explanation and Reasons to proposed Policy 4 (i.e. visual amenity, rural outlook, spaciousness and quietness) are in direct contradiction to the recognised "working" nature of the Rural environment as stated in the District Plan. The submitter also states that the proposed variation fails to recognise that the Rural Zone is predominantly a place of production and is an appropriate location for a range of productive business activities having regard to their effects on the environment and the expected character and amenity of the rural area.	Delete from Part 2, Section 3.4 Amenity Values, Quality of the Environment and Reverse sensitivity Effects, the proposed new Policy 4 and its associated Explanations and Reasons, in their entirety.
	<i>Further Subs.</i>	159F	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		315F	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		327F	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>

		<i>339F</i>	<i>Trustpower</i>	<i>Support</i>
131 Peter Baylis Oppose	131.2	Entire Variation	The submitter states that fully discretionary activity status for virtually all business activity in the rural zone (the scale of activity rule 1.5.1 excludes anything other than a "home garage" type activity) fails to follow the effects-based approach of the PDP and is not the most appropriate means to achieve the objectives of the Plan.	<ul style="list-style-type: none"> a) Retaining effects-based standards and restricted discretionary activity status for breach of effects-based standards for business activity in the rural zone. The effects-based standards could include a new standard that addresses visual and amenity effects; b) Retaining fully discretionary activity status for industrial activity in the rural area; c) Making other changes to the proposed policies and explanations to achieve (a) and (b) above; d) Deleting the changes to the explanation to policy 7 and all of the new policy 4; and e) All consequential changes to the changes proposed above so as to give effect to this submission.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose in part</i>

Discussion – Township Volume

Township Volume, Part 2, Section 3.4, Policy 4 and Explanation and Reasons

3.1 **V M Challies (136.3), Prebbleton Community Association (137.3) and Landmark Holdings Ltd (138.3)** seek amendments to both Policy 4 and the explanation and reasons for that policy. The effect of the amendments would be to exclude industrial activities from the Business 1 Zone. No written evidence was presented in support of these submissions. However the explanation in the submissions stated that the amendments were necessary to clarify that business activities include industrial activities and that the latter are not considered appropriate in the Business 1 Zones.

3.2 The first matter noted by the Panel is that the submissions relate to Policy 4 and its attendant explanation and reasons. However, Policy 4 is not one of the policies which are subject to Variation 28. The Panel therefore finds that the amendments, as sought are beyond the scope of the Variation and must be rejected.

- 3.3 The second matter noted by the Panel is that, via other amendments, industrial activities are classified as non-complying activities in Business 1 Zones. This means that any industrial project will have to pass the significant tests of Section 104D of the Act before it can be established in a Business 1 Zone. This point may be of assistance to the submitters.

Recommendation 3

- 3.1 That the submissions and further submissions by **V M Challies (136.3)**, **Prebbleton Community Association (137.3)**, **Landmark Holdings Limited (138.3)**, **Robert John Dally (299F)**, **Peter and Lorraine Tolhoek(157F)**, **Jennifer Nepton (158F)**, **William Lapsley (297F)**, **David Pearson (321F)**, **Belinda Jones (323F)**, **Maki and David Ferguson (325F)**, **Mary Fitzpatrick (335F)**, and **Debbie Hendry (333F)** and **Lorraine Tolhoek (337F)** be rejected.
- 3..2 That the further submissions by **Poultry Industry Association of New Zealand and Others (170F)** be accepted.

Amendment Required:

None required.

Township Volume, Part 2, Section 3.4, Policy 5 (page 139)

- 3.4 **Swap Stockfoods Limited (119.1)** and **Trustpower Limited (139.1)** request that the words “Outer Plains” be deleted from the last sentence of the Explanation and Reasons to Policy 5. **Trustpower Limited (139.1)** considers Policy 5 to be too restrictive as it dictates where “rural based” industrial activities can be located. **Swap Stockfoods Limited (119.1)** consider that areas in the Rural (Inner Plains) Zone are suitable for rural-based activities.
- 3.5 Evidence on this topic was presented by Ms Claire Hunter on behalf of Trustpower. Ms Hunter expressed the view that the inclusion of the words “Outer Plains” implied that this is where “rural based” industrial activities can be located. She also suggested that

there could be areas in the “Inner Plains” where such activities could be appropriately located.

- 3.6 The Panel does not agree that the wording implies any form of direction on the part of the Council. In the Panels view the inclusion of the word “may” give the explanation an illustrative or guidance value. In other words it suggests that a site in the “Outer Plains” may be a suitable alternative to a site in the Business 2 zone. In addition the Panel notes that the wording is contained in an Explanation to a policy. It is not, in itself, a policy. The Panel therefore recommends that the submissions and further submission in support be rejected and that the further submissions in opposition be accepted.

Recommendation 4

- 4.1 That the submissions and further submissions by **Swap Stockfoods Limited (119.1), Trustpower Limited (139.1)(339F), and Poultry Industry Association of New Zealand and Others (170F)** be rejected;
- 4.2 That the further submissions by **Landmark Holdings Ltd (159F), Robert John Dally (299F), V M Challies (315F), Prebbleton Community Association Inc (327F)** be accepted.

Amendment Required:

None.

Township Volume, Part 2, Section 3.4, Policy 7 (page 140)

- 3.7 **V M Challies (136.1), Prebbleton Community Association Inc (137.1), Landmark Holdings Ltd (138.1)** seek to amend Policy 7 and its Explanation and Reasons so as to refer specifically to the Rural (Outer Plains) Zone around townships as being a possible alternative in which to locate “rural based” industrial activities. The reason for the requested amendments is to “*ensure that Policy 7 clearly and accurately states the Proposed Plan approach to industry in the rural zones*”.

- 3.8 The purpose of Policy 7 is to recognise that as many townships do not contain a specific Business 1 and/or a Business 2 Zone, it may be appropriate for business activities to locate within the Rural Zone in close proximity to the township. The amendments introduced by the Variation give more certainty and guidance as to what business activities, and what locations in the Rural Zone, are appropriate. To this end, the Variation excludes certain types of business activities, such as “rural based” or “other” Industrial activities, from parts of the Rural Zone. The explanation and reason to the policy go to describe why such industrial activities have a different rule structure within different parts of the rural area.
- 3.9 The Panel considers that the amendments sought by the submitters will narrow the scope of Policy 7 to apply to rural based industrial activities and the Rural (Outer Plains) Zone only. By narrowing the focus, the amendments sought move the policy away from achieving the relevant objective thereby reducing the policy’s effectiveness. Further, narrowing the focus creates inconsistencies with the very rules that give effect to or implement the policy. It is appropriate that the focus of Policy 7 remains broad to ensure continuity between rules implementing policies and, in turn, policies being the most appropriate means of achieving the relevant objective. The Panel therefore recommended the submissions be rejected.
- 3.10 The submission by **Trustpower Ltd (139.2)** requested the partial deletion of the paragraph inserted by the Variation into the Explanation and Reasons. The submitter stated that the amendments are *“too restrictive in so far as it dictates where the placement of new electricity generation developments may occur should they not be classified as small scale”* and that *“new electricity generation developments may be required to be located in the Rural (Inner Plains) Zone due to location of raw material”*.
- 3.11 Evidence in support of this submission was presented by Ms Claire Hunter. The main thrust of that evidence was that the amendments to the Explanations and Reasons created uncertainty and imposed an undue restriction on activities which could otherwise be considered appropriate in the Inner Plains portion of the Rural Zone. Ms Hunter also noted that whilst Recommendation 5 in the Section 42A Report recommended no changes to the Explanation and Reasons, an amendment was included in Attachment B to that Report. Finally Ms Hunter noted, that contrary to what was stated in paragraph 6.13 of the Section 42A Report, Trustpower had limited “Requiring Authority” status.

3.12 In the Panels opinion the Explanation and Reasons relating to Policy 7 do provide some certainty to the Policy. However we note the amendment which was not included in Recommendation 5 of the Section 42A report. We consider that this adds further certainty and we therefore propose to amend the recommendation accordingly. We also note that this action will provide further consistency between the two volumes of the PDP.

3.13 The Panel notes the limited “Requiring Authority” status held by the submitter. However we also recognise that the PDP specifically provides for utilities (Part 3 Rule V – Utilities). The generation, transformation and/or transmission of energy is defined as a utility. This provision should meet the submitters concerns regarding this matter.

3.14 On the basis of the above discussion the Panel recommends:

- a) That the submissions seeking amendments to Policy 7 be rejected; and
- b) That the submissions seeking amendments to the “Explanation and Reasons” to Policy 7 be accepted in part.

In this context the Panel is satisfied that the amendments to the “Explanations and Reasons” can be made in terms of the submissions. However, the amendments also constitute a consequential amendment following the changes recommended in Recommendation 8.

