

# **Resource Management Act 1991**

## **Proposed Selwyn District Plan**

### **Rural & Township Volumes**

#### **Report on Submissions relating to Variation 29 'Rural Activity Definition and Scale of Activity Rules'**

**To:** Hearings Panel

**From:** Sean Elvines, Consultant Planner

**Preliminary Hearing Dates:** 25th July 2008

## **Attachments**

<b>Attachment A</b>	<b>Variation 29 and Section 32 Analysis</b>
<b>Attachment B</b>	<b>Summary of Recommended Text Changes to Variation 29</b>
<b>Attachment C</b>	<b>Summary of Officers Recommendations on Submissions and Further Submissions lodged to Variation 29</b>

*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 PDP relating to Variation 29 'Rural Activity Definition and Scale of Activity Rules'. 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 29 (the Variation) to the PDP. The Variation was notified on 8 December 2007 with submissions and further submissions closing 30 January 2008 and 9 April 2008 respectively. Due to an administrative error, the closing date for further submissions was extended to 24 April 2008.
- 2.2 There were 3 submitters to the Variation being TrustPower Limited (352), Poultry Industry Association of New Zealand (Inc) (353) and Landmark Holdings Limited (354). Further submissions were received from L J Manion and others (365F) and TrustPower Limited (364F).
- 2.3 Submissions and further submissions lodged to Variation 28 with respect to the definition of "Rural Activity", Rule 5.1 – Scale of Activities and Rule 6.1 – Scale of Activities are also deemed to be submissions to the Variation. These include submissions and further submissions lodged:
- generally supporting Variation 28;
  - generally opposing Variation 28;

- definition of Rural Activity;
  - Rule 1.5;
  - Reasons for Rules – Rule 1.5.
- 2.4 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.
- 2.5 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.
- 2.6 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
- 2.7 The Council resolved on 28<sup>th</sup> May 2008 to approve those parts of the PDP not affected by submissions or appeals or unresolved designation issues, and deemed that the PDP be operative in part on 10 June 2008. As such, the PDP has been renumbered and reformatted reflective of its partially operative status. However, both Variation 28 and Variation preceded under the old numbering system prior to being made partially operative. For consistency and clarity reasons and to avoid confusion, this report has retained the use of the old numbering system. At time of issue of decision, it is anticipated that decisions will be released in both pre and post operative numbering format.
- 2.8 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 29 are contained in **Attachment A**.

### 3. Overview of Variation 29

- 3.1 Variation 29 seeks to rectify potential difficulties that occurred with the public notification, and the notices to ratepayers, associated with Variation 28. The purpose of Variation 29 is to give effect to the Panel's decision and correct potential deficiencies associated with the public notification of Variation 28. This will ensure full, fair and proper participation and opportunity for the public to make submissions to changes in the PDP and to avoid any possible challenge to the validity of Variation 28 by way of an application for judicial review.
- 3.2 Variation 29 simply seeks to re - notify the definition of "Rural Activity" that was introduced as part of Variation 28. Variation 29 also seeks to re-notify Rule 1.5 – Scale of Activities and 6.1 – Scale of Activities rules that were similarly introduced as part of Variation 28.
- 3.3 For the above reasons, the Council has determined that a variation is required in order to ensure that the implementation methods achieve the objectives of the PDP.

### 4. Assessment of Submissions

#### Submissions supporting Variation 28 (and in turn, Variation 29) in its entirety

Submitter	Sub. Point	Summary		Decision Requested
92 V Saxton Support	92.1	Entire variation (V28)	The submitter states that Selwyn District Council should not allow industrial activities in the West Melton area that could easily lead to degrading of the quality of life of the residents.	To refuse to allow industrial or other development that would impose an increase on demands on water supply.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	92.2	Water Supply	The submitter states that the West Melton area's water supply is vulnerable to degradation and reduction. Any concentration activity or infrastructure will make demands on the water. West Melton is positioned upstream of Christchurch City and the demands on the city are likely to impact on West Melton. The submitter points out that their vineyard water demands are low compared to activities such as Lucerne or dairy farming. The vineyard is established and is a rural activity, it should not be rendered uncommercial due to lack of water at key times.	To refuse to allow industrial or other development that would impose an increase on demands on water supply.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
94 Rolleston Square Limited Support	94.1	Entire variation(V28)	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>

