

Resource Management Act 1991

Proposed Selwyn District Plan

Rural & Township Volumes

Report on Submissions relating to

Variation 28

‘Industrial & Business Activities’

To: Hearings Panel

From: Sean Elvines, Consultant Planner

Preliminary Hearing Dates: 30th & 31st July 2007

Attachments

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| Attachment A | Variation 28 and Section 32 Analysis |
| Attachment B | Summary of Recommended Text Changes to Variation 28 |
| Attachment C | Summary of Officers Recommendations on Submissions and Further Submissions lodged to Variation 28 |

This report analyses submissions made on Variation 28 to the Proposed District Plan for Selwyn District (PDP). The report is prepared under Section 42A of the Resource Management Act 1991. The purpose of the report is to assist the Hearing Panel in evaluating and deciding on submissions made on Variation 28 and to assist submitters in understanding how their submission affects the planning process. The report may include recommendations to accept or reject points made in submissions and to make amendments to the PDP. These recommendations are the opinions of the Reporting Officer(s) only. The Hearings Panel will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under Resource Management Act 1991.

1. Introduction

- 1.1 My full name is Sean Barry Elvines. I hold the qualification of a Bachelor of Regional Planning (Hons) from Massey University, New Zealand. I am a full member of the New Zealand Planning Institute and have some seventeen years experience in both statutory and regulatory planning. For five years I was a Senior Planner at Christchurch City Council before taking the position of Principal Planner in the Christchurch office of Opus International Consultants Limited which I held for just under two years. I am currently a Director of RESPONSEPLANNING Consultants Limited, a planning and resource management consultancy in Christchurch. I am familiar with the geography of the District and its resource management issues and the process of preparing the Proposed District Plan (PDP).
- 1.2 I have been engaged by Selwyn District Council to prepare and present evidence on submissions made on the Proposed Selwyn District Plan (PDP) relating to Variation 28 'Industrial and Business Activities'. The purpose of this report is to consider the substance of these submissions and to make recommendations as to whether such submissions should be accepted or rejected.

2. Terms of Reference

- 2.1 This report makes recommendations on submissions and further submissions to Variation 28 (the Variation) to the PDP. The Variation was notified on 11 November 2006 with submissions and further submissions closing 18 December 2006 and 16 February 2007 respectively. There were 23 submitters raising a number of submission points and 19 further submitters to the Variation.
- 2.2 Section 74 of the Resource Management Act 1991 allows the Council to change its Proposed Plan in accordance with its functions under Section 31, having regard to the provisions of Part II and its duties under Section 32. Clause 16A of the First Schedule to the Resource Management Act 1991 (the Act) specifically gives Council the ability to initiate changes to the Proposed Plan by way of variation. Section 32 of the Act requires

the Council to evaluate the proposed change or variation, to examine the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

2.3 In evaluating the submissions and further submissions, the following matters are considered:

1. the purpose of the variation is to assist Council to carry out its functions in order to achieve the purpose of the Act;
2. whether, having regard to their efficiency and effectiveness, policies and the related methods are the most appropriate means of achieving the relevant objective;
3. whether the methods (including rules) implement the relevant policies; and
4. whether the rules achieve the objectives and policies.

2.4 In making any recommendation to amend the Variation, the following annotations are used to show any changes:

- Deletion – strikethrough is used e.g ~~strikethrough~~
- Addition – underlining is used e.g underlining

2.5 All parties should note that the purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding the Variation. It must be emphasised that any conclusion and recommendations made in this report are my own and are not binding upon the Hearings Panel in any way. It should not be assumed that the Hearings Panel will reach the same conclusion as I have when they have heard and considered all of the evidence presented. For ease of reference, the amendments made to the PDP as a result of the notification of Variation 28 are contained in **Attachment A**.

3. Overview of Variation 28

3.1 The Council has undertaken a review of the way in which the PDP identifies and addresses the potential adverse effects associated with industrial activities (in all zones) and other types of business activities (in the rural zone). This 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. The Council has therefore decided that a variation is necessary to ensure that the policies and implementation methods achieve the relevant objectives.

- 3.2 The Section 32 evaluation considered a number of alternatives to achieve the existing objectives of the PDP. The options included a range of provisions that varied in the extent to which the scale, nature and intensity of industrial and business activities should be controlled in the rural area. The outcome of this evaluation 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 a variation was necessary in order to implement the proposed amendments.

4. Consultation

- 4.1 Submissions lodged on the PDP, and subsequent Environment Court appeals by two parties (Prebble Community Association and Landmark Holdings Ltd), raised concerns that the existing provisions in the PDP failed to ensure that potential adverse effects associated with industrial activities in Business 1 zones and of the wider rural zone would be sufficiently avoided or mitigated so as to safeguard the amenity values of these areas. The council subsequently agreed to review the relevant provisions of the PDP and initiate a variation, if such concerns were validated. The appeals were withdrawn accordingly.

5. Submissions

- 5.1 The relief sought in submissions lodged to Variation 28 are grouped into the following categories:
1. Those that support the Variation and request that it be adopted in its entirety.
 2. Those that oppose the Variation and seek that the variation be withdrawn.
 3. Those that either support or oppose the Variation and request alternative relief to the amendments made by the Variation.
- 5.2 Those submissions that fall into Category 3 above, are further categorised as follows:
- i. Submissions on the policies;

- ii. Submissions on the definitions;
- iii. Submissions on the rules and reasons for rules;
- iv. Submissions on other provisions and general matters.