Recommendation 5

- 5.1 That the submissions and further submissions by **V M Challies (136.1), Prebbleton Community Association Inc (137.1), Landmark Holdings Ltd (138.1), Swap Stockfoods Ltd (141F), Robert John Dally (299F), Peter & Lorraine Tolhoek (157F), Jennifer Nepton (158F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki & David Ferguson (325F), Mary Fitzpatrick (335F) and Lorraine Tolhoek (337F)** be rejected.
- 5.2 That the further submissions by **Swap Stockfoods Ltd (141F), Poultry Industry Association of New Zealand and Others (170F), Landmark Holdings Ltd (159F) and Trustpower Ltd (339F)** be accepted.

- 5.3 That the submissions and further submissions by **Trustpower Ltd (139.2)**, **Swap Stockfoods Ltd (141F)** and **Landmark Holdings Ltd (159F)** be accepted in part.

Amendment Required:

That the second paragraph of the “Explanation and Reasons” to Part 2, Section 3.4 Policy 7 be amended to read as follows:

“This policy does not apply to ~~medium to large scale~~ ‘rural based’ industrial activities of a size and scale beyond that permitted by the District Plan 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 with 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 the Business 2 zones only”.

Discussion – Rural Volume

Rural Volume, Part 2, Section 3.4, Policy 2

- 3.15 **Trustpower (139.4)** stated that as ‘Generation of Electricity’ is considered a permitted activity in specified zones by virtue of Policy 2, this should be directly referred to in the listed activities of Policy 2 – Explanation and reasons.

- 3.16 The Panel noted that utilities are currently recognised in the Explanation and Reasons. The submitter has not requested that this recognition be deleted. The explanation and reason states:

“Utilities are provided for in all 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)."

- 3.17 The Panel is satisfied that the recognition of utilities is in the general sense and is not restricted to any particular form or type of utility. Consequently, the concern of the submitter, being recognition for electricity generation, is already expressed in the Explanation and Reasons therefore no further change is required. It is therefore recommended that the submission be rejected.

Recommendation 6

That the submission by **Trustpower (139.4)** be **rejected** and the further submission by **Landmark Holdings Ltd (159F)** be **accepted**.

Amendment Required:

None.

Rural Volume, Part 2, Section 3.4, Policy 3

- 3.18 **Swap Stockfoods Ltd (119.5)** considers the amendment to the explanation and reasons to Policy 3 is ultra vires as it imposes a *"threshold test for non-complying activities that exceeds the Council's powers under the Resource Management Act 1991 (RMA)."*

- 3.19 The Panel agrees with the Reporting Officer that explanations and reasons do not have the effect of policy – they merely inform policy. The key issue is whether the proposed wording has merit in terms of providing clear and accurate description to better inform the intention of the policy. Rather than a descriptive role, the proposed wording adopts a directive role as to how and where Policy 3 is not to be applied, guiding the user to Policy 4. However, Policy 3 addresses general adverse effects of activities on rural amenity as a whole while Policy 4 is a specific policy addressing adverse effects associated with industrial activities in the Rural Zones. In the event of a resource consent application for an industrial activity in the Rural Zone, both policies would require consideration, with more weight being given to the most relevant and specific policy. When considering an application for a resource consent, Section 104 of the Act

requires that any relevant provisions of a plan or proposed plan are given due consideration. As all relevant policies are to be considered in the event of resource consent application for an industrial activity. The Panel considers that there is little merit for the amended wording. The Panel therefore recommends that the submission be accepted.

3.20 **Poultry Industry Association of New Zealand (140.5)** had similar concerns with the Explanation and Reasons and seeks the same relief as submitter 119.5. Therefore, the same evaluation in the paragraph above applies to this submission. Again the Panel recommend that the submission be accepted.

3.21 **VM Challies (136.4), Prebbleton Community Association Inc (137.4), Landmark Holdings Ltd (138.4)** seek to amend Policy 3 by narrowing the application of the policy and the Explanation and Reasons to discretionary activities only.

3.22 The evaluation in paragraph 3.19 above with regards to changes to the Explanation and Reasons is relevant and we will not repeat it here. There is no merit in amending the Explanation and Reasons as suggested by the submitters therefore no change is recommended. With regards to the amendments to Policy 3 as suggested by the submitters, the Panel considers that any change to a policy can only be justified if it is a more appropriate way to achieve the relevant objective. Objective 2 seeks to provide for a variety of activities in the rural area while maintaining rural character and avoiding reverse sensitivity effects. To this end, the intent of Policy 3 is for the consideration of all activities that could potentially impact upon amenity values of the rural area. If the wording as suggested by the submitters were adopted, only the adverse effects of a limited range of activities could be considered at time at time of resource consent application. For Policy 3 to be an effective and efficient means of achieving the objective, its scope should not be narrowed in the manner suggested by the submitters. We also note that the Variation does not alter the wording of Policy 3.

3.23 In addition to all of the above comments the Panel notes that it has also recommended some changes to Policy 4 (Recommendation 8). These changes further support Recommendation 7.

Recommendation 7

- 7.1 That the submissions and further submissions by **Swap Stockfoods Ltd (119.5)** and **Poultry Industry Association of New Zealand and Others (140.5)(170F)**, **Trustpower Ltd (339F)** be **accepted** to the extent of the amendments made below.
- 7.2 That the submissions and further submissions by **VM Challies (136.4)(315F)**, **Prebbleton Community Association Inc (137.4)(327F)**, **Landmark Holdings Ltd (138.4)(159F)**, **Robert John Dally (299F)**, **Peter & Lorraine Tolhoek (157F)**, **Jennifer Nepton (158F)**, **Debbie Hendry (333F)**, **William Lapsley (297F)**, **David Pearson (321F)**, **Belinda Jones (323F)**, **Maki & David Ferguson (325F)**, **Mary Fitzpatrick (335F)** and **Lorraine Tolhoek (337F)** be **rejected**.

Amendment Required:

Delete wording from the Policy 3 - Explanation and reasons (page 154) as follows:

Explanation and Reason

“ ...

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).~~

... ”

Rural Volume, Part 2, Section 3.4, Policy 4

- 3.24 Submissions regarding Policy 4 were received from **Swap Stockfoods Limited (119.2)**, **Canterbury Regional Council (133.1, 133.2)**, **VM Challies (136.5)**, **Prebbleton Community Association Inc (137.5)**, **Landmark Holdings Ltd (138.5)**, **Trustpower Limited (139.5)**, **Poultry Industry Association of New Zealand (140.6)** and **Peter Baylis (131.2)**.

- 3.25 **Swap Stockfoods Limited (119.2)** sought additional wording to the third sentence in paragraph 2 of the Explanation and Reasons to recognise proximity to strategic transportation networks as a valid reason for a rural location. It is considered that the purpose of explanation and reasons is to better describe or inform the policy. Explanation and Reasons do not have the effect of policy – the policy stands on its own. The question here is, does the wording suggested by the submitter better describe or inform the policy. In the Panels opinion, the suggested wording adds no real value in this regard. It therefore recommends the submission is rejected.
- 3.26 **Canterbury Regional Council (133.1, 133.2)** was concerned with the use of the term “medium to large scale rural based industrial activities” in both the policy and the Explanation and reasons as this is not defined and would therefore create interpretation and application difficulties. They sought that this terminology be removed. The Panel agree that reference to “medium to large scale rural based industrial activities” is unclear. It attaches a value in terms of size that can be viewed or perceived by different people to mean different things. The PDP considers the effects associated with small scale rural based industrial activities appropriate in all rural areas and recognises that larger rural based industrial activities have potential adverse effects on the environment. The intent for this policy is to recognise adverse effects from industrial activities over and above those that are permitted as of right. Consequently, there is no need to define a medium or large scale rural based and such terminology is unnecessary and causes confusion and uncertainty. The submitter is also concerned with the use of ‘significant adverse effects’ within the policy. They consider adverse effects that are more than minor but less than significant can be considered to be consistent with the policy. The Panel agrees with the submitter that there is a potential weakness with the policy as currently worded and recommends that the policy be amended.
- 3.27 **VM Challies (136.5), Prebbleton Community Association Inc (137.5), Landmark Holdings Ltd (138.5)** sought amendments to the Explanation and Reasons to strengthen and clarify Policy 4. Having considered the wording changes suggested by the submitters, we do not consider they add any value in terms of better informing or describing the policy. This is examined in more detail in paragraph 3.25 and will not be repeated here. The Panel recommend that the submissions be rejected.

- 3.28 **Trustpower Limited (139.5)** considered the policy and Explanation and Reason to be overly restrictive and that they should be amended to allow for the mitigation or remediation of adverse effects along with the avoidance of any significant effect. A similar submission was made by **Poultry Industry Association of New Zealand (140.6)**.
- 3.29 The Panel heard evidence on behalf of the above submitters. That evidence raised significant concerns regarding the effect of a policy which requires that adverse effects be “avoided” rather than “avoided, remedied or mitigated”. The suggestion was made by both parties that the limitation was ultra vires the provisions of the RMA, in particular Section 5 of the Act.
- 3.30 **Peter Baylis (131.2)** sought the deletion of Policy 4 and the deletion of changes to Policy 7 plus any consequential amendments to other policies.
- 3.31 In addition the Panel also heard evidence on behalf of Murray Implements with suggested that the requirement that effects be avoided effectively shut down the threshold test under Section 104(D) of the Act. In other words the limitation would mean that any non-complying application with more than minor effects would have to be declined, notwithstanding that those effects could be appropriately remedied or mitigated. After careful consideration the Panel has concluded that submissions **139.5** and **140.6** should be allowed in part and that the words “remedied or mitigated” should be added to Policy 4 and to the Explanation and Reasons for that policy.