Submitter	Sub. Point	Summary		Decision Requested
<b>103 A &amp; C McLenaghan</b> Support	103.1	Entire variation(V28)	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>
<b>123 Eastern Selwyn Residents Association (Inc.)</b> Support	123.1	Entire variation(V28)	The submitters are members of the Eastern Selwyn Residents Association (Inc.) who live in the rural-residential area in the vicinity of Chattertons Rd/Old West Coast Rd. This group was formed to oppose the establishment of Oasis Clearwater Systems Ltd in our area. People in this area moved here for the relative peace and quiet and freedom from activities that belong in an industrial area. They are concerned about the effects of such activities on amenity values, the rural character of the area and the desirability of this area to live in. The submitter supports this Variation as it will make it more difficult for industrial operations to establish in this setting.	Approve Variation 28.
	<i>Further Sub.</i>	<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
<b>124 Belinda Mary Jones</b> Support	124.1	Entire variation(V28)	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>
<b>126 Mr and Mrs Hammond</b> Support	126.1	Entire variation(V28)	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>
<b>132 Foodstuffs SI Ltd</b> Support	132.1	Entire variation(V28)	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>
<b>134 Darren and Geraldine Rogers</b> Provisional Support	134.1	Entire variation(V28)	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	Accept the Variation with consideration of amendments we have proposed.

Submitter	Sub. Point	Summary		Decision Requested
			businesses should be allowed in the community for small business owners.	
	<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>

- 4.1 The submissions 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 Variation 28, and in turn Variation 29, in their entirety and seek they be adopted. The submissions offer support to the purpose and principles behind the variations 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)**, **Poultry Industry Association of New Zealand and Others (170F)**, **Landmark Holdings Ltd (159F)**, **VM Challies (315F)** and **Prebbleton Community Association (327F)** be **rejected**.

#### Amendment Required.

None required

## Submissions opposing Variation 28 and Variation 29 in their entirety

Submitter	Sub. Point	Summary		Decision Requested
<b>130 AB Annand &amp; Co Ltd</b> Oppose	130.1	Entire variation(V28)	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>
<b>131 Peter Baylis</b> Oppose	131.1	Entire variation(V28)	The submitter argues that the proposed changes are not appropriate policies and rules to meet the objectives of the Plan. The status quo or status quo with minor amendments is the most appropriate.	Reject variation 28 in its entirety.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
	131.2	Entire Variation(V28)	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.	<p>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;</p> <p>b) Retaining fully discretionary activity status for industrial activity in the rural area;</p> <p>c) Making other changes to the</p>