5.3 A summary of submissions and further submissions that fall within each of the above categories is listed below with associated evaluation.

6. Assessment of Submissions

Category 1 – submissions that support the variation in its entirety

| 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>19F</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> |
| | | <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 | Approve Variation 28. |

| Submitter | Sub. Point | Summary | | Decision Requested |
|---|---------------------|------------------|--|--|
| | | | 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. | |
| | <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. |
| | <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> |

6.1 The submission points listed in Category 1 above by **V. Saxton (92.1, 92.2)**, **Rolleston Square Ltd (94.1)**, **A & C McLenaghan (103.1)**, **Eastern Selwyn Residents Assn (123.1)**, **Mr & Mrs Hammond (126.1)**, **Belinda Jones (124.1)**, **Foodstuffs SI Ltd (132.1)** and **Darren and Geraldine Rogers (134.1)** support the variation in its entirety and seek it be adopted. The submissions offer support to the purpose and principles behind the Variation and have not requested any specific changes. **A & C McLenaghan (103.1)** refers to the ability for existing business activities to continue to operate in the rural area.

In this regard 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. 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. In light of the above assessment, I recommend that the submissions are accepted and no changes are required.

Recommendation 1

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 & 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;

The further submissions by **Trustpower Ltd (339F) and Poultry Industry Association of New Zealand and Others (170F)** be rejected.

Amendment Required.

None required

Category 2 – submissions that oppose the variation in its entirety

| 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> |
| | 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</i> | <i>159F</i> | <i>Landmark Holdings Ltd</i> | <i>Oppose</i> |

| Submitter | Sub. Point | Summary | | Decision Requested |
|--|----------------------|------------------|--|---|
| | <i>Subs.</i> | | | |
| | | 170F | <i>Poultry Industry Association of New Zealand and Others</i> | <i>Support</i> |
| | | 299F | <i>Robert John Dally</i> | <i>Oppose</i> |
| | | 309F | <i>Selwyn Plantation Board Ltd</i> | <i>Support</i> |
| | | 313F | <i>Murray Implements Ltd</i> | <i>Support</i> |
| | | 315F | <i>V M Challies</i> | <i>Oppose</i> |
| | | 327F | <i>Prebbleton Community Association Inc</i> | <i>Oppose</i> |
| | | 339F | <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> | 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> |

6.2 The submission points listed in Category 2 above by **AB Annand & Co Ltd (130.1)**, **Peter Baylis (131.1, 131.2)** and **Poultry Industry Association of New Zealand (140.1)** oppose the Variation in its entirety and seek it be withdrawn. In general, the submitters consider the Variation introduces confusing performance standards, new definitions are too broad, and the proposed changes are not effects-based nor appropriate to meet the objectives of the Plan.

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. It is my recommendation that the submissions seeking the Variation's withdrawal be rejected.

Recommendation 2

That submissions and further submissions by **AB Annand & Co Ltd (130.1)**, **Peter Baylis (131.1, 131.2)** and **Poultry Industry Association of New Zealand (140.1)(170F)**, **Selwyn Plantation Board Ltd (309F)**, **Murray Implements Ltd (313F)**, **Trustpower (339F)** be rejected;

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

Amendment Required

None required

Category 3 – submissions that either support or oppose the variation and request alternative relief to the amendments made by the variation

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 (eg 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> |

| Submitter | Sub. Point | Summary | | Decision Requested |
|--|---------------|---------------------------------------|--|---|
| 133 Canterbury Regional Council Oppose | | 327F | Prebbleton Community Association Inc | Oppose Entire Submission |
| | | 170F | Poultry Industry Association of New Zealand and Others | Support Entire Submission |
| | | 137F | Trustpower | Support |
| | 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. |
| | Further Subs. | 141F | Swap Stockfoods Ltd | Oppose |
| | | 159F | Landmark Holdings Ltd | Oppose – Entire Submission |
| | | 137F | Trustpower | Oppose |
| | | 166F | Rolleston Square Ltd | Support – Entire Submission |
| | | 170F | Poultry Industry Association of New Zealand and Others | Oppose |
| | 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. |
| | Further Sub. | 170F | Poultry Industry Association of New Zealand and Others | Oppose |
| | | 141F | Swap Stockfoods Ltd | Oppose |
| | | 159F | Landmark Holdings Ltd | Oppose – Entire Submission |
| | | 166F | Rolleston Square Ltd | Support – Entire Submission |
| 136 V M Challies Provisional Support | 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 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 |

| Submitter | Sub. Point | Summary | | Decision Requested |
|-----------|----------------------|--------------------------------------|--|---|
| | | | | 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> |
| | 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</p> |

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| | | | | 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>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 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> |
| | | <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. | <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> |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | | | | <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> |
| | 137.3 | Township Volume, Part 2, Section 3.4 | <p>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> | <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> |
| | 137.4 | Rural Volume, Part 2, Section 3.4 | <p>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</p> | <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> |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | | | the words "as far as possible". | <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 | 138.1 | 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: |

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| Holdings Ltd Provisional 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>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> |
| | 138.3 | 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</p> |