Recommendation 8

- 8.1 That the submissions by **the Canterbury Regional Council (133.1, 133.2), Trustpower Ltd (139.5) and the Poultry Industry Association of New Zealand (140.6)** and **Peter Bayliss (131.2)** and further submissions by **Landmark Holdings Ltd (159F), Robert Dally (299F), VM Challies (315F), Prebbleton Community Association Inc (327F), Rolleston Square Ltd (170F), Swap Stockfoods Ltd (141F), Poultry Industry Association of New Zealand (170F), Trustpower (339F) and Selwyn Plantation Board Ltd (309F)** be **accepted** to the extent of the amendments made below.
- 8.2 That the submissions and further submissions by **Swap Stockfoods Limited**

(119.2)(141F), VM Challies (136.5), Prebbleton Community Association Inc (137.5), Landmark Holdings Ltd (138.5)(159F) Peter and Lorraine Tolhoek (157F), Jennifer Nepton (158F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki & David Ferguson (325F), Mary Fitzpatrick (335F) and Lorraine Tolhoek (337F) and Robert Dally (299F) be rejected.

Amendment Required:

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

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 scale~~ a scale and size beyond what is permitted by the District Plan 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 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 activities of a size and scale beyond that which are permitted by the District Plan 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. 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, remedied or mitigated.

4. SUBMISSIONS RELATING TO THE PROPOSED DEFINITIONS

Submitter	Sub. Point	Summary		Decision Requested
119 Swap Stockfoods Limited Oppose	119.4	Part 3, Definitions - Industrial Activity	The submitter says the proposed definition of 'Rural Based Industrial Activity' which forms part of the new definition of "Industrial Activity" is too narrow in its scope to cover the range of legitimate rural based industries that service the rural production sector.	Replace the definition of 'Rural Based Industrial Activity' within the definition of "Industrial Activity" to read as follows: "Means an industrial activity that involves the direct handling, distribution or processing of raw materials or primary products, which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticultural and crops."
	<i>Further Sub.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support</i>
127 NZ Institute for Crop and Food Research Ltd Oppose	127.1	Part 3, Definitions - Rural Activity	The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend the definition of Rural Activity to make specific reference to research and education activities as follows: "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 education and research activities, and may include a dwelling."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part - Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support in part</i>
128 Lincoln University Oppose	128.1	Part 3, Definitions - Rural Activity	The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend the definition of Rural Activity to make specific reference to research and education activities as follows: "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 education and research activities, and may include a dwelling."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Ltd</i>	<i>Support in Part – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support in part</i>
129 AgResearch Limited Oppose	129.1	Part 3, Definitions - Rural Activity	The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend the definition of Rural Activity to make specific reference to research and education activities as follows: "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 education and research activities, and may include a dwelling."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support in part</i>

134 Darren and Geraldine Rogers Provisional Support	134.4	Definitions	The submitter states that the variation refers to small, medium and large scale rural-based industrial activity.	Amend to include definitions of small, medium and large scale rural-based industrial activity.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
135 Meadow Mushrooms Ltd Support	135.1	Part 3 Definitions	The submitter supports the proposed definitions of "Rural Activity" and "Rural-based Industrial Activities", as these definitions provide a more accurate description of the activities undertaken by the submitter within the District.	i. That the Council confirm the definitions of 'Rural Activity' and 'Rural-Industrial Activity' as notified. ii. All other appropriate, necessary and consequential amendments including those issues, strategy, objectives, policies, methods, explanations and reasons, rules and planning maps to give full effect to this submission.
	<i>Further Subs.</i>	<i>299F</i>	<i>Robert John Dally</i>	<i>Support-Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
136 V M Challies Provisional Support	136.2	Township Volume, Part 3, Definitions - Industrial Activity	The submitter argues that addition of machinery to the definition provides greater clarification for activities covered under the definition.	Replace Part 3 Definitions - Industrial Activity (pg 416) with a new definition of Industrial Activity, as follows: "Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Oppose – Entire Submission</i>
	136.9	Part 3, Definitions - Industrial Activity	The submitter states that their amended definition of "Industrial Activity" provides greater clarification of the full range of activities captured under the definition. The amendment to the definition of "Rural Based Industrial Activity" ensures that industrial activities classified as 'rural-based' predominantly involve the use of raw materials for primary products derived from rural activity. The amendment the submitter made from raw material to primary produce 'derived directly from the rural environment' to derived directly from a rural activity or quarrying or mining' is more absolute and less ambiguous.	Part 3, Definitions - Amend definition as follows: "Industrial Activity - means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles but excludes mining, mineral exploration and quarrying. For the purpose of this definition an industrial activity is defined as being one of the following: (a) Rural Based Industrial Activity: means Industrial Activity that predominantly involves the use of raw materials for primary products which are derived directly from rural activities or quarrying or mining, including agricultural, pastoral, horticultural, forestry, tree crop and viticulture crops. ..."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Oppose – Entire Submission</i>

137 Prebbleton Community Association Inc Provisional Support	137.2	Township Volume, Part 3, Definitions - Industrial Activity	The submitter argues that addition of machinery to the definition provides greater clarification for activities covered under the definition.	Replace Part 3 Definitions - Industrial Activity (pg 416) with a new definition of Industrial Activity, as follows: "Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support in part</i>
	137.9	Part 3, Definitions - Industrial Activity	The submitter states that their amended definition of "Industrial Activity" provides greater clarification of the full range of activities captured under the definition. The amendment to the definition of "Rural Based Industrial Activity" ensures that industrial activities classified as 'rural-based' predominantly involve the use of raw materials for primary products derived from rural activity. The amendment the submitter made from raw material to primary produce 'derived directly from the rural environment' to derived directly from a rural activity or quarrying or mining' is more absolute and less ambiguous.	Part 3, Definitions - Amend definition as follows: "Industrial Activity - means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles but excludes mining, mineral exploration and quarrying. For the purpose of this definition an industrial activity is defined as being one of the following: (a) Rural Based Industrial Activity: means Industrial Activity that predominantly involves the use of raw materials for primary products which are derived directly from rural activities or quarrying or mining, including agricultural, pastoral, horticultural, forestry, tree crop and viticulture crops. ..."
	<i>Further Subs</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support in part</i>
138 Landmark Holdings Ltd Provisional Support	138.2	Township Volume, Part 3, Definitions - Industrial Activity	The submitter argues that addition of machinery to the definition provides greater clarification for activities covered under the definition.	Replace Part 3 Definitions - Industrial Activity (pg 416) with a new definition of Industrial Activity, as follows: "Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>157F</i>	<i>Peter & Lorraine Tolhoek</i>	<i>Support – Entire Submission</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support – Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support – Entire Submission</i>

		299F	Robert John Dally	Support – Entire Submission
		321F	David McKay Pearson	Support – Entire Submission
		323F	Belinda Mary Jones	Support – Entire Submission
		325F	Maki & David Ferguson	Support – Entire Submission
		333F	Debbie Hendry	Support – Entire Submission
		335	Mary Fitzpatrick	Support – Entire Submission
		337F	Lorraine Margaret Tolhoek	Support – Entire Submission
		339F	Trustpower	Support in part
	138.9	Part 3, Definitions - Industrial Activity	The submitter states that their amended definition of "Industrial Activity" provides greater clarification of the full range of activities captured under the definition. The amendment to the definition of "Rural Based Industrial Activity" ensures that industrial activities classified as 'rural-based' predominantly involve the use of raw materials for primary products derived from rural activity. The amendment the submitter made from raw material to primary produce 'derived directly from the rural environment' to derived directly from a rural activity or quarrying or mining' is more absolute and less ambiguous.	Part 3, Definitions - Amend definition as follows: "Industrial Activity - means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles but excludes mining, mineral exploration and quarrying. For the purpose of this definition an industrial activity is defined as being one of the following: (a) Rural Based Industrial Activity: means Industrial Activity that predominantly involves the use of raw materials for primary products which are derived directly from rural activities or quarrying or mining, including agricultural, pastoral, horticultural, forestry, tree crop and viticulture crops. ..."
	Further Subs.	339F	Trustpower Ltd	Support in part
		157F	Peter & Lorraine Tolhoek	Support – Entire Submission
		158F	Jennifer Nepton	Support – Entire Submission
		170F	Poultry Industry Association of New Zealand and Others	Oppose – Entire Submission
		297F	William Lapsley	Support – Entire Submission
		299F	Robert John Dally	Support – Entire Submission
		321F	David McKay Pearson	Support – Entire Submission
		323F	Belinda Mary Jones	Support – Entire Submission
		325F	Maki & David Ferguson	Support – Entire Submission
		333F	Debbie Hendry	Support – Entire Submission
		335	Mary Fitzpatrick	Support – Entire Submission
		337F	Lorraine Margaret Tolhoek	Support – Entire Submission
139 Trustpower Limited Provisional Support	139.3	Township Volume, Section 4, Part 3 Definitions	The submitter feels that the definition of 'Industrial Activity' in this section is not consistent with that stated in Section 12 of the Amendments to the Rural Volume of the Proposed District Plan. Definitions should be consistent throughout the whole Proposed District Plan in order to avoid confusion.	i. Include the full definition of an 'industrial activity', as stated in Section 12 of the Amendments to the Rural Volume of the Proposed District Plan, in all parts of the Proposed Plan. ii. Any consequential amendments that stem from the amendment of Section 4, Replace Part 3, Definitions.
		159F	Landmark Holdings Ltd	Oppose
	139.7	Section 12 - Definitions	Industrial Activity. The part of the definition identified as part (a) below, is still open to interpretation and the	i. Amend Part (a) of the definition of an Industrial Activity - Rural Based Industrial Activity to include direct