Submitter	Sub. Point	Summary		Decision Requested
				proposed policies and explanations to achieve (a) and (b) above; d) Deleting the changes to the explanation to policy 7 and all of the new policy 4; and e) All consequential changes to the changes proposed above so as to give effect to this submission.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Oppose</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Support</i>
		<i>313F</i>	<i>Murray Implements Ltd</i>	<i>Support</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose in part</i>
<b>140 Poultry Industry Association of New Zealand</b> Oppose	140.1	Entire variation(V28)	The submitter opposes the entire variation. The poultry industry has a significant presence and financial investment within Selwyn District and the submitter is concerned to ensure that Variation 28 will appropriately provide for the continued operation and expansion of its activities. The poultry industry seeks a planning regime that recognises its importance as a primary production industry and its contribution to the social, economic wellbeing of New Zealand.	Withdraw Proposed Variation 28 in its entirety.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Assoc Inc</i>	<i>Oppose – Entire Submission</i>
<b>353 Poultry Industry Association of New Zealand</b> Oppose	353.1	Entire variation(V29)	The submitter's operations include a range of intensive farming activities, processing and feed milling activities. The submitter wishes to ensure that this variation appropriately provides for the continued operation and expansion of its activities.	Withdraw Proposed Variation 29 and the section 32 evaluation in its entirety.
	<i>Further Subs.</i>	<i>365F</i>	<i>L J Manion and others</i>	<i>Oppose – Entire Submission</i>
<b>353 Poultry Industry Association of New Zealand</b> Oppose	353.4	Entire variation(V29)	The submitter considers that Variation 29, including the section 32 evaluation fails to recognize that the rural zone is principally a place of business and not just primary production businesses. It is these business activities that set the character of the rural zone, rather than the perceived qualities referred to at paragraphs 6 and 7 of the section 32 evaluation. The submitters consider that the overall approach of Variation 29 and the section 32 evaluation is inconsistent with the intent of the District Plan, which describes the Rural Zone as principally a business area, where activities need to operate efficiently and with as few restrictions as	Read draft the section 32 evaluation to be consistent with the intent of the district plan with regards to rural character

Submitter	Sub. Point	Summary		Decision Requested
			practicable	
	<i>Further Subs.</i>	<i>365F</i>	<i>L J Manion and others</i>	<i>Oppose – Entire Submission</i>

- 4.2 The submission by **AB Annand & Co Ltd (130.1)**, **Peter Baylis (131.1, 131.2)** and **Poultry Industry Association of New Zealand (140.1)(353.1)(353.4)** oppose Variation 28 and Variation 29 in their entirety and seek they be withdrawn. In general, the submitters consider the variations introduce 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. Poultry Industry Association of New Zealand (140.1)(353.1)(353.4) is opposed to the Variation as it fails to recognise that the rural zone is principally a place of business and not just primarily production businesses and considers the variations overall approach and section 32 evaluation inconsistent with the intent of the PDP.
- 4.3 The provisions of the PDP prior to Variation 28 and 29 did 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.
- 4.4 I do not agree with the suggestion that the Variation and section 32 evaluation fails to recognise the Rural Zone as being a place of business. The PDP does this within its policy framework. By way of example, the PDP currently states that the Rural Zone “*is recognised principally as a business area rather than a residential area, in the Plan.*” Rural Volume, Part 2, 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects – Explanation to Objectives, pg 153). The Variation does not seek to exclude business activities from the Rural Zone but manage the size, scale and intensity of such activities which in turn, have the potential to adversely affect the particular character and amenity of the rural environment.
- 4.5 In light of the above assessment, 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)(353.1)(353.4)(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)** and **L J Manion and others (365F)** are accepted.

**Amendment Required**

None required

## DEFINITIONS – RURAL ACTIVITY

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

Submitter	Sub. Point	Summary		Decision Requested
<b>127 NZ Institute for Crop and Food Research Ltd</b> 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>
<b>128 Lincoln University</b> 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>
<b>129 AgResearch Limited</b> 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>
<b>135 Meadow Mushrooms Ltd</b> Support	135.1	Part 3 Definitions	The submitter supports the proposed definitions of "Rural Activity" and "Rural-based Industrial Activities", as these definitions provide a more accurate description of the activities undertaken by the submitter within the District.	i. That the Council confirm the definitions of 'Rural Activity' and 'Rural-Industrial Activity' as notified. ii. All other appropriate, necessary and consequential amendments including those issues, strategy, objectives, policies, methods, explanations and reasons, rules and planning maps to give full effect to this submission.
	<i>Further Subs.</i>	<i>299F</i>	<i>Robert John Dally</i>	<i>Support-Entire Submission</i>
		<i>339F</i>	<i>Trustpower Ltd</i>	<i>Oppose</i>
<b>354 Landmark Holdings Ltd</b> Support	354.3	Part 3, Definitions – Rural Activity	The definition properly describes "Rural Activity".	Retain the definition of Rural Activity.
<b>140 Poultry</b>	140.3	Part 3, Definitions -	The submitter states that the proposed variation provides for the inclusion of a	Amend the definition of "Rural Activity" as provided for in Part 3, Definitions,