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| | | | | 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>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> |
| | 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". | <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>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> |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | 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> |
| | | <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> |
| 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 | <p>i. Delete reference to "(Outer Plains)" from the last sentence in the 'Explanation and Reasons', as quoted in section 1 above, of Policy 5.</p> <p>ii. Any consequential or similar amendments that stem from the amendment of Policy 5 - Explanation and Reasons as proposed in this submission.</p> |

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| | | | (Inner Plains) Zone. | |
| | <i>Further Sub.</i> | <i>159F</i> | <i>Landmark Holdings Ltd</i> | <i>Oppose – Entire Submission</i> |
| | 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. | <p>i. Delete the quoted paragraph from Policy 7 - Explanation and Reasons as below:</p> <p>"...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."</p> <p>ii. Any consequential or similar amendments that stem from the amendment of Policy 7 - Explanation and Reasons as proposed in this submission.</p> |
| | <i>Further Subs.</i> | <i>141F</i> | <i>Swap Stockfoods Ltd</i> | <i>Support</i> |
| | | <i>159F</i> | <i>Landmark Holdings Ltd</i> | <i>Oppose – Entire Submission</i> |
| | 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. | <p>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.</p> <p>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).).</p> |
| | <i>Further Sub.</i> | <i>159F</i> | <i>Landmark Holdings Ltd</i> | <i>Oppose – Entire Submission</i> |
| | 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 Landscape Limited v Auckland City Council (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. | <p>i. Amend Policy 4 to state:</p> <p>"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."</p> <p>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.</p> |
| | <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>170F</i> | <i>Poultry Industry Association of New Zealand and Others</i> | <i>Support</i> |

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| | 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> | <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> |
| | | <i>339F</i> | <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> | <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> |
| | | <i>339F</i> | <i>Trustpower</i> | <i>Support</i> |

Township Volume

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

- 6.4 **VM Challies (136.3), Prebbleton Community Association (137.3), and Landmark Holdings Limited (138.3)** seek amendments to both the policy and the explanation and reasons to exclude industrial activities from the Business 1 Zone.
- 6.5 Policy 4 seeks to provide for a range of activities to establish in the zone while maintaining environmental quality, aesthetics and amenity values. It neither seeks to

identify any preferred activities or exclude any unwanted activities instead identifying that a balance needs to be struck between enabling a range of activities and considering potential and actual effects on a particular receiving environment. The wording suggested by the submitters effectively prohibits the ability for industrial activities to establish in the Business 1 Zone regardless of the potential to impact upon the amenity values and quality of the receiving environment. The assumption here is that all industrial activities, regardless of their nature, size, scale, character and intensity, are wholly inappropriate for the Business 1 zone. This is at odds with the 'effects-based' approach underpinning the PDP where proposal should be assessed on their merits. The PDP currently lists a number of activities that can only establish in the Business 1 zone as a non-complying activity or discretionary activity. Industrial activities are specifically identified as being a non-complying activity thereby requiring a resource consent application. They are not prohibited from occurring in this zone. The amendments sought to the policy will move it away from the relevant objective and therefore will not result in the most efficient or effective means of achieving that objective. The submissions are not supported and no change is recommended.

Recommendation 3

That submissions and further submissions by **VM Challies (136.3)**, **Prebbleton Community Association (137.3)**, **Landmark Holdings Limited (138.3)**, **Robert John Dally (299F)**, **Peter & Lorraine Tolhoek(157F)**, **Jennifer Nepton (158F)**, **William Lapsley (297F)**, **David Pearson (321F)**, **Belinda Jones (323F)**, **Maki & David Ferguson (325F)**, **Mary Fitzpatrick (335F)**, and **Debbie Hendry (333F)** and **Lorraine Tolhoek (337F)** are **rejected**;

The further submissions by **Poultry Industry Association of New Zealand and Others (170F)** are **accepted**.

Amendment Required

None required.

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

- 6.6 **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.

6.7 Policy 5 establishes the purpose for the Business 2 zone – being a zone for a range of activities that have associated with them potential adverse effects on sensitive receiving environments. I do not agree that the proposed wording will “dictate” where rural based industrial activities can be located when wanting to establish a business activity outside the Business 2 Zone. Firstly, the proposed wording is simply an explanation and does not have the effect or status of policy. Policy 5 does not specifically limit or “dictate” where business activities are to be located, especially outside the Business 2 Zone. The use of the word “may” is of significance in this regard. The use of the word “may” means it is not an absolute or definitive in this regard and the sentence provides guidance and direction when looking to establish industrial activities out of the Business 2 Zone. Consequently, the proposed wording better recognises the distinct and different character and amenity values of the Rural Zones and how activities impact thereon. The current wording provides certainty and clarity as to where this balance is struck in this regard. This provides for a more efficient and effective policy. Further, the current wording does not limit the opportunity or ability to establish an industrial activity outside the Business 2 – a resource consent will be required regardless any proposal assessed on its merits. The amendments as suggested by the submitter will not improve or better the effectiveness of Policy 5 as currently worded. I recommend the submissions be rejected and no changes made.

Recommendation 4

That submissions and further submissions by **Swap Stockfoods Limited (119.1)** and **Trustpower Limited (139.1)(339F)**, **Poultry Industry Association of New Zealand and Others (170F)** are **rejected**;

The further submissions by **Landmark Holdings Ltd (159F)**, **Robert John Dally (299F)**, **V M Challies (315F)**, **Prebbleton Community Association Inc (327F)** are **accepted**.

Amendment Required

None required.