			submitter seeks clarification on this definition with particular reference to electricity generation.	reference to Electricity Generation as follows; (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, viticulture, crops and the generation of electricity". ii. Any consequential amendments that stem from the amendment of Section 12, Definitions - Industrial Activity.
		159F	Landmark Holdings Ltd	Oppose
140 Poultry Industry Association of New Zealand Oppose	140.3	Part 3, Definitions - Rural Activity	The submitter states that the proposed variation provides for the inclusion of a new definition which implicitly provides for intensive farming activities as a Rural Activity. The submitter requests the specific inclusion of "intensive farming activities" in this definition to ensure that its activities are clearly identified and provided for in the Rural zone, and do not inadvertently fall within the definition of another activity.	Amend the definition of "Rural Activity" as provided for in Part 3, Definitions, Rural Activity as follows: "Rural Activity: means the use of land or buildings for the purpose of growing or rearing of crops or livestock, including forestry, viticulture, horticulture and intensive farming and may include a dwelling."
	Further Subs.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
		315F	V M Challies	Oppose – Entire Submission
		327F	Prebbleton Community Assoc Inc	Oppose – Entire Submission
		339F	Trustpower	Support
	140.4	Part 3, Definitions - Industrial Activity	The submitter's industrial operations, including its processing plants and feedmills would fall within the definition of a "Rural Based Industrial Activity". Confirmation of this is sought, to ensure that the activities are not inadvertently included within the definition of "Other Industrial Activity" and therefore subject to more onerous resource consent requirements.	Amend the definition of "Rural Based Industrial Activity" to expressly include poultry processing plants and feedmills undertaken by the submitter.
	Further Subs.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
		315F	V M Challies	Oppose – Entire Submission
		327F	Prebbleton Community Assoc Inc	Oppose – Entire Submission

Township Volume, Part 3, Definitions – Industrial Activity (416)

4.1 The Variation introduced a new Industrial Activity definition as follows:

Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products or vehicles, but excludes mining, mineral exploration and quarrying.

- 4.2 **Trustpower Limited (139.3)** requested that the definition of “Industrial Activity” be the same in both volumes of the PDP, using the Rural Volume definition. In the Panel's view there is, in effect, no difference in the definition of “Industrial Activity” in both volumes of the PDP. The Variation introduces new activities which are a sub-set definitions to Industrial Activities and relate directly to rules only in the Rural Volume of the PDP. Consequently, it is unnecessary for the Industrial Activity definition in the Township Volume to directly reflect the definition in the Rural Volume. The Panel therefore recommends that this submission be rejected.
- 4.3 **VM Challies (136.2), Prebbleton Community Association Inc (137.2) and Landmark Holdings Ltd (138.2)** sought that “machinery” be added to the definition to provide further certainty and clarity as to the range of activities captured by the definition. The Panel agrees that the addition of machinery is consistent with nature of activities to be considered as industrial activities. It is therefore recommended that these submissions be accepted and that the definition be amended as requested.

Recommendation 9

That the submissions and further submissions by **VM Challies (136.2), Prebbleton Community Association Inc (137.2) Landmark Holdings Ltd (138.2)(159F) Robert Dally (299F), Peter & Lorraine Tolhoek (157F), Jennifer Nepton (158F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki & David Ferguson (325F), Mary Fitzpatrick (335F) and Lorraine Tolhoek(337F) and Trustpower Ltd (339F)** be accepted;

The submission and further submissions by **Trustpower Limited (139.3), Poultry Industry Association of New Zealand and Others (170F), Selwyn Plantation Board Ltd (309F), Swap Stockfoods Ltd (141F)** be rejected.

Amendment Required:

Amend Township Volume, Part 3, Definitions-Industrial Activity (page 416) as follows:

Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying.

Discussion – Rural Volume

Rural Volume, Part 3, Definitions – Industrial Activity (page 388)

4.4 The Variation introduced a new Industrial Activity definition as follows:

Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products 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.

4.5 **Swap Stockfoods Limited (119.4)** considered that the definition for ‘rural based industrial activity’ was too narrow and requested that it be broadened to include ‘direct handling and distribution of raw materials or primary products’. The Panel agrees that direct handling and distribution of products have characteristics akin to Industrial activities and should be recognised in the definition accordingly. We consider direct handling and distribution to be similar in nature and character to warehousing which is currently recognised in the Industrial Activity definition. However, we also consider that the amendment requested by the submitter is better and more effectively located in the definition of ‘Industrial Activity’ per se rather than in the sub-group ‘Rural Based Industrial Activity’.

4.6 **VM Challies (136.9), Prebbleton Community Association Inc (137.9), Landmark Holdings Ltd (138.9)** sought an amendment to the definition to provide greater clarification of the range of activities to be captured and to address a perceived loop-

hole. In the Panel's view the wording suggested by the submitters will not provide further clarification but will create uncertainty. The use the term 'predominantly' is vague and undefined and introduces a value set that varies from person to person. Further, the submissions seek to include 'quarrying or mining' in the Rural Based Industrial Activity definition, however, these activities are specifically excluded from the Industrial Activity definition. This would therefore create an inconsistency and conflict within the interrelated definitions. Finally, we note that raw materials are derived from the rural environment and used/utilised by rural activities therefore no change is required in this regard. However, the submitters have requested that the definition be broadened to include machinery and this is considered to be appropriate. We therefore recommend that the submissions be accepted in part.

- 4.7 **Trustpower Limited (139.7)** generally supported the definition of Industrial Activity and sought that generation of electricity be specifically recognised in the definition. The PDP defines "Utility" as follows:

***"Utility:** includes the use of any structure, building or land for any of the following purposes:*

- (a) The generation, transformation and/or transmission of energy;*
- (b) Any telecommunication facility or telecommunication line;*
- (c) Any radio communication facility;*
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to) irrigation and stockwater;*
- (e) The drainage, reticulation or treatment of stormwater, waste water or sewage;*
- (f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;*
- (g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or*
- (h) Meteorological facilities for the observation, recording and communication of weather information."*

- 4.8 The Panel noted that the generation of electricity falls within the definition of "utility" and is subject to Part 3, Rule V – Utility rules. It is therefore not appropriate to include generation of electricity in the "Rural Based Industrial Activity" definition as this would simply cause confusion. It is therefore recommended that the submission be rejected.

- 4.9 **Poultry Industry Association of New Zealand (140.4)** requested that the definition of “Rural Based Industrial Activity” include poultry processing and feedmills. The Panel is satisfied that such amendment is unnecessary. Processing is currently identified in the definition of Industrial Activity. Feedmills, on the other hand, are associated with the rearing of livestock (poultry) therefore is associated with rural activities. It is therefore recommended that the submission be rejected.

Rural Volume, General Submission - Definitions

- 4.10 **Meadow Mushrooms Ltd (135.1)** supported the proposed definition of Rural Based Industrial Activities” on the basis that it provides a more accurate description of the activities undertaken in the District. The Variation seeks to provide certainty when considering the potential adverse effects associated with industrial activities (in all zones) and other types of business activities (in the rural zone). This submission is supported subject to the amendments recommended as a result of the Panels deliberations on the other submissions discussed above.

Recommendation 10

- 10.1 That the submissions and further submissions by **Meadow Mushrooms Ltd (135.1)**, **Swap Stockfoods Limited (119.4)**, **VM Challies (136.9)(315F)**, **Prebbleton Community Association Inc (137.9)(327F)**, **Landmark Holdings Ltd (138.9)(159F)**, **Trustpower Limited (139.7)(139F)**, **Poultry Industry Association of New Zealand (140.4)** and **Robert Dally (299F)**, **Peter & Lorraine Tolhoek (157F)**, **Jennifer Nepton (158F)**, **Debbie Hendry (333F)**, **William Lapsley (297F)**, **David Pearson (321F)**, **Belinda Jones (323F)**, **Maki & David Ferguson (325F)**, **Mary Fitzpatrick (335F)** and **Lorraine Tolhoek (337F)** be accepted in part to the extent of amendments made;
- 10.2 That the further submissions by **Poultry Industry Association of New Zealand (170F)** and **Selwyn Plantation Board (309F)**, **Trustpower (339F)** be rejected.