Submitter	Sub. Point	Summary		Decision Requested
<b>Industry Association of New Zealand</b> Oppose		Rural Activity	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.	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."
	<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>
<b>353 Poultry Industry Association of New Zealand</b> Oppose	353.2	Part 3, Definitions – Rural Activity	The submitter seeks 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."
	<i>Further Subs.</i>	<i>364F</i>	<i>TrustPower</i>	<i>Oppose</i>
		<i>365F</i>	<i>L J Manion and others</i>	<i>Oppose</i>

- 4.6 **Meadow Mushrooms Ltd (135.1) and Landmark Holdings Ltd (354.3)** support the proposed definition of "Rural Activity" 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). These submissions are supported as the inclusion of definitions for key terms in the PDP is important for certainty and consistency of plan administration.

### Recommendation 3

That the submission and further submission by **Meadow Mushrooms Ltd (135.1)**, **Landmark Holdings Ltd (354.3)** and **Robert John Dally (299F)** be **accepted**; and the further submission by **Trustpower Limited (339F)** be **rejected**.

#### Amendments Required

None required

- 4.7 **Poultry Industry Association of New Zealand (140.3)(353.2)** 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.
- 4.8 The PDP includes a definition for 'Intensive Livestock Production' and is defined as *"the use of land and buildings for the commercial rearing and management of livestock where the*

*viability of that activity is not dependent upon the soil fertility of the land on which that activity is undertaken.”* I take intensive livestock farming to be the same as intensive livestock production and intensive farming production (as noted by the submitter). As intensive livestock farming is specifically provided for in the Rural Volume, Part 3, Rule IX Activity, 1.9, pg 308 as a restricted discretionary activity subject to matters of discretion including: adverse effects from, dust, noise or traffic; effectiveness of mitigation measures; positive effects which may offset adverse effects; and any monitoring or review conditions. As a restricted discretionary activity, intensive livestock farming is an activity anticipated to occur within the Rural Zone subject to the effective management of adverse effects from such activities. In my view, intensive livestock farming is a form of farming that is expected and anticipated to occur within the Rural Zone. Therefore, the request of the submitter is not unreasonable and will provide clarity that such an activity is correctly considered a Rural Activity. I recommend the submissions be accepted.

#### **Recommendation 4**

That the submissions and further submissions by **Poultry Industry Association of New Zealand (140.3)(353.3)**, **Trustpower Ltd (339F)** are **accepted**.

The further submissions by **Landmark Holdings Ltd (159F)**, **VM Challies (315F)**, **Prebbleton Community Association Inc (327F)**, **TrustPower (364F)** and **L J Manion and others (365F)** are **rejected**.

#### **Amendments Required**

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 intensive livestock production and may include a dwelling.

4.9 **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 theirs be recognised as a “rural activity” and included in the definition accordingly.

4.10 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.”*

4.11 The PDP specifically defines the submitters’ activities as “research”. While I accept that some elements of their activities may be rural in nature, overall, the primary or principle activities occurring on site are not rural activities. There are a wide range of activities that are clearly not “rural” in character, scale, intensity or form. In my view, education and research facilities are quite separate, distinct and different from what is commonly accepted as a rural activity. Such activities cannot be considered as a “rural activity” or as rural in nature as there are certain aspects or characteristics that will have very different and significant impacts and effects on the rural environment. For example, ancillary administrative, commercial, conferencing, accommodation and retail facilities are not akin to commonly perceived or accepted rural activities nor can their associated effects be described as being of a similar or same nature, character or scale as a commonly

perceived or accepted rural activity. It is recommended that the submissions be rejected and no further changes required.