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

6.8 **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*”.

- 6.9 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 certainty and guidance as to what business activities, and in 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.
- 6.10 The amendments sought by 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 moves 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 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. I recommended the submissions be rejected and no changes made.
- 6.11 The submission by **Trustpower Ltd (139.2)** requests the partial deletion of the paragraph inserted by the Variation into the Explanation and Reasons. The submitter states 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”*.
- 6.12 The submitter goes on to state that “provided any new development did not detract from the visual amenity of this Zone or was not incompatible with other activities within this Zone”, then such activities should be provided for within any part of the Rural Zone. In my view, these are precisely the reasons why Variation 28 requires resource consent for industrial activities in the rural area. It is, therefore, appropriate for a policy framework to be effectively in place to achieve this outcome. The resource consent process enables an assessment of effects on the environment, including an assessment of those matters referred to by the submitter in their submission. To delete the wording as suggested by the submitter will remove aspects of certainty and clarity with the policy and reduce its effectiveness. The submission is not supported and no changes made.
- 6.13 I note the submitter is a requiring authority and has the option of designating land for any new ‘electricity generation development’ therefore is not subject to the resource consent

process. Further, the PDP specifically provides for utilities (Part 3, Rule V-Utilities). The generation, transformation and/or transmission of energy is defined as a utility.

Recommendation 5

That submissions and further submissions **V M Challies (136.1), Prebbleton Community Association Inc (137.1), Landmark Holdings Ltd (138.1), Trustpower Ltd (339.2), 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;

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.

Amendment Required

None required.

Rural Volume

Rural Volume, Part 2, Section 3.4, Policy 2

- 6.14 **Trustpower (139.4)** states 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.
- 6.15 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).”*
- 6.16 Recognition of utilities is in the general sense and 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. I also note the submitter is a requiring authority and has the option of designating land for any new electricity generation development.

Recommendation 6

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

Amendments Required

None required

Rural Volume, Part 2, Section 3.4, Policy 3

- 6.17 **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).”* For a policy to be ultra vires, the policy must be written in a way that is outside the functions and responsibilities of the Council. The policy and the supporting explanation and reasons are clearly within the functions and responsibilities of the Council. Further, I do not agree that the wording imposes a “threshold test”. Explanation 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. To put simply, 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 of policies. 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, there is little merit for the amended wording. I recommend that the submission is accepted and amended wording is deleted from the explanation and reasons.
- 6.18. **Poultry Industry Association of New Zealand (140.5)** have similar concern 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. I recommend that the submission is accepted and amended wording is deleted from the explanation and reasons.
- 6.19 **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.

6.20 The evaluation in paragraph 6.17 above with regards to changes to the Explanation and Reasons is relevant and I will not repeat. 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, 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.

Recommendation 7

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)** are **accepted** to the extent of amendments made below;

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)** are **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

6.20 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) and Poultry Industry Association of New Zealand (140.6).

- 6.21 **Swap Stockfoods Limited (119.2)** seeks 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. 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 my opinion, the suggested wording adds no real value in this regard therefore I recommend the submission is rejected and no changes made.
- 6.22 **Canterbury Regional Council (133.1, 133.2)** is 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 will create interpretation and application difficulties. They seek that this terminology be removed. I agree 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 cause 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. I agree with the submitter that there is a potential weakness with the policy as currently worded and recommend that the policy be amended.
- 6.23 **VM Challies (136.5), Prebbleton Community Association Inc (137.5), Landmark Holdings Ltd (138.5)** seek amendments to the Explanation and Reasons to strengthen and clarify Policy 4. Having considered the suggested wording changes by the submitters, I do not consider they add any value in terms of better informing or describing the policy. This is examined in more detail in paragraph 6.21 and will not be repeated here. I recommend that the submissions be rejected and no further changes made.
- 6.24 **Trustpower Limited (139.5)** considers the policy and Explanation and Reason to be overly restrictive and should be amended to allow for the mitigation or remediation of adverse

effects along with the avoidance of any significant effect. The policy, as currently worded, is clear in its intention for both rural based industrial activities and other industrial activity and how it will achieve the relevant objective of the PDP. The current rule framework effectively implements the policy. To simply repeat or reproduce stock standard phrasing from Part II of the Resource Management Act 1991 will not improve the efficiency or effectiveness of the policy. In my opinion, the current wording and intent of policy is clear and understood. Therefore, having regard to efficiency and effectiveness of the current policy and rules, I consider Policy 4, as currently worded is the most appropriate means of achieving the relevant objective and no change is required.

- 6.25 **Poultry Industry Association of New Zealand (140.6)** request that Policy 4 be deleted in its entirety. Policy 4, as currently worded, is clear in its intention for both rural based industrial activities and other industrial activity and how it will achieve the relevant objective of the PDP. The current rule framework effectively implements Policy 4. In my opinion, Policy 4 is an efficient and effective means of achieving the relevant objectives in the PDP. To delete the policy will create a weakness in the policy framework of the PDP. I recommend that the submission be rejected and no changes made.

Recommendation 8

That the submissions by **Canterbury Regional Council (133.1, 133.2)** and further submissions by **Landmark Holdings Ltd (159F), Robert Dally (299F), VM Callies (315F), Prebbleton Community Association Inc (327F), Rolleston Square Ltd (170F), Swap Stockfoods Ltd (141F), Poultry Industry Association of New Zealand (170F), Trustpower (339F)** are **accepted** to the extent of amendments made below.