Amendment Required:

Amend Rural Volume, Part 3, Definitions-Industrial Activity as follows:

“Industrial Activity: means any activity involving the production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution and/or warehousing of any materials, goods, products, machinery 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:

....”

Part 3. Definitions – Rural Activity

4.11 The Variation introduced a new rural activity definition as follows:

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.

4.12 **The Poultry Industry Association of New Zealand (140.3) New Zealand Institute for Crop and Food Research Ltd (127.1), Lincoln University (128.1), AgResearch Ltd (129.1)** all lodged submissions requesting some amendments to the definition. Further submissions relating to the above submissions were lodged by **Rolleston Square Ltd (166F), Trustpower Ltd (339F), Landmark Holdings Ltd (159F), V M Challies (315F) and Prebbleton Community Association Inc (327F)**. In addition a submission in support of the definition was lodged by **Meadow Mushrooms Ltd (135.1)**. This was the subject of further submissions by **Trustpower Ltd (339F)** and **Robert John Dally (299F)**.

4.13 The Panel heard evidence from several parties relating to the above submissions. The most significant was that presented by Ms K Snook on behalf of the research and education institutions situated at Lincoln. That evidence noted that the effect of the definition, taken in conjunction with a new rule restricting the scale of non-rural activities, would be to seriously inhibiting the ability of those institutions to develop their legitimate activities without the continual need for resource consents. The Panel aggress with that evidence.

4.14 In addition the Panel has reviewed Variation 28, including the Section 32 Report, to see if these provide any guidance as to why the definition and new rule were included in the variation. Unfortunately no such information could be found. The Panel therefore

questions the inclusion of the definition and the rule, which deal primarily with rural matters, in a variation which deals primarily with industrial matters.

4.15 More significantly the Panel has noted that the tenor of the Public Notification, including the notice to ratepayers, of Variation 28 was that the variation related to the control of **industrial activities** in the rural area. The notices contain no mention of a new definition of rural activities or of a new rule limiting the scale of all activities which fall outside that definition. In the Panel's view there is therefore a question as to the adequacy of the Public Notification of Variation 28. In particular the Panel is concerned:

- a) That there are a number of legitimate activities with the rural area which could be restricted by the definition and rule e.g. recreation facilities, schools, hotels and restaurants.
- b) That the public, including the owners of such facilities, did not have an adequate opportunity to make submissions on these changes.

In the Panels view this situation could lead to the validity of Variation 28 being challenged by an application for judicial review.

4.16 On the basis of the above discussion the Panel therefore recommends that the definition of "Rural Activity" be withdrawn from Variation 28. The Panel further recommends that the definition be re-introduced as part of a forthcoming variation dealing with all definitions contained in the PDP.

4.17 Finally the Panel notes that the withdrawal of the definition from the variation means that no decisions are required with respect to the submissions and further submissions.

Recommendation 11

That the definition of the term "Rural Activity" be withdrawn from Variation 28.

New Definition – Small, Medium, Large-scale Rural Based Industrial Activity.

4.18 **Darren and Geraldine Rogers (134.4)** identified that small, medium and large scale rural-base industrial activities are not defined and they should be included. The substance of this submission was evaluated in paragraph 3.26 above and is relevant but will not be repeated here. The Panels recommendation is, in effect, the same in that small, medium and large scale rural-base industrial activities are not defined in the PDP and the terms “medium and large scale rural based industrial activity” as introduced by the Variation should be deleted.

Recommendation 12

That the submission by **Darren and Geraldine Rogers (134.4)** be **rejected**.

The further submissions by **Poultry Industry Association of New Zealand and Others (170F)**, **Landmark Holdings Ltd (159F)**, **VM Challies (315F)** and **Prebbleton Community Association Inc (327F)** be **accepted**.

Amendments Required:

None required.

5. SUBMISSIONS RELATING TO THE PROPOSED RULES AND REASONS FOR RULES (RURAL VOLUME)

Submitter	Sub. Point	Summary		Decision Requested
119 Swap Stockfoods Limited Oppose	119.3	Part 3, Rule IX - Activities Rule	The submitter opposes new Rule 22.1.1 and 22.2 which make "Rural Based Industrial Activities" a non complying activity in the Inner Plains Area of the Rural Zone. The Rural (Inner Plains) Zone is also a productive area utilising the land resource. There is therefore a potential functional or locational need for rural based industry to be located in this area. Whilst the Inner Plains area generally has a higher population density and smaller lot sizes, there are parts that are not conducive or as attractive to this scale of development (e.g. vicinity of transport corridors, Airport Noise Control Area). Such areas may be suitable for rural based industries and should not therefore be excluded from an effects based assessment as a discretionary activity, as is provided for in the Outer Plains area.	<p>i) Delete new Rules 22.1.1 and 22.2;</p> <p>ii) Amend new Reasons for Rules, Part 3, Rule IX - Activities by: - rewording the third sentence of the third paragraph to read:</p> <p>"However, the potential adverse effects of medium to large scale rural-based industrial activities may be avoided by locating in a Business 2 zone or in parts of the Rural Zone where for example, larger allotment sizes, lower population densities, proximity to major transport corridors provide greater opportunity for internalising adverse effects;"</p> <p>and - delete the following sentence which reads:</p> <p>"The smaller allotment size and higher population density of the Rural (Inner Plains) Zone means that medium to large scale industrial activities may not be able to locate in this area without generating significant adverse amenity effects;"</p> <p>or such other relief to give effect to this submission.</p>
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose Entire Submission</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Support</i>

127 NZ Institute for Crop and Food Research Ltd Oppose	127.2	Scale of Activities	Alternative relief to 127.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows: "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part - Entire Submission</i>
128 Lincoln University Oppose	128.2	Scale of Activities	Alternative relief to 128.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows: "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Ltd</i>	<i>Support in Part – Entire Submission</i>
129 AgResearch Limited Oppose	129.2	Scale of Activities	Alternative relief to 129.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows: "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part – Entire Submission</i>
134 Darren and Geraldine Rogers Provisional Support	134.2	Listed Non-Complying Activities	The submitter states that the definition of industrial activity in the Variation is very broad. It would capture many home businesses due to "production, processing, assembly, disassembly, packaging, servicing, testing, repair and/or warehousing of any materials, goods, products or vehicles". Even though these activities fall within the scale of activities. The amendment proposed will remedy the non-complying status.	"3.1 All of the following activities shall be non-complying activities, unless they are within the scale of activities (1.5.1 and 1.5.2) and they comply with all other rules in the plan for permitted activities. 3.1.1 Any other industrial activity."
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
	134.3	Activities	The submitter has investigated the size of standard steel sheds and some of the bigger ones are just over 100m ² and as these buildings are built in sections the next size down is 70-80m ² . The submitter suggests it better to encompass the standard sizes of sheds with this maximum floor area by changing it to 120m ² . Two full time equivalent persons is too restrictive for growing businesses. The submitter's own business employs two persons and another could be accommodated without having adverse effects on the rural amenity.	"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 building(s), loading, storage and waste areas used for any other activity on the site shall be 120m ² . 1.5.2 No more than 3 full-time equivalent persons are employed in undertaking any other activity on the site. At least one of these persons must live on-site."

	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
136 V M Challies Provisional Support	136.6	Part 3, Rule IX - Activities Rule	The submitter seeks to clarify the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	Amend rule 1.5 to read 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 area of the site used for any other activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste area and parking, shall be 100m ² . 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
	136.7	Part 3, Rule IX - Activities Rule	The submitter states that the amendment clarifies that the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	Amend new rule 1.23 to read as follows: "Rural Based Industrial Activities - 1.23 Any rural based industrial activity if the following conditions are met: 1.23.1 The maximum area of a site used for any rural based activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste areas and parking shall be 100m ² . 1.23.2 No more than 2 full-time equivalent persons are employed in the activity on the site."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Oppose – Entire Submission</i>
	136.8	Part 3, Rule IX - Activities Rule	Explanation and Reasons. The submitter seeks amendment to provide consistency with changes to the relevant rules.	Amend Reasons for rule 1.2 and 3. Paragraph 1 to read as follows: "...There is a degree of acceptance of rural-based industrial activities within parts of the rural area. Other types of industry are likely to detract from the character and quality of the rural environment in terms of such aspects as visual effects, increased traffic generation and noise and a reduction in rural outlook and openness." Insert new paragraph between paragraph 2 and 3 as follows: "Rules 1.13 and 15 and Rules 1.14 and