#### **Recommendation 5**

That the submissions and further submissions by **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



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

### **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 100m<sup>2</sup>.**

**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.**

Submitter	Sub. Point	Summary		Decision Requested
127 NZ Institute for Crop and Food Research Ltd Oppose	127.2	Scale of Activities	Alternative relief to 127.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:  "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part - Entire Submission</i>
128 Lincoln University Oppose	128.2	Scale of Activities	Alternative relief to 128.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:  "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Ltd</i>	<i>Support in Part – Entire Submission</i>
129 AgResearch Limited Oppose	129.2	Scale of Activities	Alternative relief to 129.1. The submitter states that the proposed definition of 'Rural Activity' is unlikely to include research and training activities. In this context they would then be subject to the scale of activity rules and therefore would not be a permitted activity within the rural zone. The submitter suggests that it is unclear if it was intended to place restrictions on such activities.	Amend Rule 1.5, Scale of Activities, in such a manner as to exempt education and research activities, as follows:  "Any activity which is not a rural activity, education or research activity, or a residential activity if the following conditions are met:..."
	<i>Further Sub.</i>	<i>166F</i>	<i>Rolleston Square Limited</i>	<i>Support in Part – Entire Submission</i>
134 Darren and Geraldine Rogers Provisional Support	134.3	Activities	The submitter has investigated the size of standard steel sheds and some of the bigger ones are just over 100m <sup>2</sup> and as these buildings are built in sections the next size down is 70-80m <sup>2</sup> . The submitter suggests it better to encompass the standard sizes of sheds with this maximum floor area by changing it to 120m <sup>2</sup> . Two full time equivalent persons is too restrictive for growing businesses. The submitter's own business employs two persons and another could be accommodated without having adverse effects on the rural amenity.	"1.5 Any activity which is not a rural activity or a residential activity if the following conditions are met:  1.5.1 The maximum gross floor area of any building(s), loading, storage and waste areas used for any other activity on the site shall be 120m <sup>2</sup> .  1.5.2 No more than 3 full-time equivalent persons are employed in undertaking any other activity on the site. At least one of these persons must live on-site."
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>327F</i>	<i>Prebbleton Community Association Inc</i>	<i>Oppose</i>
		<i>315F</i>	<i>V M Challies</i>	<i>Oppose</i>
136 V M Challies Provisional Support	136.6	Part 3, Rule IX - Activities Rule	The submitter seeks to clarify the maximum area limit applies to all areas, not just buildings. Parking areas should also be included within the area limit as they have a visual impact out of keeping	Amend rule 1.5 to read as follows:  "Scale of Activities 1.5 Any activity which is not a rural activity or a

Submitter	Sub. Point	Summary		Decision Requested
			with the amenity values of the rural environment.	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 <sup>2</sup> .  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>
<b>137</b> <b>Prebbleton Community Association Inc</b>  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 <sup>2</sup> .  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>
<b>138</b> <b>Landmark Holdings Ltd</b>  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)

Submitter	Sub. Point	Summary		Decision Requested
				used for loading, storage, waste area and parking, shall be 100m <sup>2</sup> . 1.5.2 No more than 2 full-time equivalent persons are employed in undertaking any other activity on the site."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>157F</i>	<i>Peter &amp; Lorraine Tolhoek</i>	<i>Support</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support</i>
		<i>321F</i>	<i>David McKay Pearson</i>	<i>Support</i>
		<i>323F</i>	<i>Belinda Mary Jones</i>	<i>Support</i>
		<i>325F</i>	<i>Maki &amp; David Ferguson</i>	<i>Support</i>
		<i>333F</i>	<i>Debbie Hendry</i>	<i>Support</i>
		<i>335</i>	<i>Mary Fitzpatrick</i>	<i>Support</i>
		<i>337F</i>	<i>Lorraine Margaret Tolhoek</i>	<i>Support</i>
<b>140 Poultry Industry Association of New Zealand</b> 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.
	<i>Further Subs.</i>	<i>159F</i>	<i>Landmark Holdings Ltd</i>	<i>Oppose – Entire Submission</i>
		<i>339F</i>	<i>Trustpower</i>	<i>Support</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>
<b>352 Trustpower Ltd</b> Oppose	352.1	Part 3, Rule IX - Activities Rule	Rule 1.5 is worded in such a way that applies to all activities other than rural and residential activities in the rural area. This rule could also apply to utilities and this is opposed.	Amend Rule 1.5 as follows: <u>Any activity business or rural based industrial activity which is not a rural or residential activity</u> if the following conditions are met: ...
<b>354 Landmark Holdings Ltd</b>	354.1		The amendments clarify that the permitted maximum area limit for non rural or residential activity applies to all areas utilised for the activity, not just buildings and is consistent with the Council's decision on submissions to Variation 28 relating to the 'Scale of Activities' for Rural Industrial Activities (Rule 1.23.1) ; and that	Amend Rule 1.5 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 any <u>site covered by building(s)</u> , loading,