That the submissions and further submissions by **Swap Stockfoods Limited (119.2)(141F), Trustpower Limited (139.5)(339F), Poultry Industry Association of New Zealand (140.6)(170F), VM Challies (136.5), Prebbleton Community Association Inc (137.5) and Landmark Holdings Ltd (138.5)(159F) 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 Robert Dally (299F)** be **rejected** and no further changes made.

Amendments 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.

Explanation and Reasons

While the Rural Zone may be able to better accommodate the potential adverse effects associated

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

The effects associated with permitted small scale rural-based industrial activities are appropriate in all rural areas, ~~however~~ Where these activities are of ~~medium to large~~ a scale and size beyond what is permitted by the District Plan 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.

PART B – 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 | 135.1 | Part 3 | The submitter supports the proposed | i. That the Council confirm the |

| Submitter | Sub. Point | Summary | | Decision Requested |
|--|----------------------|--|---|---|
| Mushrooms Ltd Support | | Definitions | 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. | 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." |

| Submitter | Sub. Point | Summary | | Decision Requested |
|---|----------------------|--|---|--|
| | <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> |
| | | <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</i> | <i>Support in part</i> |

| Submitter | Sub. Point | Summary | | Decision Requested |
|--|----------------------|--|---|---|
| | 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. | <p>Part 3, Definitions - Amend definition as follows:</p> <p>"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:</p> <p>(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. ..."</p> |
| | <i>Further Subs.</i> | <i>339F</i> | <i>Trustpower Ltd</i> | <i>Support in part</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> |
| 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. | <p>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.</p> <p>ii. Any consequential amendments that stem from the amendment of Section 4, Replace Part 3, Definitions.</p> |
| | | <i>159F</i> | <i>Landmark Holdings Ltd</i> | <i>Oppose</i> |
| | 139.7 | Section 12 - Definitions | Industrial Activity. The part of the definition identified as part (a) below, is still open to interpretation and the submitter seeks clarification on this definition with particular reference to electricity generation. | <p>i. Amend Part (a) of the definition of an Industrial Activity - Rural Based Industrial Activity to include direct reference to Electricity Generation as follows;</p> <p>(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".</p> |

| Submitter | Sub. Point | Summary | | Decision Requested |
|--|---------------|---|--|--|
| | | | | 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 |

Rural Volume, General Submission - Definitions

- 6.26 **Meadow Mushrooms Ltd (135.1)** supports the proposed definitions of "Rural Activity" and Rural based Industrial Activities" on the basis that they provide 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 as the inclusion of definitions for key terms in the PDP important for certainty and consistency of plan administration.

Recommendation 9

That the submission and further submission by **Meadow Mushrooms Ltd (135.1)** and **Robert John Dally (299F)** be **accepted**; and the further submission by **Trustpower Limited (339F)** be **rejected**.

Amendments Required

None required

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

6.27 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.

6.28 **Trustpower Limited (139.3)** seek that the definition of “Industrial Activity” be the same in both volumes of the PDP, as stated in the Rural Volume. 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 the Industrial Activities and directly relate 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. It is recommended that this submission be reject and no changes are required.

6.29 **VM Challies (136.2), Prebbleton Community Association Inc (137.2) and Landmark Holdings Ltd (138.2)** seek that “machinery” be added to the definition to provide further certainty and clarity as to the range of activities captured by the definition. The addition of machinery is consistent with nature of activities to be considered as industrial activities. It is recommended that these submissions be accepted and the definition amended as requested.

Recommendation 10

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.

Amendments 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.

6.30 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.

6.31 **Swap Stockfoods Limited (119.4)** considers the definition for 'rural based industrial activity' is too narrow and requests that it be broadened to include 'direct handling and distribution of raw materials or primary products'. I agree that direct handling and distribution of products have characteristics akin to Industrial activities and should be recognised in the definition accordingly. I consider direct handling and distribution to be similar in nature and character to warehousing which is currently recognised in the Industrial Activity definition. However, the amendment requested by the submitter is better and more effectively located in the definition of 'Industrial Activity' per se than in the sub-group 'Rural Based Industrial Activity'.

6.32 **VM Challies (136.9), Prebbleton Community Association Inc (137.9), Landmark Holdings Ltd (138.9)** seek amendment to the definition to provide greater clarification of the range of activities to be captured and to address a perceived loop hole. 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 for person to person. Further, the seeks to include 'quarrying or mining' in the Rural Based Industrial Activity definition, however, these activities are specifically excluded from the Industrial Activity definition. This will create an inconsistency and conflict within the interrelated definitions. Finally, 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 appropriate. I recommend the submissions be accepted in part.

6.33 **Trustpower Limited (139.7)** generally support the definition of Industrial Activity and seek 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.”*

6.34 The generation of electricity falls within the definition of “utility” and is subject to Part 3, Rule V – Utility rules. It is not appropriate to include generation of electricity in the “Rural Based Industrial Activity” definition. It is recommended that the submission be rejected and no changes required.

6.35 **Poultry Industry Association of New Zealand (140.4)** request that the definition of “Rural Based Industrial Activity” include poultry processing and feedmills. 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 recommended that the submission is rejected and no changes required.