				1.15 and 16 provide for general rules for the effects of noise and vibration on surrounding residents and other activities. More stringent standards apply to rural-based industrial activities (other industrial activities are non-complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Oppose – Entire Submission</i>
	136.10	Part 3, Rule IX - Activities Rule	Rule 1.13 The submitter says that more stringent noise standards are necessary for industrial activity because such activity is continuous and year round, whereas noise associated with rural activity tends to be seasonal and intermittent and less obtrusive.	Add to Rule 1.13 Noise after Table two the following: Noise limits for any rural based industrial activity assessed at any point within any Living Zone or at any point within the notional boundary of any dwelling, rest home, hospital or classroom in any educational facility: Hours Noise Limit 7.30am – 8pm 45 dba L10 70 dba Lmax 8.01pm – 7.29am 30 dba L10 60 dba Lmax.
	<i>Further Sub.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
137 Prebbleton Community Association Inc Provisional Support	137.6	Part 3, Rule IX - Activities Rule	The submitter seeks to clarify the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	Amend rule 1.5 to read 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 area of the site used for any other activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste area and parking, shall be 100m ² . 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
	137.7	Part 3, Rule IX - Activities Rule	The submitter states that the amendment clarifies that the maximum area limit applies to all areas, not just buildings. Parking areas should also be included	Amend new rule 1.23 to read as follows: "Rural Based Industrial Activities

			within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	<p>1.23 Any rural based industrial activity if the following conditions are met:</p> <p>1.23.1 The maximum area of a site used for any rural based activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste areas and parking shall be 100m².</p> <p>1.23.2 No more than 2 full-time equivalent persons are employed in the activity on the site."</p>						
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>						
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>						
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>						
	137.8	Part 3, Rule IX - Activities Rule	Explanation and Reasons. The submitter seeks amendment to provide consistency with changes to the relevant rules.	<p>Amend Reasons for rule 1.2 and 3. Paragraph 1 to read as follows:</p> <p>"...There is a degree of acceptance of rural-based industrial activities within parts of the rural area. Other types of industry are likely to detract from the character and quality of the rural environment in terms of such aspects as visual effects, increased traffic generation and noise and a reduction in rural outlook and openness."</p> <p>Insert new paragraph between paragraph 2 and 3 as follows:</p> <p>"Rules 1.13 and 15 and Rules 1.14 and 1.15 and 16 provide for general rules for the effects of noise and vibration on surrounding residents and other activities. More stringent standards apply to rural-based industrial activities (other industrial activities are non-complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."</p>						
	<i>Further Subs</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>						
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>						
	137.10	Part 3, Rule IX - Activities Rule	Rule 1.13 The submitter says that more stringent noise standards are necessary for industrial activity because such activity is continuous and year round, whereas noise associated with rural activity tends to be seasonal and intermittent and less obtrusive.	<p>Add to Rule 1.13 Noise after Table two the following: Noise limits for any rural based industrial activity assessed at any point within any Living Zone or at any point within the notional boundary of any dwelling, rest home, hospital or classroom in any educational facility</p> <table><tr><td>Hours</td><td>Noise Limit</td></tr><tr><td>7.30am – 8pm</td><td>45 dba L10</td></tr><tr><td></td><td>70 dba Lmax</td></tr></table>	Hours	Noise Limit	7.30am – 8pm	45 dba L10		70 dba Lmax
Hours	Noise Limit									
7.30am – 8pm	45 dba L10									
	70 dba Lmax									

				8.01pm – 7.29pm 30 dba L10 60 dba Lmax.
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
138 Landmark Holdings Ltd Provisional Support	138.6	Part 3, Rule IX - Activities Rule	The submitter seeks to clarify the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	Amend rule 1.5 to read 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 area of the site used for any other activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste area and parking, shall be 100m ² . 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>157F</i>	<i>Peter & Lorraine Tolhoek</i>	<i>Support</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support</i>
		<i>321F</i>	<i>David McKay Pearson</i>	<i>Support</i>
		<i>323F</i>	<i>Belinda Mary Jones</i>	<i>Support</i>
		<i>325F</i>	<i>Maki & David Ferguson</i>	<i>Support</i>
		<i>333F</i>	<i>Debbie Hendry</i>	<i>Support</i>
		<i>335</i>	<i>Mary Fitzpatrick</i>	<i>Support</i>
		<i>337F</i>	<i>Lorraine Margaret Tolhoek</i>	<i>Support</i>
	138.7	Part 3, Rule IX - Activities Rule	The submitter states that the amendment clarifies that the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping with the amenity values of the rural environment.	Amend new rule 1.23 to read as follows: "Rural Based Industrial Activities 1.23 Any rural based industrial activity if the following conditions are met: 1.23.1 The maximum area of a site used for any rural based activity, including the gross floor area of any building(s) and any other areas (including outdoor areas) used for loading, storage, waste areas and parking shall be 100m ² . 1.23.2 No more than 2 full-time

				equivalent persons are employed in the activity on the site."
	Further Subs.	141F	Swap Stockfoods Ltd	Oppose
		157F	Peter & Lorraine Tolhoek	Support
		158F	Jennifer Nepton	Support
		170F	Poultry Industry Association of New Zealand and Others	Oppose
		297F	William Lapsley	Support
		299F	Robert John Dally	Support
		321F	David McKay Pearson	Support
		323F	Belinda Mary Jones	Support
		325F	Maki & David Ferguson	Support
		333F	Debbie Hendry	Support
		335	Mary Fitzpatrick	Support
		337F	Lorraine Margaret Tolhoek	Support
	138.8	Part 3, Rule IX - Activities Rule	Explanation and Reasons. The submitter seeks amendment to provide consistency with changes to the relevant rules.	<p>Amend Reasons for rule 1.2 and 3. Paragraph 1 to read as follows:</p> <p>"...There is a degree of acceptance of rural-based industrial activities within parts of the rural area. Other types of industry are likely to detract from the character and quality of the rural environment in terms of such aspects as visual effects, increased traffic generation and noise and a reduction in rural outlook and openness."</p> <p>Insert new paragraph between paragraph 2 and 3 as follows:</p> <p>"Rules 1.13 and 15 and Rules 1.14 and 1.15 and 16 provide for general rules for the effects of noise and vibration on surrounding residents and other activities. More stringent standards apply to rural-based industrial activities (other industrial activities are non-complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."</p>
	Further Subs.	141F	Swap Stockfoods Ltd	Oppose
		157F	Peter & Lorraine Tolhoek	Support
		158F	Jennifer Nepton	Support
		170F	Poultry Industry Association of New Zealand and Others	Oppose
		297F	William Lapsley	Support
		299F	Robert John Dally	Support
		321F	David McKay Pearson	Support
		323F	Belinda Mary Jones	Support
		325F	Maki & David Ferguson	Support
		333F	Debbie Hendry	Support
		335	Marv Fitzpatrick	Support

		337F	Lorraine Margaret Tolhoek	Support
	138.10	Part 3, Rule IX - Activities Rule	Rule 1.13 The submitter says that more stringent noise standards are necessary for industrial activity because such activity is continuous and year round, whereas noise associated with rural activity tends to be seasonal and intermittent and less obtrusive.	Add to Rule 1.13 Noise after Table two the following: "Noise limits for any rural based industrial activity assessed at any point within any Living Zone or at any point within the notional boundary of any dwelling, rest home, hospital or classroom in any educational facility Hours 7.30am – 8pm 8.01pm – 7.29am Noise Limit 45 dba L10 70 dba Lmax 30 dba L10 60 dba Lmax."
	Further Subs.	141F	Swap Stockfoods Ltd	Oppose
		157F	Peter & Lorraine Tolhoek	Support
		158F	Jennifer Nepton	Support
		170F	Poultry Industry Association of New Zealand and Others	Oppose
		297F	William Lapsley	Support
		299F	Robert John Dally	Support
		321F	David McKay Pearson	Support
		323F	Belinda Mary Jones	Support
		325F	Maki & David Ferguson	Support
		333F	Debbie Hendry	Support
		335	Mary Fitzpatrick	Support
		337F	Lorraine Margaret Tolhoek	Support
139 Trustpower Limited Provisional Support	139.6	Section 10, Part 3, Rule IX - Activities	Rules 22.1 and 22.2. The submitter opposes rules 22.1 and 22.2 as they are overly restrictive. As in Policy 4 these rules do not allow for a 'rural-based industrial activities' to be located in the Inner Plains of the Rural Zone even if the effects of this activity can be proven to be no more than minor following any mitigation or remediation.	i. Delete Rule 22.1.1 and 22.2. ii. Replace Rule 22.1 with the following: "22.1 Any activity which does not comply with Rules 1.23.1 or 1.23.2 shall be a discretionary activity". iii. Any consequential amendments that stem from the amendment of Section 10 Rule, Part 3, Rule IX - Activities, Rules 22.1 and 22.2 Rural - Based Industrial Activity - Other Activities.
	Further Subs.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
140 Poultry Industry Association of New Zealand Oppose	140.7	Part 3, Rule IX - Activities Rule	Rule 1.5 The submitter seeks that "intensive farming activities" be specifically included in the definition of Rural Activities, because if intensive farming activities are to be considered under this rule, the standards are considered to be unreasonable and are opposed.	If the Selwyn District Council is not minded to grant relief specified in paragraph 3.3 above, revision of the standards specified in the new permitted activity Rule, Part 3, Rule IX - Activities Rule, Scale of Activities - Rule 1.5 - Permitted Activities to the satisfaction of the submitters as the standards specified are considered unreasonable to apply to intensive farming activities.
	Further Subs.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
		339F	Trustpower	
		315F	V M Challies	Oppose – Entire Submission
		327F	Prebbleton Community Assoc Inc	Oppose – Entire Submission
	140.8	Part 3, Rule IX - Activities Rule	Rule 1.23 Rural Based Industrial Activities. The submitter says that the standards specified in rules 1.23.1 and 1.23.2 are	Amend New Rules, Part 3, Rule IX - Activities - Permitted Activities and Other Activities, and in particular the