Submitter	Sub. Point	Summary		Decision Requested
			Rule 1.5 applies to non-rural activities, including business and community activities, but excludes Industrial Activity and Rural Industrial Activity.	storage and waste areas used for any other activity on the site shall be 100m <sup>2</sup> .  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, <u>Industrial Activity</u> or <u>Rural Industrial Activity</u> .
		364F	TrustPower	Supports

4.13 **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 an adverse effect on the amenity values and rural character of the receiving rural environment. Such effects are not anticipated to occur. It is appropriate that education and research activities are subject to the scale of intensity rule. The assessment in paragraph 4.11 also applies. It is recommended that the submissions are rejected and no change is required.

4.14 **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.

4.15 **VM Challies (136.6), Prebbleton Community Association Inc (137.6) and Landmark Holdings Ltd (138.6)(354.1)** 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 wording be amended. 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 presently able to work on the site, I consider the potential for adverse effects from parking to be self-regulating. From a practicable point of view, to include vehicle parking in the area calculation would render the rule unworkable. A single car park takes up approximately 15m<sup>2</sup> of area. If two car parks are required, this only allows for 70m<sup>2</sup> remaining area. In my opinion, this is simply too small an area to enable any meaningful activity to occur. 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. Landmark Holdings Ltd (354.1) seek to amend the 'Note' to provide further clarification that Rule 1.5 does not apply to Industrial Activities or Rural Based Industrial Activities. This is correct as Rules 3.1.1 and 1.24 apply in this regard. I recommend that the submission is accepted, noting a numbering change.

- 4.16 **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 4.8 is relevant here and will not be repeated. I recommend that the submission is accepted and changes made in accordance with recommendation 4.
- 4.17. **TrustPower Ltd (352.1)** seek to ensure that utilities are not captured by this rule. While the rules in the Rural Volume are applicable to activities generally, including utilities, there are currently rules (building, roads) which do not apply to utilities. The reason for this is a reflection of the specialised scale and characteristics of utilities. It is not the intent of both variations that utilities be captured by this rule. The PDP currently has rules that specifically manage the effects of utilities on the environment. In effect, any new utility over and above minor works, require a resource consent application (restricted discretion – non-complying activity). These rules, and the need for consent, are sufficient to manage the effects of such activities. The application of Rule 1.5 to utilities is an unnecessary 'doubling up' of rules. While I accept that utilities should be excluded from this rule, I do not support the suggested wording by the submitter. To my mind, the suggested wording will improperly narrow the application of the rule to business or rural based industrial activities only. This is not the intent of the rule. Further, the wording suggested by the submitter does not meet their stated concern. A utility could still be considered to be a business activity and therefore be subject to the rule. I refer to the existing note that currently accompanies Rule 1.5 identifying that the rule does not apply to any temporary activity. I suggest this note be expanded to clearly identify the rule does not apply to utilities. In my opinion, this approach will better address the concerns of the submitter. I recommend that the submission be accepted in part to the extent of the amendments made.