Recommendation 11

That the submission by **Trustpower (339F)** is **rejected**;

The submissions and further submissions by **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)** are **accepted in part** to the extent of amendments made;

The further submissions by **Poultry Industry Association of New Zealand (170F)** and **Selwyn Plantation Board (309F)** are **rejected**.

Amendments 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

6.36 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.

6.37 **Poultry Industry Association of New Zealand (140.3)** requests that there be specific inclusion of “intensive farming activities” in this definition to ensure that its activities are clearly identified and provided for in the Rural Zone. The definition includes the use of land and buildings for the purpose of rearing livestock. Although “livestock” is not defined in the PDP, the Oxford Concise dictionary defines it as “*animals, esp on a farm, regarded as an asset.*” Poultry, being animals, clearly falls within this definition and would be considered livestock. As such, a poultry farm, being the rearing (as opposed to processing) of poultry is clearly for the purpose of rearing livestock and is included in the definition of rural activity. The term “intensive farming activity” is not clear in its own right and the submitter has not stated what it should mean. To include such a term would, in itself, create confusion and uncertainty. I further note for completeness that the keeping of animals is specially identified in Rural Volume, Part 3, Rule XI – Activities. In particular, I draw the submitters attention to “intensive livestock production” and note there are a number of rules specific to this activity. It is recommended that the submission be rejected and no further changes required.

6.38 **NZ Institute for Crop and Food Research Ltd (127.1), Lincoln University (128.1), AgResearch Limited (129.1)** request that education and research facilities such as there’s be recognised as a “rural activity” and included in the definition accordingly.

6.39 The PDP currently has a definition for “research” which reads as follows:

“Research: means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.”

6.40 The PDP specifically defines the submitters' activities as "research". While I accept that elements of their operation may be rural in nature, overall, the activities are not rural activities. There are a wide range of activities that are clearly not "rural" in character, nature or form. Consequently, education and research facilities can not be considered as a "rural activity" as they will have very different impacts and effects on the rural environment. It is recommended that the submissions be rejected and no further changes required.

Recommendation 12

That the submissions and further submissions by **Poultry Industry Association of New Zealand (140.3)**, **NZ Institute for Crop and Food Research Ltd (127.1)**, **Lincoln University (128.1)**, **AgResearch Limited (129.1)**, **Rolleston Square Ltd (166F)**, **Trustpower Ltd (339F)** are **rejected**.

The further submissions by **Landmark Holdings Ltd (159F)**, **VM Challies (315F)**, **Prebbleton Community Association Inc (327F)** are **accepted**.

Amendments Required

None required

New definition – Small, Medium, Large-scale Rural based Industrial Activity.

6.41 **Darren and Geraldine Rogers (134.4)** identify that small, medium and large scale rural-base industrial activities are not defined and they should be included. The substance of this submission is evaluated in paragraph 6.22 above and is relevant but will not be repeated here. The 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 be deleted.

Recommendation 13

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.

PART C – RULES

| 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 (eg 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 of | 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. | <p>Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:</p> <p>"Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."</p> |
| | <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 of | 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. | <p>Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:</p> <p>"Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."</p> |
| | <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 of | 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 | <p>Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:</p> <p>"Any activity which is not a rural activity,</p> |

| Submitter | Sub. Point | Summary | | Decision Requested |
|---|----------------------|-----------------------------------|---|--|
| | | | 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. | 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. | <p>“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.</p> <p>3.1.1 Any other industrial activity.”</p> |
| | <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. | <p>“1.5 Any activity which is not a rural activity or a residential activity if the following conditions are met:</p> <p>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 120m².</p> <p>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.”</p> |
| | <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. | <p>Amend rule 1.5 to read as follows:</p> <p>"Scale of Activities 1.5 Any activity which is not a rural activity or a residential activity if the following conditions are met:</p> <p>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 100m².</p> <p>1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other 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> |

| Submitter | Sub. Point | Summary | | Decision Requested | | | | | | |
|--------------|--------------------|-----------------------------------|---|---|--------------|--------------------|--------------|------------|--|-------------|
| | 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 100m2. 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 | | | | | | |
| | | 170F | Poultry Industry Association of New Zealand and Others | Oppose – Entire Submission | | | | | | |
| | | 299F | Robert John Dally | Support – Entire Submission | | | | | | |
| | | 309F | Selwyn Plantation Board Ltd | Oppose – Entire Submission | | | | | | |
| | 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." | | | | | | |
| | Further Subs. | 170F | Poultry Industry Association of New Zealand and Others | Oppose – Entire Submission | | | | | | |
| | | 299F | Robert John Dally | Support – Entire Submission | | | | | | |
| | | 309F | Selwyn Plantation Board Ltd | Oppose – Entire Submission | | | | | | |
| | 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: <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 | | | | | | | | | |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | | | | 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 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> |
| | 137.8 | 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 |