			arbitrary, onerous and fail to appropriately recognise and provide for Rural Based Industrial Activities, particularly where these are located in the Inner Plains Zone. The submitter strongly opposes this approach. The standards specified in these rules cannot be justified on resource management terms. Non-complying activity status for "medium" to "large" rural based industrial activities in the Inner Plains area is also strongly opposed. The location of such activities within the Inner Plains is considered to be appropriate where their effects can be appropriately avoided, remedied or mitigated. It is therefore requested that the conditions specified in these rules be revised to reflect an appropriate scale and level in agreement with the submitters.	performance standards specified in Rule 1.23.1 and 1.23.2 to more appropriately reflect the scale of rural based industrial activities, in consultation with and to the satisfaction of the submitters.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
	140.9	Part 3, Rule IX - Activities Rule	Same as submission point 140.8	Provide for Rural Based Industrial activities not meeting the standard specified in Rule 1.23.1 and 1.23.2 (amended as per above) as a Discretionary Activity.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
	140.10	Part 3, Rule IX - Activities Rule	Same as 140.8	Amend new Reasons for Rules, Part 3, Rule IX - Activities to address the submitter's concerns.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
	140.11	Part 3, Rule IX - Activities Rule	Same as 140.8	Such other additional or consequential relief so as to meet the submitter's concerns.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
131 Peter Baylis Oppose	131.2	Entire Variation	The submitter states that fully discretionary activity status for virtually all business activity in the rural zone (the scale of activity rule 1.5.1 excludes anything other than a "home garage" type activity) fails to follow the effects-based approach of the PDP and is not the most appropriate means to achieve the objectives of the Plan.	<ul style="list-style-type: none"> a) Retaining effects-based standards and restricted discretionary activity status for breach of effects-based standards for business activity in the rural zone. The effects-based standards could include a new standard that addresses visual and amenity effects; b) Retaining fully discretionary activity status for industrial activity in the rural area; c) Making other changes to the proposed policies and explanations to achieve (a) and (b) above; d) Deleting the changes to the explanation to policy 7 and all of the new policy 4; and e) All consequential changes to the changes proposed above so as to

				give effect to this submission.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose in part</i>

Discussion

Part 3, Rule IX-Activities, Rule 3.1 Listed Non-Complying Activities-Other Activities

5.1 The Variation introduced a new non-complying activity status rule as follows:

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.

5.2 **Darren and Geraldine Rodgers (134.2)** were concerned that this rule had, unintentionally, included small-scale home occupations thereby making them non-complying activities. They suggested that this was not the intent of the Variation and sought that such small scale activities be exempted. The Panel accepts that the purpose of the Variation is to protect and maintain the character and amenity values of zones, particularly the rural environment. The thrust has been to manage the effects of larger sized industrial activities as they are recognised as having the potential for adverse effects on the character, amenity and quality of the rural environment. We also noted home based occupation are defined in the PDP as follows:

“Home Based Occupation: includes the use of a site for an occupation, business, trade or profession in conjunction with the use of the same site for residential activities. A home based is undertaken by a person(s) permanently residing on the site.”

- 5.3 Provided all activities are undertaken within the terms of the above definition, and all other effects such as traffic generation, noise, dust, lighting, hazardous substances are suitably managed by existing rules in the PDP, then in the Panels opinion, there are no adverse effects associated with home based occupations that require further management. Certainty, in our opinion, there are no further adverse effects that warrant home based occupations being non-complying activities. The size, scale and tolerance to potential adverse effects will be managed if all home based occupations are undertaken on the site. Provided that home based occupations comply with the other effects based rules in the PDP, Council can be satisfied and confident that the effects on the environment are being effectively and efficiently managed. It is therefore recommended that the submission be accepted and the rule be amended.

Recommendation 13

- 13.1 That the submission by **Darren and Geraldine Rodgers (134.2)** be **accepted** to the extent of amendments identified below;
- 10.2 That the further submissions by **Landmark Holdings Ltd (159F)**, **VM Challies (315F)**, and **Prebbleton Community Association Inc (327F)** be **rejected**.

Amendment Required:

Amend Part 3, Rule IX-Activities, Rule 3.1 Listed Non-Complying Activities-Other Activities as follows:

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.

Part 3, Rule IX-Activities, Scale of Activities-Rule 1.5 – Permitted Activities

5.4 The Variation introduced a new scale of activity rule 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 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.

5.5 The NZ Institute for Crop and Food Research Ltd (127.2), Lincoln University (128.2), AgResearch Ltd (129.2), Darren and Geraldine Rogers (134.3), V M Challies (136.6), Prebbleton Community Association Inc (137.6), Landmark Holdings Ltd (138.6) and Poultry Industry Association of New Zealand Inc (140.7) all made submissions on this topic. In addition further submission were made by V M Challies (159F), Robert Dally (299F), Peter and Lorraine Tolhoek (157F), Jennifer Nepton (159F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki and David Ferguson (325F), Mary Fitzpatrick (335F), Lorraine Tolhoek (337F), Trustpower (339F), Rolleston Square (166F) and Swap Stockfoods Ltd (141F).

5.6 Rule 1.5 is the rule referred to in paragraphs 4.12 to 4.17 of this report relating to the definition of “rural activity”. That discussion queried the validity of the notification of Variation and the Panel has the same concerns regarding the notification of Rule 1.5 insofar as that rule refers to “rural activity”.

5.7 The Panel therefore recommends:

- a) That Rule 1.5 be withdrawn from Variation 28; and
- b) That the said rule be re-introduced as part of a forthcoming variation dealing with all definitions contained in the PDP.

Finally the Panel notes that the withdrawal of Rule 1.5 means that no decisions are required with respect to the submissions and further submissions.

Recommendation 14

That Rule 1.5 be withdrawn from Variation 28.

Part 3, Rule IX-Activities, Rule 1.23 Rural Based Industrial Activities – Permitted Activities

5.8 The Variation introduced a new permitted activity status rule for Rural Based Industrial Activities as follows:

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 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.

5.9 Submissions by **VM Challies (136.7)**, **Prebbleton Community Association Inc (137.7)** and **Landmark Holdings Ltd (138.7)** sought amendments to the definition to clarify that the maximum area limit applies to all areas, not just buildings and that parking areas be included in the maximum area measurement. As the current rule uses the term maximum floor area, we agree there is uncertainty as often loading, storage and waste areas can be located outside. Consequently, for certainty and clarity reasons we recommend that the rule be changed. The submitters have requested that parking areas be included in the maximum area measurement. We are not convinced this is necessary. Given the limited size, scale and number of persons able to work on the site, we consider the potential for adverse effects from parking to

be self-regulating. Further, if activities increase beyond the rule threshold, a resource consent for a fully discretionary activity will be required where all effects can be considered. We recommend that no change be made in this regard.

- 5.10 **Poultry Industry Association of New Zealand (140.8)** sought that the rule be amended and considered that the rule approach was arbitrary, onerous and failed to appropriately recognise and provide for Rural Based Industrial Activities. The submitter requested that rules be revised in consultation and agreement with submitters. The submitter had not suggested any particular changes or amendment. The current rule structure manages potential adverse effects of industrial activities in an efficient and effective manner. Small scale industrial activities having minimal impact on the rural environment are permitted. Larger scale industrial activities are required to apply for a resource consent where the effects of activities are considered on their merit. This is an appropriate management regime and the Panel recommend the submission be rejected.

Recommendation 15

- 15.1 That the submissions and further submissions by **VM Challies (136.7)(315F)**, **Prebbleton Community Association Inc (137.7)(327F)** and **Landmark Holdings Ltd (138.7)(159F)** be **accepted in part** to the extent of amendments made below.
- 15.2 That the submission and further submissions by **Poultry Industry Association of New Zealand (140.8)(150F)** and **Swap Stockfoods Ltd (141F)** be rejected.

Amendment Required

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 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.

Part 3, Rule IX-Activities, Rule 22.1 and 22.2 Rural Based Industrial Activity-Other Activities

5.11 The Variation introduced a new other activity status rule for Rural Based Industrial Activities as follows:

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.