#### **Recommendation 6**

That the submissions and further submissions by **VM Challies (136.6)(315F)**, **Prebbleton Community Association Inc (137.6)(327F)**, **Poultry Industry Association of New Zealand Inc (140.7)** **Landmark Holdings Ltd (138.6)(354.1)(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)**, **Lorraine Tolhoek (337F)** and **TrustPower (352.1)(364F)(339F)** 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)**, **Rolleston Square Ltd (166F)**, **Swap Stockfoods Ltd (141F)**, **Landmark Holdings Ltd (159F)**, **VM Challis (315F)**, **Poultry Industry Association and NZ and others (170F)** and **Prebbleton Community Association (327F)** 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 100m<sup>2</sup>.
  - 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, Rural Based Industrial activity or any Other Industrial Activity (where Rule 1.24 and 3.1.1 apply), or Utilities (where rules in Part 3, Rule V – Utilities apply).*

## **Reasons for Rules, Part 3, Rule IX - Activities**



Submitter	Sub. Point	Summary		Decision Requested
<b>136 V M Challenges</b> Provisional Support	136.8	Part 3, Rule IX - Activities Rule	Explanation and Reasons. The submitter seeks amendment to provide consistency with changes to the relevant rules.	Amend Reasons for rule 1.2 and 3. Paragraph 1 to read as follows:  "...There is a degree of acceptance of rural-based industrial activities within parts of the rural area. Other types of industry are likely to detract from the character and quality of the rural environment in terms of such aspects as visual effects, increased traffic generation and noise and a reduction in rural outlook and openness."  Insert new paragraph between paragraph 2 and 3 as follows:  "Rules 1.13 and 15 and Rules 1.14 and 1.15 and 16 provide for general rules for the effects of noise and vibration on surrounding residents and other activities. More stringent standards apply to rural-based industrial activities (other industrial activities are non-complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."
	<i>Further Subs.</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
		<i>309F</i>	<i>Selwyn Plantation Board Ltd</i>	<i>Oppose – Entire Submission</i>

Submitter	Sub. Point	Summary		Decision Requested
<b>Prebbleton Community Association Inc</b> Provisional Support	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 character and quality of the rural environment in terms of such aspects as visual effects, increased traffic generation and noise and a reduction in rural outlook and openness."  Insert new paragraph between paragraph 2 and 3 as follows:  Rules 1.13 and 15 and Rules 1.14 and 1.15 and 16 provide for general rules for the effects of noise and vibration on surrounding residents and other activities. More stringent standards apply to rural-based industrial activities (other industrial activities are non-complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."
	<i>Further Subs</i>	<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose – Entire Submission</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support – Entire Submission</i>
<b>138 Landmark Holdings Ltd</b> Provisional 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 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-