| Submitter | Sub. Point | Summary | | Decision Requested | | | | | | |
|---|-----------------|--|---|--|--------------|--------------------|--------------|---------------------------|-----------------|----------------------------|
| | | | | 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." | | | | | | |
| | Further Subs | 170F | Poultry Industry Association of New Zealand and Others | Oppose – Entire Submission | | | | | | |
| | | 299F | Robert John Dally | Support – Entire Submission | | | | | | |
| | | | | | | | | | | |
| | 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. | 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 <table><tr><td>Hours</td><td>Noise Limit</td></tr><tr><td>7.30am – 8pm</td><td>45 dba L10 70 dba Lmax</td></tr><tr><td>8.01pm – 7.29pm</td><td>30 dba L10 60 dba Lmax.</td></tr></table> | Hours | Noise Limit | 7.30am – 8pm | 45 dba L10 70 dba Lmax | 8.01pm – 7.29pm | 30 dba L10 60 dba Lmax. |
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| | 7.30am – 8pm | 45 dba L10 70 dba Lmax | | | | | | | | |
| | 8.01pm – 7.29pm | 30 dba L10 60 dba Lmax. | | | | | | | | |
| | Further Subs. | 141F | Swap Stockfoods Ltd | Oppose | | | | | | |
| | 170F | Poultry Industry Association of New Zealand and Others | Oppose – Entire Submission | | | | | | | |
| | 299F | Robert John Dally | Support – Entire Submission | | | | | | | |
| | | | | | | | | | | |
| 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 100m². 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site." | | | | | | |
| | Further | 141F | Swap Stockfoods Ltd | Oppose | | | | | | |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | <i>Subs.</i> | | | |
| | | 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 |
| | 138.7 | 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> | 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. | 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 |

| Submitter | Sub. Point | Summary | | Decision Requested | | | | | | |
|-----------|-----------------|-----------------------------------|---|---|-------|-------------|--------------|---------------------------|-----------------|-----------------------------|
| | | | | 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." | | | | | | |
| | 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 | | | | | | |
| | 138.10 | 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 <table><tr><td>Hours</td><td>Noise Limit</td></tr><tr><td>7.30am – 8pm</td><td>45 dba L10 70 dba Lmax</td></tr><tr><td>8.01pm – 7.29am</td><td>30 dba L10 60 dba Lmax."</td></tr></table> | Hours | Noise Limit | 7.30am – 8pm | 45 dba L10 70 dba Lmax | 8.01pm – 7.29am | 30 dba L10 60 dba Lmax." |
| | Hours | Noise Limit | | | | | | | | |
| | 7.30am – 8pm | 45 dba L10 70 dba Lmax | | | | | | | | |
| | 8.01pm – 7.29am | 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 | | | | | | |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | | 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 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. | Amend New Rules, Part 3, Rule IX - Activities - Permitted Activities and Other Activities, and in particular the 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. |
| | Further Subs. | 159F | Landmark Holdings Ltd | Oppose – Entire Submission |
| | | 315F | V M Challies | Oppose – Entire Submission |
| | | 327F | Prebbleton Community Assoc Inc | Oppose – Entire Submission |
| | 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. |
| | Further Subs. | 159F | Landmark Holdings Ltd | Oppose – Entire Submission |
| | | 315F | V M Challies | Oppose – Entire Submission |
| | | 327F | Prebbleton Community Assoc Inc | Oppose – Entire Submission |

| Submitter | Sub. Point | Summary | | Decision Requested |
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| | 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> |

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

6.42 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.

6.43 **Darren and Geraldine Rodgers (134.2)** is concerned that the effect of this rule has, unintentionally, included small-scale home occupations thereby making them non-complying activities. They believe this was not the intent of the Variation and seek that such small scale activities be exempted. 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. I note 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.”*

6.44 Provided all activities are undertaken by persons living on the site, are being undertaken within the principle dwelling, and all other effects such as traffic generation, noise, dust, lighting, hazardous substances are suitably managed by existing rules in the PDP, in my opinion, there are no adverse effects associated with home based occupations that require further managing. Certainty, in my 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 managed if all home based occupations are undertaken in a

residential dwelling. Provided home based occupations occur within a residential dwelling and 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 recommended that the submission be accepted and the rule be amended.

Recommendation 14

That the submission by **Darren and Geraldine Rodgers (134.2)** is **accepted** to the extent of amendments identified below;

The further submissions by **Landmark Holdings Ltd (159F)**, **VM Challies (315F)**, and **Prebbleton Community Association Inc (327F)** be **rejected**.

Amendments 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:

3.1.2 Any other industrial activity, except for an other industrial activity being a home based occupation and undertaken entirely within a residential dwelling.

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

6.45 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.

6.46 **NZ Institute for Crop and Food Research Ltd (127.2), Lincoln University (128.2) and AgResearch Limited (129.2)** have requested that specific exclusion be made to education and research activities in this rule. Education and research facilities, by their very nature, have the potential to utilise a number of substantial buildings, have associated with them a range and variety of activities, can employ a large number of persons and generate a significant amount of traffic. Such potential intensity of activity can have a adverse effect on the amenity values and rural character of the receiving rural environment. It is appropriate

that education and research activities are subject to the scale of intensity rule. It is recommended that the submissions are rejected and no change is required.

6.47 **Darren and Geraldine Rogers (134.3)** seeks to increase the threshold levels associated with the rule. The Variation enables a scale of non-rural activity to establish in the rural environment at a level where it is confident that the potential for adverse effects on the rural environment are no more than minor. The submitter seeks an increase in the size and scale of non rural activities able to establish as of right in the rural environment. I consider the increase in threshold levels will result be noticeable and perceivable in the rural environment. Therefore, I consider the request will have the potential for adverse effects on amenity values and character of the rural environment. I recommend that the submission is rejected and no change is required.