5.12 Both **Trustpower Ltd (139.6)** and **Poultry Industry Association of New Zealand (140.9)** request that rural based industrial activities not meeting the standards are considered as discretionary activities, as opposed to a non-complying activities. **Swap Stockfoods (119.3)** request that the rules be deleted and consequential changes be made. **Peter Baylis (131.2)** made similar submissions. The evaluation in paragraph 5.10 above is considered to be relevant here and will not be repeated. The Panel consider that the current consent regime is effective and appropriate for the management of adverse effects on the rural environment. We therefore recommend that the submission be rejected.

Recommendation 16

16.1 That the submissions by **Trustpower Ltd (139.6)(339F)**, **Poultry Industry Association of New Zealand (140.9)(170F)**, **Swap Stockfoods (119.3)** and **Peter Baylis (131.2)** be rejected.

16.2 That the further submissions by **Landmark Holdings Ltd (159F)**, **VM Challies (315F)**, **Robert Dally (299F)** and **Prebbleton Community Association Inc (327F)** be accepted.

Amendments Required

None required.

Reasons for Rules, Part 3, Rule IX - Activities

5.13 **Poultry Industry Association of New Zealand (140.10), VM Challies (136.8), Prebbleton Community Association Inc (137.8) and Landmark Holdings Ltd (138.8)** sought changes to the reasons for rules to properly reflect any changes made to rules per se in light of submissions. As changes are recommended to be made to the rules, these submissions are accepted to the extent of changes made to Reasons for Rules.

Recommendation 17

17.1 That the submissions and further submissions by **Poultry Industry Association of New Zealand (140.10), VM Challies (136.8), Prebbleton Community Association Inc (137.8) and Landmark Holdings Ltd (138.8), Robert Dally (299F), Peter & Lorraine Tolhoek (157F), Jennifer Nepton (158F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki & David Ferguson (325F), Mary Fitzpatrick (335F) and Lorraine Tolhoek (337F)** be **accepted in part** to the extent of amendments made as identified below;

17.2 That the further submissions by **Landmark Holdings Ltd (159F), VM Challies (315F), Prebbleton Community Association Inc (327F), Selwyn Plantation Board (309F) and Poultry Industry Association of New Zealand (170F)** be **rejected**.

Amendments Required

Amend Reasons for Rules, Part 3, Rule IX – Activities as follows:

“Reasons for Rules

...

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 operating as a home based occupation given their size and operational constraints. 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.

...”

Part 3, Rule IX – Activities, Rule 1.13 Noise

5.14 **VM Challies (136.10), Prebbleton Community Association Inc (137.10) and Landmark Holdings Ltd (138.10)** sought the inclusion of more stringent noise controls for industrial activities. The submitters suggested stringent noise controls be applied to Rural Based Industrial Activities. Noise is currently controlled by Rule IX – Activities, Rule 1.13 Noise and Vibration and the threshold levels set in the rule have been through the plan review process and Environment Court process. The Panel consider the current thresholds to be more reasonable, workable and less onerous than those proposed by the submitters. We therefore recommend that the submissions be rejected and no changes required.

Recommendation 18

- 18.1 That the submissions by **VM Challies (136.10), Prebbleton Community Association Inc (137.10) and Landmark Holdings Ltd (138.10), Robert Dally (299F), Peter & Lorraine Tolhoek (157F), Jennifer Nepton (158F), Debbie Hendry (333F), William Lapsley (297F), David Pearson (321F), Belinda Jones (323F), Maki & David Ferguson (325F), Mary Fitzpatrick (335F) and Lorraine Tolhoek (337F)** be rejected.
- 18.2 That the further submissions by **Swap Stockfoods Ltd (141F) and Poultry Industry Association of New Zealand and Others (170F)** be accepted.

Amendment Required

None required.

6. SUBMISSIONS ON OTHER MATTERS

Submitter	Sub. Point	Summary		Decision Requested
122 Robert John Dally Support	122.1	Noise	The submitter supports any variation that better protects the amenity values of residents living in rural areas. The variation should include a clause so that activities commenced illegally can not be considered for subsequent consent. Where the District Plan allows subdivision down to 5 Ha, the plan should protect neighbours from one another in terms of potentially adverse affects of any activity undertaken on those properties. One way to achieve this is to apply minimum distances from the proposed activity to any existing neighbouring residence of 500 metres minimum. The reasons for the submitter's views, are that the submitter's property has been adversely affected by a formerly illegal activity.	To put further restrictions in the variation as suggested in my submission.
	<i>Further Sub.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
125 Jennifer Nepton Provisional Support	125.1	Water Supply	The submitter believes the district plan should make mention of the NRRP and that the Council should exercise particular caution in the groundwater recharge zone as these areas are susceptible to groundwater contamination and are currently not served by reticulated stormwater/wastewater disposal. This should be clearly stated in the policy as a matter for consideration by any party seeking resource consent or by Council staff in determining the appropriateness of an activity for the area in which they seek to establish.	That the application variation be adopted with the addition of some extra protection for the recharge zone.
140 Poultry Industry Association of New Zealand Oppose	140.2	Township Volume, Part 2, section 3.4	The submitter has activities operating within the Business 2 zone and is concerned to ensure that its activities are not unduly constrained. The submitter supports on an ongoing basis the recognition and provision for activities within the Business 2 zones, but considers that provisions requiring "rural based" industries activities to be located in the Rural (Outer Plains) as an alternative to the Business 2 zone, are potentially onerous and cannot be justified in resource management terms	Retain provisions in Part 2, Section 3.4 Quality of the Environment and Amenity Values that state the Business 2 zones have few requirements for aesthetic and amenity values.
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>VM Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebble Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
140 Poultry Industry Association of New Zealand Oppose	140.11	Part 3, Rule IX-Activities Rule		Such other additional or consequential relief so as to meet the submitters concerns.
	<i>Further Subs</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>VM Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebble Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>

Discussion

- 6.1 **Robert Dally (122.1)** supports the variation but believes the variation should include other matters being; noise pollution, the outlawing of activities that started illegally, illegal activities not be considered for subsequent resource consent, establish minimum separation distances for activities of 500m. The reasons stated by the submitter is that his property has been affected by illegal activities in the past. The PDP already provides effective controls on activities managing the potential effects of noise and separation. The PDP therefore already addresses the concerns of the submitter in this regard. With regards to illegal activities, this is an enforcement matter which is a Council management and administration process. Such matters sit outside this variation process and can not be addressed as part of this submission process. Finally, the Resource Management Act 1991 provides that for a retrospective resource consent application to be applied for. Consequently, to include in the PDP a clause that illegal activities (or the like) can not be considered for resource consent would, in our opinion, be ultra vires. The Panel recommend the submission is accepted in so far as it supports the Variation.
- 6.2 **Jennifer Nepton (125.1)** considers the variation should be adopted, with further mention of the NRRP, in particular protection of the recharge zone. The maintenance of water quality is a function of a regional council (Environment Canterbury) and is properly identified and administered through the regional plan process. It is not necessary for such matters to be included in the variation. Further, we note the PDP currently recognizes that the Regional Council controls most activities that directly affect water quality and activities that affect water quantity. Further, in Part 2, Section 1 – Natural Resources, 1.3 Water, the PDP currently has objectives and policies that seek to avoid contamination of groundwater and surface water. In effect, the concerns of the submitter are already included in the PDP. We therefore recommend the submission is accepted in so far as it supports the Variation.
- 6.3 **Poultry Industry Association of New Zealand (140.2)** supports the continued recognition for activities within the Business 2 zone but considers that provisions requiring “rural based industrial activities” to be located in the Rural (Outer Plains) zone as an alternative to the Business 2 zone is onerous. The submitter is concerned to ensure that its activities within this zone not unduly constrained. The submitter seeks that provisions in Part 2, Section 3.4 Quality of the Environment and Amenity Values,

stating that the Business 2 zones have few requirements for aesthetic and amenity values be retained. The Variation does not delete any provisions or description in relation to the Business 2 zone in the nature suggested by the submitter. The Township Volume, Part 2, Section 3.4 Quality of the Environment and Amenity Values, Policy 5 remains unchanged by the Variation, except for wording amendments in the explanation and reasons. On this basis we consider that the concerns of the submitter are unfounded. We therefore recommend that the submission be rejected.

- 6.4 **Poultry Industry Association of New Zealand (140.11)** seeks any additional or consequential relief to meet their concerns.

Recommendation 19

- 19.1 That the submissions by **Robert Dally (122.1)** and **Jennifer Nepton (125.1)** be **accepted in part** and further submission by **Poultry Industry Association of New Zealand and Others (170F)** be **rejected**.
- 19.2 That the submission by **Poultry Industry Association of New Zealand and Others (140.2)** be **rejected** and the further submissions by **Landmark Holding Ltd (159F)**, **VM Challies (315F)** and **Prebbleton Community Association Inc (327F)** be **accepted**.
- 19.3 That the submission by **Poultry Industry Association of New Zealand and Others (140.11)** be **accepted in part** to the extent of amendments made to the Variation.

Amendment Required:

None.