Submitter	Sub. Point	Summary		Decision Requested
				complying in the rural zones) because such activity is generally continuous throughout business hours, in cases operational 24/7 whereas noise associated with rural activity (farming etc) is generally seasonal and intermittent."
	<i>Further Subs.</i>	<i>141F</i>	<i>Swap Stockfoods Ltd</i>	<i>Oppose</i>
		<i>157F</i>	<i>Peter &amp; Lorraine Tolhoek</i>	<i>Support</i>
		<i>158F</i>	<i>Jennifer Nepton</i>	<i>Support</i>
		<i>170F</i>	<i>Poultry Industry Association of New Zealand and Others</i>	<i>Oppose</i>
		<i>297F</i>	<i>William Lapsley</i>	<i>Support</i>
		<i>299F</i>	<i>Robert John Dally</i>	<i>Support</i>
		<i>321F</i>	<i>David McKay Pearson</i>	<i>Support</i>
		<i>323F</i>	<i>Belinda Mary Jones</i>	<i>Support</i>
		<i>325F</i>	<i>Maki &amp; David Ferguson</i>	<i>Support</i>
		<i>333F</i>	<i>Debbie Hendry</i>	<i>Support</i>
		<i>335</i>	<i>Mary Fitzpatrick</i>	<i>Support</i>
		<i>337F</i>	<i>Lorraine Margaret Tolhoek</i>	<i>Support</i>
<b>354</b> <b>Landmark Holdings Ltd</b> Provisional Support	354.2		The amendments are necessary to further strengthen and clarify the Proposed Plan provisions in relation to non rural activity (other than residential activity).	Add the following words to the reasons for rules.  Rules 1.5 and 6 that the effects of <u>non rural and non residential</u> activities in the rural area, <u>including business and community activities but excluding the rural industrial and other industrial activities</u> (which are covered under <u>Rules 1.23 and 3.1.1 respectively</u> ). The rules allow for small-scale <u>business and community activities</u> to establish as a permitted activity in the Rural Zone, however resource consent will be required (as a discretionary activity) where the scale exceeds the permitted standards. The Plan recognises that the rural area accommodates a variety of activities, however, the scale, nature and intensity of some business <u>and community</u> activities may not maintain rural character or the quality of the environment. Activities that do not comply with the permitted activity rules may still be able to establish in the rural areas, if any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided.  ....
		<i>364F</i>	<i>TrustPower</i>	<i>Support</i>
<b>353</b> <b>Poultry Industry Association of New Zealand</b>  <i>Oppose</i>	353.3		The variation provides for any activity which is not a rural activity or a residential activity as a permitted activity, provided that is specific conditions 1.51.and 1.5.2 are met. If intensive farming activities, such as poultry farms, to be considered	Add the words "remediated or mitigated." on to the end of the reasons for rule 1.5.

Submitter	Sub. Point	Summary		Decision Requested
			under the proposed rule 1.5, the submitters consider that the standards will be unreasonable and to limit the ability to develop and/or expand legitimate rural activities. However if intensive farming activities are specifically included in the definition of rural activity this issue would not arise.	
		364F	TrustPower	Support
		365F	LJ Manion and others	Oppose
<b>140 Poultry Industry Association of New Zealand</b> Oppose	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.
	Further Subs.	159F	Landmark Holdings Ltd	Oppose – Entire Submission
		315F	V M Challies	Oppose – Entire Submission
		327F	Prebbleton Community Assoc Inc	Oppose – Entire Submission

- 4.17 **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.
- 4.18 Wording suggested by **Poultry Industry Association of New Zealand (353.3)** is consistent with the Plans policy framework and purpose of the Act. I recommend this submission is accepted.
- 4.19 Wording suggested by **Landmark Holdings Ltd (354.2)** will provide further explanation and understanding as to the purpose of the rule. I recommend this submission is accepted.

#### Recommendation 7

That the submissions and further submissions by **Poultry Industry Association of New Zealand (140.10)(353.3), VM Challies (136.8), Prebbleton Community Association Inc (137.8) and Landmark Holdings Ltd (138.8) (354.2), 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 (364F)** 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), Poultry Industry Association of New Zealand (170F), Swap Stockfoods Ltd (141F), L J Manion and others(365F)** 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.

...

Rules 1.5 and 6 that the effects of non rural and non residential activities in the rural area, including business and community activities but excluding rural based industrial activities and other industrial activities (which are covered under Rules 1.24 and 3.1.1 respectively). The rules allow for small-scale business and community activities to establish as a permitted activity in the Rural Zone, however resource consent will be required (as a discretionary activity) where the scale exceeds the permitted standards. The Plan recognises that the rural area accommodates a variety of activities, however, the scale, nature and intensity of some business and community activities may not maintain rural character or the quality of the environment. Activities that do not comply with the permitted activity rules may still be able to establish in the rural areas, if any significant adverse effects on the amenity and character of the receiving environment can be adequately avoided, remedied or mitigated.

5. Summary of recommended changes

- 5.1. A summary of the recommended text changes to Variation 29 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 29 and Section 32 Analysis**

## **ATTACHMENT B**

### **Summary of Recommended Text Changes to Variation 29**



## **ATTACHMENT C**

### **Summary of Officers Recommendations on Submissions and Further Submissions lodged to Variation 29**