6.48 **VM Challies (136.6), Prebbleton Community Association Inc (137.6) and Landmark Holdings Ltd (138.6)** seek an amendment 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, I agree there is uncertainty as often loading, storage and waste areas can be located outside. Consequently, for certainty and clarity reasons I recommend that the rule be changed. The submitters have requested that parking areas be included in the maximum area measurement. I am not convinced this is necessary. Given the limited size, scale and number of persons able to work on the site, I 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. I recommend that no change be made in this regard.

6.49 **Poultry Industry Association of New Zealand Inc (140.7)** seek changes to include “intensive farming activities” to be specifically included in this rule. The evaluation in paragraph 6.37 is relevant here and will not be repeated. I recommend that the submission is rejected and no change is made.

Recommendation 15

That the submissions and further submissions by **VM Challies (136.6)(315F), Prebbleton Community Association Inc (137.6)(327F) Landmark Holdings Ltd (138.6)(159F) 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)** are **accepted in part** to the extent of amendments made.

That the submissions and further submissions by **NZ Institute for Crop and Food Research Ltd (127.2)**, **Lincoln University (128.2)**, **AgResearch Limited (129.2)**, **Darren and Geraldine Rogers (134.3)**, **Poultry Industry Association of New Zealand Inc (140.7)**, **Trustpower Ltd (339F)**, **Rolleston Square Ltd (166F)**, and **Swap Stockfoods Ltd (141F)** are rejected.

Amendments Required

Amend Part 3, Rule IX-Activities Rule, Scale of Activities-Rule 1.5-Permitted Activities as follows:

Scale of Activities

1.5 Any activity which is not a rural activity or a residential activity if the following conditions are met:

1.5.1 The maximum ~~gross floor~~ area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site shall be 100m².

1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site.

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

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

6.50 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.

6.51 Submissions by **VM Challies (136.7)**, **Prebbleton Community Association Inc (137.7)** and **Landmark Holdings Ltd (138.7)** seek amendments to the definition with amendment 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. The evaluation is paragraph 6.48 above is relevant and will not be repeated. I recommend that the submission be accepted in part and some change is made.

6.52 **Poultry Industry Association of New Zealand (140.8)** seeks that the rule be amended and considers that the rule approach is arbitrary, onerous and fails to appropriately recognise and provide for Rural Based Industrial Activities. The submitter has requested

that rules be revised in consultation and agreement with submitters. The submitter has not suggested any particular changes or amendment and this is unhelpful. 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 I recommend the submission be rejected and no change is made.

Recommendation 16

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)** are **accepted in part** to the extent of amendments made below.

That the submission and further submissions by **Poultry Industry Association of New Zealand (140.8)(150F)** and **Swap Stockfoods Ltd (141F)** are rejected.

Amendments 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

x. 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.

6.53 Both **Trustpower Ltd (139.6)** and **Poultry Industry Association of New Zealand (140.9)** requests that rural based industrial activities not meeting the standards are considered as a discretionary activity, as opposed to a non-complying activity. **Swap Stockfoods (119.3)**

request that the rules be deleted and consequential changes be made. The evaluation in paragraph 6.52 above is relevant here and will not be repeated. The current consent regime is effective and appropriate for the management of adverse effects on the rural environment. I recommend that the submission be rejected and no change is required.

Recommendation 17

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

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

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

Recommendation 18

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;

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

- 6.55 **VM Challies (136.10), Prebbleton Community Association Inc (137.10) and Landmark Holdings Ltd (138.10)** seek the inclusion of more stringent noise controls for industrial activities. The submitters have 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. I consider the current thresholds to be more reasonable, workable and less onerous than those proposed by the submitters. I recommend the submissions be rejected and no changes required.

Recommendation 19

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;

The further submissions by **Swap Stockfoods Ltd (141F) and Poultry Industry Association of New Zealand and Others (170F)** be accepted.

Amendments Required

None required

PART D – OTHER (GENERAL)

| 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> |

6.56 **Robert Dally (122.1)** believes the variation should include other matters being; noise pollution, outlaw activities that started illegally, illegal activities not be considered for resource consent, establish minimum separation distances for activities of 500m. The reason 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 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 his process. Finally, the Resource Management Act 1991 enables the ability for a retrospective resource consent application to be applied for. The only activity where a resource consent application can not be applied for is for a prohibited activity. Consequently, to include in the PDP a clause that illegal activities (or the like) can not be considered for resource consent would, in my opinion, be ultra vires. I recommend the submission is accepted in so far as it supports the Variation. No further changes are required.

- 6.57 **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, I 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. I recommend the submission is accepted in so far as it supports the Variation. No further changes are required.
- 6.58 **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. As the submission does not identify what provisions should be retained, I am unsure of the exact nature of the submitter's request. The Variation does not delete any provisions or description in relation to the Business 2 zone in the nature suggested by the submitter. 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. The concerns of the submitter are unfounded therefore I recommend the submission be rejected and no further changes required.

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

Recommendation 20

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**.

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**.

That 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.

Amendments Required

None required

7. Summary of recommended changes

7.1. A summary of the recommended text changes to Variation 28 are contained in **Attachment B**. A summary schedule of recommendations on submissions and further submissions is included in **Attachment C**.

Sean Elvines

Director

RESPONSEPLANNING Consultants Limited

ATTACHMENT A

Variation 28 and Section 32 Analysis

ATTACHMENT B

Summary of Recommended Text Changes to Variation 28

ATTACHMENT C

Summary of Officers Recommendations on Submissions and Further Submissions lodged to Variation 28